

# **NPDES PERMIT NO. NM0020711**

## **FACT SHEET**

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

### **APPLICANT**

City of Tucumcari  
P.O. Box 1188  
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### **ISSUING OFFICE**

U.S. Environmental Protection Agency  
Region 6  
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### **DATE PREPARED**

April 1, 2015

### **PERMIT ACTION**

Renewal of a permit previously issued on December 7, 2007, with an effective date of February 1, 2008, and an expiration date of January 31, 2013.

### **RECEIVING WATER – BASIN**

Pajarito Creek – Canadian River Basin (Segment 20.6.4.303 NMAC)

**DOCUMENT ABBREVIATIONS**

In the document that follows, various abbreviations are used. They are as follows:

4Q3	Lowest four-day average flow rate expected to occur once every three-years
BAT	Best available technology economically achievable
BCT	Best conventional pollutant control technology
BPT	Best practicable control technology currently available
BMP	Best management plan
BOD	Biochemical oxygen demand (five-day unless noted otherwise)
BPJ	Best professional judgment
CBOD	Carbonaceous biochemical oxygen demand (five-day unless noted otherwise)
CD	Critical dilution
CFR	Code of Federal Regulations
cfs	Cubic feet per second
COD	Chemical oxygen demand
COE	United States Corp of Engineers
CWA	Clean Water Act
DMR	Discharge monitoring report
DO	Dissolved oxygen
ELG	Effluent limitation guidelines
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
FWS	United States Fish and Wildlife Service
mg/l	Milligrams per liter
ug/l	Micrograms per liter
lbs	Pounds
MG	Million gallons
MGD	Million gallons per day
NMAC	New Mexico Administrative Code
NMED	New Mexico Environment Department
NMIP	New Mexico NPDES Permit Implementation Procedures
NMWQS	New Mexico State Standards for Interstate and Intrastate Surface Waters
NPDES	National Pollutant Discharge Elimination System
ML	Minimum quantification level
O&G	Oil and grease
POTW	Publically owned treatment works
RP	Reasonable potential
SS	Settleable solids
SIC	Standard industrial classification
s.u.	Standard units (for parameter pH)
SWQB	Surface Water Quality Bureau
TDS	Total dissolved solids
TMDL	Total maximum daily load
TRC	Total residual chlorine
TSS	Total suspended solids
UAA	Use attainability analysis
USGS	United States Geological Service
WLA	Waste Load allocation
WET	Whole effluent toxicity
WQCC	New Mexico Water Quality Control Commission
WQMP	Water Quality Management Plan
WWTP	Wastewater treatment plant

## I. CHANGES FROM THE PREVIOUS PERMIT

Changes from the permit previously issued on December 7, 2007, with an effective date of February 1, 2008, and an expiration date of January 31, 2013, are as follow:

- Mass limit for E. coli bacteria has been established.
- Removal percentage for BOD<sub>5</sub> and TSS has been established.
- Limits for WET testing, nutrients and Boron have been established with compliance schedule.

## II. APPLICANT LOCATION and ACTIVITY

As described in the application, the facility (Latitude 35° 11' 49.8" N and Longitude 103° 43' 05.1" W) is located at 1700 North Rock Island Street, Tucumcari in Quay County, New Mexico.

Under the SIC code 4952, the applicant operates Tucumcari Wastewater Treatment Facility (WWTF), which has a design flow of 1.2 MGD providing sanitary services for approximately 2267 resident and 508 commercial wastewater connections, including one significant industrial user. The facility has upgraded its treatment process and the capacity has been increased from 0.92 MGD since the previous permit term. The facility provides advanced level of treatment; it has two process trains with 0.6 MGD capacity for each one, and effluent is disinfected by ultraviolet (UV). Part of effluent is stored in a lined pond for reclaimed water. The effluent is conveyed by underground pipe for about 1.5 miles to Breen's Pond on private property, overflow from the pond is discharged to No Name Creek. The pond is a natural pond fed by underground spring and an ephemeral stream. The creek, a perennial stream, travels about one mile to reach Pajarito Creek, a perennial tributary to the Canadian River. Effluent is also reused via groundwater permit PD-1700, which includes the reclaimed wastewater of 1.05 MGD in total. This Canadian River Basin is in segment 20.6.4.303 NMAC. Sewage sludge is processed onsite and given away in bulk as Class A biosolids for land application. A map of the facility is attached.

