

# **NPDES PERMIT NO. NM0020583**

## **FACT SHEET**

FOR THE DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
(NPDES) PERMIT TO DISCHARGE TO WATERS OF THE UNITED STATES

### **I. APPLICANT**

City of Farmington  
800 Municipal Drive  
Farmington, NM 87401-2663

### **II. ISSUING OFFICE**

U.S. Environmental Protection Agency  
Region 6  
1445 Ross Avenue  
Dallas, Texas 75202-2733

### **III. PREPARED BY**

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### **IV. DATE PREPARED**

December 17, 2008

### **V. PERMIT ACTION**

Proposed reissuance of the current National Pollutant Discharge Elimination System (NPDES) permit issued November 22, 2005, with an effective date of January 1, 2006, and an expiration date of December 31, 2008.

Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed in Title 40, Code of Federal Regulations, revised as of December 1, 2008.

## VI. CHANGES FROM THE PREVIOUS PERMIT

- A. Selenium has been changed from a numerical limit to report.
- B. Limits for fecal coliform bacteria have been eliminated.

## VII. DISCHARGE LOCATION

As described in the application, the wastewater treatment plant is located at 1395 South Lake Street, Farmington, San Juan County, New Mexico. The discharges are to the San Juan River, State of New Mexico Segment No.20.6.4.401 of the San Juan Basin. The discharge from Outfall 001 is on that water at Latitude 36° 43' 02" North, Longitude 108° 13' 15" West.

## VIII. APPLICANT ACTIVITY

Under the Standard Industrial Classification Code 4952, the applicant operates a municipal wastewater treatment plant with a design capacity of 6.67 million gallons per day (MGD) serving a population of approximately 41,000.

As described in the application, treatment consists of pretreatment, primary sedimentation, biological treatment, trickling filter, activated sludge, followed by secondary clarification, disinfection and dechlorination.

Sludge is treated by Primary anaerobic digestion of raw primary sludge where it is heated and mixed, then sent to secondary digestion, which is not heated or mixed. The sludge is dewatered by a belt press, stock piled in concrete drying beds and further air dried to 70 - 80% solids. The sludge is disposed of at the San Juan County Regional Landfill, 78 County Road 3140, Aztec, NM.

## IX. RECEIVING STREAM STANDARDS

The general and specific stream standards are provided in "New Mexico State Standards for Interstate and Intrastate Surface Waters," (20.6.4 NMAC, amended through August 1, 2007). The known uses of the receiving water(s) are municipal and industrial water supply, irrigation, livestock watering, wildlife habitat, secondary contact, marginal coldwater aquatic life and warmwater aquatic life.

## X. EFFLUENT CHARACTERISTICS

A quantitative description of the discharge(s) described in the EPA Permit Application Form 2A are presented in the pollutant table below. For toxics that were tested at the minimum quantification level (MQL) and reported as less than the MQL, those pollutants are not shown.

POLLUTANT TABLE

Parameter	Max	Avg
	mg/l unless noted	
Flow, million gallons/day (MGD)	6.59	5.24
pH, minimum, standard units (su)	N/A	6.8 su
pH, maximum, standard units (su)	N/A	7.6 su