Location summary:

Location	Latitude; Longitude	Latitude; Longitude
Sampling manhole	N 35.1971°; W 103.7180°	N 35° 11' 49.77"; W 103° 43' 5.08"
Entry to Breen's Pond	N 35.2182°; W 103.7057°	N 35° 13' 05.52"; W 103° 42' 20.52"
Overflow exit from Breen's Pond	N 35.2202°; W 103.7055°	N 35° 13' 12.72"; W 103° 42' 19.80"

The permittee has been planning for improvements to reuse all of the effluent. Once the improvement is complete and operational in 2020 expectedly, effluent will not be discharged via the NPDES permit.

## III. EFFLUENT CHARACTERISTICS

Data submitted in Form 2A is as follows:

Parameter	Max	Avg
	(mg/l unless noted)	
Flow (MGD)	0.62	0.50
pH, minimum, standard units (su)	6.53	N/A
pH, maximum, standard units (su)	7.51	N/A
Temperature (winter), °F	58.8	56.8
Temperature (summer), °F	87.98	84.29
Biochemical Oxygen Demand, 5-day (BOD <sub>5</sub> )	32	9
Total Suspended Solids (TSS)	29	7
E. coli (cfu/100 ml)	1600	24

Ammonia (as N)	30.7	12.5
TRC	0.01	0.01
DO	2.72	2.07
Total Kjeldahl Nitrogen (TKN)	37.40	10.35
Nitrate + Nitrite Nitrogen	24	6.25
Oil & Grease	< 1.24	< 1.24
Phosphorus (Total)	15	9.97
TDS	760	718

During previous permit term, there was an Administrative Order (AO) issued on May 10, 2011 for TRC and *E. coli* bacteria. A Compliance Evaluation Inspection dated September 3, 2013 states 7-day BOD concentration limit was exceeded in January 2013 and flow meter was not adequately maintained and calibrated.

#### IV. REGULATORY AUTHORITY/PERMIT ACTION

In November 1972, Congress passed the Federal Water Pollution Control Act establishing the NPDES permit program to control water pollution. These amendments established technology-based or end-of-pipe control mechanisms and an interim goal to achieve “water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water”; more commonly known as the “swimmable, fishable” goal. Further amendments in 1977 of the CWA gave EPA the authority to implement pollution control programs such as setting wastewater standards for industry and established the basic structure for regulating pollutants discharges into the waters of the United States. In addition, it made it unlawful for any person to discharge any pollutant from a point source into navigable waters, unless a permit was obtained under its provisions. Regulations governing the EPA administered the NPDES permit program are generally found at 40 CFR §122 (program requirements & permit conditions), §124 (procedures for decision making), §125 (technology-based standards) and §136 (analytical procedures). Other parts of 40 CFR provide guidance for specific activities and may be used in this document as required.

The application was dated February 14, 2013. It is proposed that the permit be reissued for a 5-year term following regulations promulgated at 40 CFR §122.46(a).

#### V. DRAFT PERMIT RATIONALE AND PROPOSED PERMIT CONDITIONS

##### A. OVERVIEW of TECHNOLOGY-BASED VERSUS WATER QUALITY STANDARDS-BASED EFFLUENT LIMITATIONS AND CONDITIONS

Regulations contained in 40 CFR §122.44 NPDES permit limits are developed that meet the more stringent of either technology-based effluent limitation guidelines, numerical and/or narrative water quality standard-based effluent limits, or the previous permit.