Temperature, winter, °F	63	56.6
Temperature, summer, °F	79.8	71
Biochemical Oxygen Demand, 5-day (BOD <sub>5</sub> )	36	11
Fecal Coliform (FCB) (bacteria/100 ml)	91,000	8
Total Suspended Solids (TSS)	40	11
Ammonia (NH <sub>3</sub> )	11	10
Chlorine, Total Residual (TRC)	1.14	0.01
Dissolved Oxygen	6.6	6.3
Total Kjeldahl Nitrogen	15	12
Nitrate plus Nitrite Nitrogen	21	12
Oil and grease	1.25	1.25
Phosphorus, T	3.9	3.6
Total Dissolved Solids (TDS)	851	736
Cyanide, weak acid dissociable	0.0	0.0
Antimony, T	25 ug/l	13.1 ug/l
Arsenic, T	10 ug/l	3.0 ug/l
Beryllium, T	5 ug/l	3.0 ug/l
Chromium, T	5 ug/l	3.5 ug/l
Copper, T	19 ug/l	12.2 ug/l
Lead, T	5 ug/l	2.6 ug/l
Mercury, T	0.2 ug/l	0.2 ug/l
Nickel, T	5 ug/l	3.1 ug/l
Selenium, T	10 ug/l	4.9 ug/l
Thallium, T	5 ug/l	2.5 ug/l
Zinc, T	57 ug/l	41.4 ug/l
Cyanide, T	20 ug/l	13.3 ug/l
Phenols	500 ug/l	72.1 ug/l
Hardness (as CaCO <sub>3</sub> )	326 ug/l	323 ug/l
Barium	66 ug/l	49.5 ug/l
Boron	420 ug/l	267 ug/l

Footnotes:

T - Total metal form

## **XI. DRAFT PERMIT RATIONALE AND PROPOSED PERMIT CONDITIONS**

The proposed effluent limitations for those pollutants proposed to be limited are based on regulations promulgated at 40 CFR §122.44. The draft permit limits are based on either technology-based effluent limits pursuant to 40 CFR §122.44(a), on best professional judgment (BPJ) in the absence of guidelines, NM WQS and/or requirements pursuant to 40 CFR §122.44(d), whichever are more stringent.

### **A. REASON FOR PERMIT ISSUANCE**

It is proposed that the permit be issued for a 5-year term following regulations promulgated at 40 CFR §122.46(a). The proposed permit expiration date will coordinate with the EPA Basin Statewide Management Approach to Permitting in New Mexico, adopted March 2, 2000.

**B. TECHNOLOGY-BASED VERSUS WATER QUALITY STANDARDS-BASED EFFLUENT LIMITATIONS AND CONDITIONS**

Following regulations promulgated at 40 CFR §122.44, the draft permit limits are based on either technology-based effluent limits pursuant to 40 CFR §122.44(a) or on State WQS and requirements pursuant to 40 CFR §122.44(d), whichever are more stringent.

Technology-based effluent limitations are established in the proposed permit for TSS and BOD<sub>5</sub>.

Water quality-based effluent limitations are established in the proposed permit for TRC, pH and E. coli bacteria.

**C. TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS**

Secondary treatment, established at 40 CFR §§133.102(a) and 133.102(b) are 30 mg/l for the 30-day average and 45 mg/l for the 7-day average for BOD<sub>5</sub> and TSS each. Limits for pH are 6-9 su.

Final Effluent Limits 6.67 MGD design flow

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			
	lbs/Day		mg/l (unless noted)	
	30-Day Avg.	7-Day Avg.	30-Day Avg.	7-Day Avg.
Parameter				
Flow	N/A	N/A	Measure MGD	Measure MGD
BOD <sub>5</sub>	1669	2504	30	45
TSS	1669	2504	30	45

Loading (lbs/day) = Pollutant concentration in mg/l × 8.345 lbs/gal × 6.67 MGD

**D. MONITORING FREQUENCY FOR LIMITED PARAMETERS**

Regulations require permits to establish monitoring requirements to yield data representative of the monitored activity, 40 CFR §122.48(b), and to assure compliance with permit limitations, 40 CFR §122.44(i)(1). Technology based pollutants; BOD<sub>5</sub> and TSS, are proposed to be monitored five times per week, with sampling on at least five different days. Flow is proposed to be monitored continuously using a totalizing meter. Sample type for BOD<sub>5</sub> and TSS is 12-Hr composite. These frequencies and sample types are the same as the current permit.

**E. SEWAGE SLUDGE PRACTICES**

The permittee shall use only those sewage sludge disposal or reuse practices that comply with the federal regulations established in 40 CFR Part 503 "Standards for the Use or Disposal of Sewage Sludge". The specific requirements in the permit apply as a result of the design flow of the facility, the type of waste discharged to the collection system, and the sewage sludge disposal or reuse practice utilized by the treatment works. The permittee shall submit an Annual Sludge Status report in accordance with NPDES Permit NM0020583, Parts I and Parts IV.

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## F. WASTE WATER POLLUTION PREVENTION REQUIREMENTS

The permittee shall institute programs directed towards pollution prevention. The permittee will institute programs to improve the operating efficiency and extend the useful life of the treatment system.

## G. INDUSTRIAL WASTEWATER CONTRIBUTIONS

The treatment plant has three-non-categorical Significant Industrial User (SIU) and four-Categorical Industrial Users (CIU). The SIUs are Halliburton Energy Service, San Juan Regional Medical Center and American Industrial. The CIUs are Animas Power Plant, Bluffview Power Plant, Blackshawl #1 and the San Juan Spring Company. The facility has a pretreatment program in place and will be continued with this draft permit. Due to TDS concerns, the city will be required to submit a best management practice (BMP) plan for TDS control from these sources. See Part I.4.C.v below.

## H. OPERATION AND REPORTING

The applicant is required to operate the treatment facility at maximum efficiency at all times; to monitor the facility's discharge on a regular basis; and report the results monthly. The monitoring results will be available to the public.

## I. WATER QUALITY BASED LIMITATIONS

### 1. General Comments

Effluent limitations and/or conditions established in the draft permit are in compliance with State water quality standards and the applicable water quality management plan.

### 2. Post Third Round Policy and Strategy

Section 101 of the Clean Water Act (CWA) states that "...it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited..." To insure that the CWA's prohibitions on toxic discharges are met, EPA has issued a "Policy for the Development of Water Quality-Based Permit Limitations for Toxic Pollutants 49 FR 9016-9019, March 9, 1984." In support of the national policy, Region 6 adopted the "Policy for Post Third Round NPDES Permitting" and the "Post Third Round NPDES Permit Implementation Strategy" on October 1, 1992. The Regional policy and strategy are designed to insure that no source will be allowed to discharge any wastewater which (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical State water quality standard resulting in nonconformance with the provisions of 40 CFR §122.44(d); (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation which threatens human health.

### 3. Implementation

The Region is currently implementing its post third round policy in conformance with the Regional strategy. The NPDES permits contain technology-based effluent limitations reflecting the best controls available. Where these technology-based permit limits do not protect water

quality or the designated uses, additional water quality-based effluent limitations and/or conditions are included in the NPDES permits. State narrative and numerical water quality standards are used in conjunction with EPA criteria and other available toxicity information to determine the adequacy of technology-based permit limits and the need for additional water quality-based controls.

#### 4. State Water Quality Numerical Standards

##### a. WATER QUALITY STANDARDS

The NM WQCC adopted WQS for the State of New Mexico. The WQS are available on the NMED's website at <http://www.nmenv.state.nm.us/>. The WQCC established the WQS in accordance with, and under authority of, the NM Water Quality Act [Chapter 74, Article 6, NMSA 1978 Annotated].

##### b. PERMIT ACTION - WATER QUALITY-BASED LIMITS

Regulations promulgated at 40 CFR §122.44(d) require limits in addition to, or more stringent than effluent limitation guidelines (technology based). NM WQS that are applicable for this discharge are based on 20.6.4 NMAC.

##### i. pH

Stream segment specific (20.6.4.401 NMAC) WQS for pH, 6.6 to 9.0 standard units, are more restrictive than the technology-based limits presented earlier and the draft permit will propose these water quality limits in the draft permit.