Technology-based effluent limitations are established in the proposed draft permit for TSS and BOD, and percent removal for each. Water quality-based effluent limitations are established in the proposed draft permit for *E. coli* bacteria, pH, TRC, toxic pollutants, nitrogen and phosphorus.

##### B. TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS

###### 1. General Comments

Regulations promulgated at 40 CFR §122.44 (a) require technology-based effluent limitations to be placed in NPDES permits based on ELGs where applicable, on BPJ in the absence of guidelines, or on a combination of the two. In the absence of promulgated guidelines for the discharge, permit conditions may be established using BPJ procedures. EPA establishes limitations based on the following technology-based controls: BPT, BCT, and BAT. These levels of treatment are:

**BPT** - The first level of technology-based standards generally based on the average of the best existing performance facilities within an industrial category or subcategory.

**BCT** - Technology-based standard for the discharge from existing industrial point sources of conventional pollutants, including BOD, TSS, *E. coli* bacteria, pH, and O&G.

**BAT** - The most appropriate means available on a national basis for controlling the direct discharge of toxic and non-conventional pollutants to navigable waters. BAT effluent limits represent the best existing performance of treatment technologies that are economically achievable within an industrial point source category or subcategory.

2. Effluent Limitation Guidelines

The facility is a POTW/POTW-like that has technology-based ELG’s established at 40 CFR Part 133, Secondary Treatment Regulation. Pollutants with ELG’s established in this Chapter are BOD, TSS and pH. BOD limits of 30 mg/l for the 30-day average and 45 mg/l for the 7-day average and 85% percent (minimum) removal are found at 40 CFR §133.102(a). TSS limits; also 30 mg/l for the 30-day average and 45 mg/l for the 7-day average, average and 85% percent (minimum) removal are found at 40 CFR §133.102(b). ELG’s for pH are between 6-9 s.u. and are found at 40 CFR §133.102(c). The draft permit establishes new limits for percent removal for both BOD and TSS. Since these are technology-based there is no compliance schedule provided to meet these limits. Compliance is required on the permit effective date.

Regulations at 40 CFR §122.45(f)(1) require all pollutants limited in permits to have limits expressed in terms of mass such as pounds per day. When determining mass limits for POTWs or similar, the plant’s design flow is used to establish the mass load. The effluent is discharged as needed based on consumption of reclaimed wastewater. TMDL used effluent flow of 0.92 MGD to established limits; therefore, mass loading limits for BOD and TSS are retained in the draft permit.

A summary of the technology-based limits for the facility is:

Effluent Characteristic	Discharge Limitation			
	lbs/day, unless noted		mg/l, unless noted	
Parameter	30-day Avg	7-day Max	30-day Avg	7-day Max
BOD	230	345	30	45
BOD, % removal <sup>1</sup>	≥ 85	---	---	---
TSS	230	345	30	45
TSS, % removal	≥ 85	---	---	---
pH	N/A	N/A	6.0 to 9.0 s.u.	

<sup>1</sup> % removal is calculated using the following equation: [(average monthly influent concentration – average monthly effluent concentration) ÷ average monthly influent concentration] \* 100.

3. Pretreatment Regulation

The facility has one significant industrial user (SIU), which is subject to the local limits. Based on the submitted information, EPA has determined the permittee will not be required to develop a full pretreatment program. However, general pretreatment provisions have been included in the permit.

### C. WATER QUALITY BASED LIMITATIONS

#### 1. General Comments

Water quality based requirements are necessary where effluent limits more stringent than technology-based limits are necessary to maintain or achieve federal or state water quality limits. Under Section 301(b)(1)(C) of the CWA, discharges are subject to effluent limitations based on federal or state WQS. Effluent limitations and/or conditions established in the draft permit are in compliance with applicable State WQS and applicable State water quality management plans to assure that surface WQS of the receiving waters are protected and maintained, or attained.

#### 2. Implementation

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.

#### 3. State Water Quality Standards

The general and specific stream standards are provided in NMWQS (20.6.4 NMAC approved on June 5, 2013). The discharge is to Canadian River Basin (20.6.4.303 NMAC). The designated uses of the receiving water are irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat and primary contact.

#### 4. 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). State WQS that are more stringent than effluent limitation guidelines are as follows:

##### a. pH

For marginal warmwater aquatic life and primary contact, criteria for pH is between 6.6 and 9.0 s.u. pursuant to 20.6.4.900.D and H(6) NMAC.

##### b. Bacteria

For primary contact, criteria for E. coli bacteria is at 126 cfu/100 ml monthly geometric mean and 410 cfu/100 ml daily maximum pursuant to 20.6.4.900.D NMAC.

##### c. TRC

The facility disinfects effluent using UV system. In case chlorine is used in the treatment process, criteria for TRC (for wildlife habitat) is between 11 ug/l pursuant to 20.6.4.900.G NMAC.

d. Toxics

The CWA 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 RP to cause an in-stream excursion above a water quality criteria, the permit must contain an effluent limit for that pollutant.

All applicable facilities are required to fill out appropriate sections of the Form 2A and 2S, to apply for an NPDES permit or reissuance of an NPDES permit. The new form is applicable not only to POTWs, but also to facilities that are similar to POTWs, but which do not meet the regulatory definition of “publicly owned treatment works” (like private domestics, or similar facilities on Federal property). The forms were designed and promulgated to “make it easier for permit applicants to provide the necessary information with their applications and minimize the need for additional follow-up requests from permitting authorities,” per the summary statement in the preamble to the Rule. These forms became effective December 1, 1999, after publication of the final rule on August 4, 1999, Volume 64, Number 149, pages 42433 through 42527 of the FRL.

For applicable pollutants with numerical standards in 20.6.4.900.J, the submitted test results detected above the MQLs and/or those with no MQLs are analyzed for the RP. Submitted data show there are some concerned pollutants as follows:

	<b>Boron, dissolved</b>	<b>Chromium VI, dissolved</b>	<b>Diazinon</b>
Submitted data (ug/L)	410 on 10/7/14 400 on 10/22/14	Two data points at 10 or less with invalid test methods. One data points at 0.5 or less with invalid test methods.	Three data points at 0.5 or less with invalid test methods.
Geometric mean (ug/L)	404.9	NA	NA
WQS (ug/L)	750	11	0.17
MQL (ug/L)	100	10	No MQL

Attached Appendix A shows there are RPs for boron. EPA establishes limits (applicable to irrigation use) for boron with the same compliance schedule as mentioned in the TMDL section with consideration of the total reuse and zero discharge of the effluent. Because of the invalid test methods were used for Chromium VI and Diazinon analyses, EPA proposes reporting requirement for these pollutants in case the permit is continued after this permit term. The permittee must use approved methods listed in 40 CFR 136 to test for Chromium VI and Diazinon.

e. DO

For marginal warmwater aquatic life, criteria for DO is 5 mg/L. pursuant to 20.6.4.900.H(6) NMAC. The effluent with DO of 2.07 mg/L on average is discharged to Breen’s Pond (1.5 miles far apart), where no dilution is allowed and the DO criterion must be met at the point of discharge pursuant to 20.6.4.11.E(1) NMAC. Since there is no DO data at the discharge point (entry to the pond) and the facility has been planning for zero discharge, EPA proposes no limit in this draft permit. In case the

permit will be renewed after this permit term, the permittee must take DO measurements (once/month for a year) at the entrance of the pond.

**D. MONITORING FREQUENCY FOR 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). EPA established the monitoring frequency based on Table 9 (page 34 of the NMIP) for design flow between 1.0 and 5.0 MGD and history compliance.