##### ii. Bacteria

The previous permit had limitations for both FCB and E. coli. The Surface Water Quality Bureau received approval by the Water Quality Control Commission at their November 9-10, 2004, meeting and from EPA on August 26, 2005, for the San Juan River Watershed Total Maximum Daily Loads (TMDLs). The TMDL was approved after the previous NPDES permit was signed and its terms and conditions were not reflected in the permit. The TMDL was written with limitations for both FCB and E. coli but the intent was that when E. coli was approved as a State WQS, FCB would be eliminated. Consistent with the intent of the TMDL the draft permit will limit E. coli to 126 cfu/100 ml and a loading limit of  $3.19 \times 10^{10}$  cfu/day for the daily maximum. Since the TMDL does not specify any other permit condition such as monthly average values, the draft permit will also establish the same values as monthly average limits. The loading limit based on the TMDL is determined by the following:

$C$ , expressed as cfu/100ml \* 1,000 ml/l \* 1/0.264 gallons \*  $Q$ , flow, expressed in 1,000,000 gallons/day

Loading limits, cfu =  $C$ , expressed as cfu \*  $3.79 \times 10^7$  \* flow, expressed in 1,000,000 gallons/day

Removal of FCB does not constitute antibacksliding found in 40 CFR §122.44(l) since FCB is an indicator parameter used to evaluate impacts on human health recreational body contact. The adoption of E. coli as the State's indicator bacteria replaces FCB and the continuing use of both would be unnecessarily duplicative.

### iii. Low Flow - 4Q3

The low flow or 4Q3 was taken from the previous permit and was provided by NMED. The 4Q3 is 431.3 cubic feet per second (cfs) and the harmonic mean low flow used for human health calculations is 1108 cfs. To convert 4Q3 expressed in cfs to 4Q3 expressed as MGD, the constant 1.548 cfs/MGD is used. The 4Q3 is 278.6 MGD and the harmonic mean low flow is 715.8 MGD.

### iv. Chlorine

The facility uses chlorine to control bacteria. The WQS for TRC is 11 ug/l for chronic conditions and 19 ug/l for acute. Since acute conditions do not allow dilution; the limit must be met at end-of-pipe but chronic standards do allow dilution, the permit shall use the most stringent WQS for the permit limit. The following shows the calculations.

The critical dilution (CD) is calculated as follows:

$$CD = Q_e \div [(FQ_a) + Q_e]$$

where:

$Q_e$  = facility effluent or design flow; 6.67 MGD

$Q_a$  = 4Q3; 278.6 MGD

$F$  = fraction of stream allowed for mixing; 1.0

$$CD = 6.67 \div [(1.0 \times 278.6) + 6.67]$$

$$CD = 0.0234 \text{ or } 2.34\%$$

The in-stream TRC concentration after allowing for dilution is;  $11 \text{ ug/l} \div 0.0234 = 470 \text{ ug/l}$ . Since this value is greater than the 19 ug/l end-of-pipe acute standard, the 19 ug/l is more stringent and will be more protective. The draft permit shall maintain the 19 ug/l limit. However, TRC is toxic at measurable amounts, so in addition to the 19 ug/l chemical specific limitation the narrative limit for TRC shall be "No Measurable." TRC shall be limited as follows: "After dechlorination and prior to final disposal, the effluent shall contain NO MEASURABLE total residual chlorine (TRC) at any time. NO MEASURABLE will be defined as no detectable concentration of TRC as determined by any approved method established in 40 CFR Part 136. The effluent limitation for TRC is the instantaneous maximum and can not be averaged for reporting purposes. The maximum dechlorinated TRC shall be monitored daily by grab sample. TRC shall be measured within fifteen (15) minutes of sampling.

### v. Total Dissolved Solids

The discharge to the San Juan River is part of the Colorado River Basin where a basinwide Colorado Salinity Control Program (CSP) was established by EPA in December 1974. The

previous permit limited daily maximum TDS to 400 mg/l net increase over drinking water concentrations with 36-month compliance schedule that requires compliance on the permit effective date; December 31, 2008. The draft permit will continue the 400 mg/l daily maximum TDS limit.