Parameter	Frequency	Sample Type
Flow	Daily	Totalized Meter
pH	Daily	Instantaneous Grab
BOD <sub>5</sub>	1/week	6-hr Composite
TSS	1/week	6-hr Composite
% Removal	1/week	Calculation
TRC*	Daily	Instantaneous Grab
E. coli Bacteria	1/week	Grab
Nutrient (nitrogen & phosphorus)	1/2 weeks**	6-hr Composite
Boron, dissolved	1/2 weeks**	Grab
Chromium VI, dissolved	1/quarter	Grab
Diazinon	1/quarter	Grab

\* Required when chlorine is used in the treatment process.

\*\* Allowed in consideration of zero discharge after this permit term.

**E. WHOLE EFFLUENT TOXICITY**

Procedures for implementing WET terms and conditions in NPDES permits are contained in the NMIP. Table 11 (page 42) of the NMIP outlines the type of WET testing for different types of discharges. The discharge, a major discharger, is to a pond in a private property. The pond is a natural pond fed by underground spring and an ephemeral stream. Because the pond has perennial overflow to an unnamed creek and the creek is also a perennial tributary to Pajarito Creek which is also a perennial stream, NMED requires the pond to be protected as a public lake. Therefore, no dilution is given for the WET testing. The NMIP directs the WET testing to be 7-day chronic tests using *Ceriodaphnia dubia* and *Pimephales promelas* once per quarter with a 100% critical dilution.

The permittee submitted 4 WET test results out of 20 WET required (quarterly over 5 year term). EPA considers unsubmitted test results are failed WET tests for analysis purpose; the permittee has not been able to prove the remaining WET test pass. RP exists in the attached Reasonable Potential Analyzer. Therefore, EPA establishes a limit for WET in the draft permit.

The proposed permit requires five (5) dilutions in addition to the control (0% effluent) to be used in the toxicity tests based on a 0.75 dilution series. These additional effluent concentrations must be 32%, 42%, 56%, 75%, and 100%. The low-flow effluent concentration (critical low-flow dilution) is defined as 100% effluent. The permittee shall limit and monitor discharge(s) as specified below:

Effluent Characteristic	Discharge Limitations		Monitoring Requirements	
	30-day Avg Min.	7-day Min.	Frequency <sup>2</sup>	Type
WET Testing (7-day Chronic Renewal) <sup>1</sup>				
<i>Ceriodaphnia dubia</i>	100%	100%	Once/Quarter	6-hr Composite
<i>Pimephales promelas</i>	100%	100%	Once/Quarter	6-hr Composite

<sup>1</sup> Monitoring and reporting requirements begin on the effective date of this permit. See Part II of the permit, Whole Effluent Toxicity Testing Requirements for additional WET monitoring and reporting conditions.

<sup>2</sup> Compliance with the WET limitations is required at the permit expiration date. This permit does not establish requirements to automatically increase the WET testing frequency after a test failure, or to begin a toxicity reduction evaluation (TRE) in the event of multiple failures. However, upon failure of any WET test, the permittee must report the results to EPA and NMED, Surface Water Quality Bureau, in writing, within 5 business days of notification of the test failure. EPA and NMED will review the test results and determine the appropriate action necessary, if any.

**VI. TMDL REQUIREMENTS**

NMED prepared and EPA approved TMDLs for E. coli bacteria and nutrients in 2011 for this receiving water segment, 20.6.4.303 NMAC: Pajarito Creek (Canadian River to headwaters). According to the TMDLs, the followings are WLAs set for the facility:

Parameter	Design Flow (MGD)	Effluent Limit, 30-day avg. (cfu/100 ml)	Conversion Factor	WLA (cfu/day) <sup>d</sup>
E. coli bacteria	0.92	126	3.79 x 10 <sup>7</sup>	4.39 x 10 <sup>9</sup>

Parameter	Design Flow (MGD)	Effluent Limit, 30-day avg. (mg/l)	Conversion Factor	WLA (lbs/day) <sup>d</sup>
Total Phosphorus	0.92	1.0 <sup>a</sup>	8.34	7.67
Total Nitrogen	0.92	8.0 <sup>a</sup>	8.34	61.4
Total Phosphorus	0.92	0.1 <sup>b</sup>	8.34	0.77
Total Nitrogen	0.92	3.0 <sup>b</sup>	8.34	23.0
Total Phosphorus	0.92	0.03 <sup>c</sup>	8.34	0.23
Total Nitrogen	0.92	0.45 <sup>c</sup>	8.34	3.45

<sup>a</sup> Phase 1: effluent limits are technology based (i.e., achievable) annual averages that are designed to help communities begin the process of converting their WWTPs for nutrient removal. These limits are similar to the effluent limits adopted by the state of Virginia for existing facilities to implement their permitting program.