The previous permit had a compliance schedule to meet the TDS net increase salinity standard. Reviewing the facility records, it has been determined that the sample point for the drinking plant intake was not at the headwork's of the drinking plant but at the withdraw point on the Animas River. The sample point was not consistent with the CSP and the city has been advised to relocate the drinking water sample point. This change should help the city in meeting the TDS WQS.

The city will be required to complete a Best Management Practices (BMP) that will have two parts. The first part of the BMP is for residential customers. This BMP will be for the city to design a citizen education TDS reduction fact sheet to be distributed through its water billing. The goal of the TDS reduction fact sheet will be how the public can reduce salinity return to the city by limiting water softener usage and using alternative water softener alternatives such as dryer sheets as a substitute for liquid fabric softeners as an example. The second part of the BMP will be for the city to conduct a commercial/industrial (CI) user impact on TDS discharges to the city and to reevaluate local limits for TDS. The city would be required to implement changes if the survey indicates that reductions could be passed on to significant CI users through creation of new local limits for TDS as part of its pre-treatment policies. The BMPs shall be listed as a permit deliverable with a one-year due date from permit issuance.

#### vi. Toxics

The Clean Water Act in Section 301 (b) requires that effluent limitations for point sources include any limitations necessary to meet water quality standards. Federal regulations found at 40 CFR §122.44 (d) state that if a discharge poses the reasonable potential to cause an in-stream excursion above a water quality criteria, the permit must contain an effluent limit for that pollutant.

The facility is classified as a "major" discharger with a design flow in excess of 1.0 MGD and must complete Part D, "Expanded Effluent Testing Data" of form 2A. This data is included above in Section X "Pollutant Table." The Form 2A submitted by the applicant showed several pollutants at levels above MQL and others that were not tested to the appropriate MQL. For those pollutants not tested to the appropriate MQL, either the analyzed result or one-half the MQL, whichever is greater, will be used for reasonable potential screening purposes.

Hardness of 156 mg/l for the receiving water was the geometric mean of 12 data points taken from receiving water used for calendar years 2006 and 2007 whole effluent toxicity (WET) tests.

As shown on the attached spreadsheet, no pollutants shown in the pollutant table above demonstrated a reasonable potential to violate water quality standards consistent with the designated uses for the receiving water.

The previous permit established limits for selenium based on data that demonstrated a reasonable potential to exceed WQS. During the term of this permit however, selenium has not been



detected. The draft permit will not require limits for selenium and instead “Report” requirements will be added. This does not constitute antibacksliding as provided in 40 CFR § 122.44(l)(B)(1); information not known at the time of issuance of the previous permit.

#### 5. Monitoring Frequency for Limited Parameters

Regulations require permits to establish monitoring requirements to yield data representative of the monitored activity 40 CFR §122.48(b) and to assure compliance with permit limitations 40 CFR §122.44(i)(1). The monitoring frequencies of daily for TRC and five times per week for E. coli, pH and flow are consistent with the previous permit. Report requirements of once per week for TDS is also consistent with the previous permit. Once per quarter selenium reporting is different from the previous monthly requirement based on the non-detect of the pollutant in the effluent.

#### 6. Whole Effluent Toxicity Limitations

##### a. GENERAL COMMENTS

The State has established narrative criteria, which in part state that:

“...surface waters of the state shall be free of toxic pollutants from other than natural causes in amounts, concentrations or combinations that affect the propagation of fish or that are toxic to humans, livestock or other animals, fish or other aquatic organisms, wildlife using aquatic environments for habitation or aquatic organisms for food, or that will or can reasonably be expected to bioaccumulate in tissues of fish, shellfish and other aquatic organisms to levels that will impair the health of aquatic organisms or wildlife or result in unacceptable tastes, odors or health risks to human consumers of aquatic organisms....” (NM WQS Section 20.6.4.13.F.)

In a letter from Marcy Leavitt, NMED, to Claudia Hosch, EPA, December 16, 2005, NMED provided Narrative Toxics Implementation Guidance – Whole Effluent Toxicity, (NTIG-WET), an update to the 1995 Implementation Guidance. Previously it was shown that the CD was 2.34%. When the critical dilution is equal to or less than 10%, the procedures in the NTIG-WET plan provide that in lieu of the more expensive 7-day chronic test, a 48-hour acute test may be run using a 10:1 acute to chronic ratio; 23.4% rounded to the nearest whole number 23%. The permit will propose a 48-hour acute test using *Daphnia pulex* and *Pimephales promelas* at a once per three-month frequency for the first full year (four tests). If all these four tests pass, then the permit may allow a frequency reduction of once per six-months for *Daphnia pulex* and once per year for *Pimephales promelas*. Any failure shall re-establish all tests for both species to once per three-month for the remainder of the permit. The test series will be 10%, 13%, 17%, 23% and 31%. These concentrations are slightly different than the previous permit, as the revised NTIG-WET policy rounds all dilutions to the nearest whole number.

The permittee shall conduct separate whole effluent toxicity tests in accordance with the following table:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE</u>	<u>MONITORING</u>
	<u>30-DAY AVG MINIMUM</u>	<u>48-Hr. MINIMUM</u>

Whole Effluent Toxicity Testing  
(48 Hr. Static Renewal) (\*1)

Daphnia pulex	REPORT	REPORT
Pimephales promelas	REPORT	REPORT

<u>EFFLUENT CHARACTERISTIC</u>	<u>MONITORING</u>	<u>REQUIREMENTS</u>
	<u>FREQUENCY</u>	<u>TYPE</u>

Whole Effluent Toxicity Testing  
(48 Hr. Static Renewal) (\*1)

Daphnia pulex	1/Quarter	24 Hr. Composite
Pimephales promelas	1/Quarter	24-Hr. Composite

**FOOTNOTES**

(\*1) Monitoring and reporting requirements begin on the effective date of this permit. See Part II, Whole Effluent Toxicity Testing Requirements for additional WET monitoring and reporting conditions.

**XII. 303(d) LIST**

The San Juan River is listed on the current “2006 - 2008 State of New Mexico 303(d) List for Assessed River/Stream Reaches Requiring Total Maximum Daily Loads (TMDLs)”. The San Juan River is listed as impaired for bacteria. The approved TMDL FCB limitations are based on the Navajo Nation WQS. The TMDL also limits E. coli based on State WQS. The draft permit proposes both FCB and E. coli limits consistent with the approved TMDL. Since the previous permit previously limited the concentration limits that are identical to those approved in the TMDL, there will be no compliance schedule granted to come into compliance with the WLA.

**XIII. ANTIDEGRADATION**

The NMAC, Section 20.6.4.8 “Antidegradation Policy and Implementation Plan” sets forth the requirements to protect designated uses through implementation of the State water quality standards. The limitations and monitoring requirements set forth in the proposed permit are developed from the State water quality standards and are protective of those designated uses. Furthermore, the policy sets forth the intent to protect the existing quality of those waters, whose quality exceeds their designated use. The permit requirements and the limits are protective of the assimilative capacity of the receiving waters, which is protective of the designated uses of that water, NMAC Section 20.6.4.8.A.2.

**XIV. ANTIBACKSLIDING**

The proposed permit is consistent with the requirements to meet antibacksliding provisions of the Clean Water Act, Section 402(o) and 40 CFR §122.44(l)(i)(A), which state in part that interim or final effluent limitations must be as stringent as those in the previous permit, unless material and substantial alterations or additions to the permitted facility occurred after permit

issuance which justify the application of a less stringent effluent limitation. The proposed permit maintains the mass loading requirements of the previous permit for BOD<sub>5</sub> and TSS.

## **XV. ENDANGERED SPECIES CONSIDERATIONS**

According to the most recent county listing available at US Fish and Wildlife Service (USFWS), Southwest Region 2 website, <http://ifw2es.fws.gov/EndangeredSpecies/lists/>, eight species in San Juan County are listed as endangered (E) or threatened (T). Two of the species are aquatic and include the Colorado pike minnow (*Ptychocheilus lucius*), E, EXPN and the razorback sucker (*Xyrauchen texanus*), E. Two of the species are avian and include the Interior least tern (E) (*Sterna antillarum*) and the Mexican spotted owl (T) (*Strix occidentalis lucida*). Three plant species are the Knowlton cactus (*Pediocactus knowltonii*), E, Mancos milk-vetch (*Astragalus humillimus*), E and the Mesa Verde cactus (*Sclerocactus mesae-verdae*) and the lone mammal is the black-footed ferret, (*Mustela nigripes*), E, Experimental Population Non-Essential (EXPN). The American bald eagle (*Haliaeetus leucocephalus*) was previously listed in San Juan County; however, the USFWS, removed the American bald eagle in the lower 48 states from the Federal List of Endangered and Threatened Wildlife Federal Register, July 9, 2007, (Volume 72, Number 130).

Section 7 of the Endangered Species Act (Act) of 1973, [16 U.S. C. 1531 et seq.], outlines procedures for Federal interagency cooperation for the conservation of federally listed species and designated critical habitats. EPA will fulfill its consultation obligation, under the Act and its implementing regulations, relevant to the issuance of this NPDES permit.

## **XVI. HISTORICAL and ARCHEOLOGICAL PRESERVATION CONSIDERATIONS**

The reissuance of the permit should have no impact on historical and/or archeological sites since no construction activities are planned in the reissuance.

## **XVII. PERMIT REOPENER**

The permit may be reopened and modified during the life of the permit if relevant portions of “New Mexico's Water Quality Standards for Interstate and Intrastate Streams” are revised or remanded by the New Mexico Water Quality Control Commission or if changes are made to the “Water Quality Standards for Salinity - Colorado River System” by the Colorado River Basin Salinity Control Forum. In addition, the permit may be reopened and modified during the life of the permit if relevant procedures implementing the Water Quality Standards are either revised or promulgated by the New Mexico Environment Department. Should the State adopt a State water quality standard, and/or develop or amend a TMDL, this permit may be reopened to establish effluent limitations for the parameter(s) to be consistent with that approved State standard and/or water quality management plan, in accordance with 40 CFR §122.44(d). Modification of the permit is subject to the provisions of 40 CFR §124.5.

**XVIII. VARIANCE REQUESTS**

No variance requests have been received.

**XIX. CERTIFICATION**

The permit is in the process of certification by the State agency following regulations promulgated at 40 CFR §124.53. A draft permit and draft public notice will be sent to the District Engineer, Corps of Engineers; to the Regional Director of the U.S. Fish and Wildlife Service and to the National Marine Fisheries Service prior to the publication of that notice.

**XX. FINAL DETERMINATION**

The public notice describes the procedures for the formulation of final determinations.

**XXI. ADMINISTRATIVE RECORD**

The following information was used to develop the proposed permit:

**A. APPLICATION(S)**

EPA Application Form 2A received May 23, 2008.

**B. 40 CFR CITATIONS**

§§ 122, 124, 125, 133, 136

**C. STATE OF NEW MEXICO REFERENCES**

New Mexico State Standards for Interstate and Intrastate Surface Water, 20.6.4 NMAC, as amended through August 1, 2007.

Region 6 Implementation Guidance for State of New Mexico Standards for Interstate and Intrastate Stream, May 1995.

Statewide Water Quality Management Plan, December 17, 2002.

State of New Mexico 303(d) List for Assessed Stream and River Reaches, 2006 -2008.

**D. MISCELLANEOUS REFERENCES**

EPA Region 6 "Policy for Post Third Round NPDES Permitting" and "Post Third Round NPDES Permit Implementation Strategy," October 1, 1992.

Water Quality Standards for Salinity - Colorado River System, July 2008.