<sup>b</sup> Phase 2: effluent limits are based on annual averages for the limits of technology

<sup>c</sup> Phase “n”: effluent limits based on in-stream nutrient target concentrations from Table 5.2. As of 2011, these values are technologically unachievable.

<sup>d</sup> WLA = Design flow x Effluent limit x Conversion factor

According to the permittee’s letter dated March 20, 2015, the City has proposed a total reuse project, which consists of constructing two effluent storage ponds, a pump station and effluent irrigation system on City owned or to be acquired properties. The project would enable the City to dispose all the effluent by groundwater/reuse water permit(s) issued by NMED. Once completing the project, expected in 2020, the City will have zero discharge via the NPDES permit. The permittee intends to eliminate the discharge rather than treating the nutrients to meet the TMDL requirements. The effluent is partially being reused by New Mexico State University Agricultural Center and the pond landowner for irrigation. This cessation of the discharge is not a federal requirement; it’s rather the permittee’s decision.

EPA establishes the nutrient and E. coli requirements and provide a compliance schedule stated in the draft permit for the permittee to complete the project and then go for zero discharge by the expiration of the reissued permit in 2020. The proposed compliance schedule is authorized under 40 CFR 122.47. The permit has a standard reopener clause that would allow the permit to be changed if at a later date additional requirements on new or revised TMDLs are completed.

**VII. 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 water, which is protective of the designated uses of that water, NMAC Section 20.6.4.8.A.2.

### **VIII. ENDANGERED SPECIES CONSIDERATIONS**

According to the list updated on March 20, 2014 for Quay County, NM obtained from <http://ecos.fws.gov>, there are two endangered (E) and threatened (T) species: Least tern (E) and Arkansas River shiner (T). Both species were listed in the previous permit with determination of “no effect”.

In accordance with requirements under section 7(a)(2) of the Endangered Species Act, EPA has reviewed this permit for its effect on listed threatened and endangered species and designated critical habitat. The scope of the Federal Action is limited to the effects of authorizing the discharge and does not include the permittee’s decision to cease discharging. After review, EPA has determined that the reissuance of this permit will have “no effect” on listed threatened and endangered species nor will adversely modify designated critical habitat. EPA makes this determination based on the following:

1. No additions have been made to the USFWS list of threatened and endangered species and critical habitat designation in the area of the discharge since prior issuance of the permit.
2. EPA has received no additional information since the previous permit issuance which would lead to revision of its determinations.
3. The draft permit is consistent with the States WQS and does not increase pollutant loadings.
4. EPA determines that Items 1, thru 3 result in no change to the environmental baseline established by the previous permit, therefore, EPA concludes that reissuance of this permit will have “no effect” on listed species and designated critical habitat.

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

Process improvements have been made within the facility during the previous permit term. The reissuance of the permit should have no impact on historical and/or archeological sites since no outside expansion of construction activities are planned in the reissuance.

### **X. PERMIT REOPENER**

The permit may be reopened and modified during the life of the permit if NMWQS are promulgated or revised. In addition, if the State develops a TMDL, this permit may be reopened to establish effluent limitations for the parameter(s) to be consistent with that TMDL. Modification of the permit is subject to the provisions of 40 CFR §124.5.

### **XI. VARIANCE REQUESTS**

None

### **XII. 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 of COE, to the Regional Director of FWS and to the National Marine Fisheries Service prior to the publication of that notice.

### **XIII. FINAL DETERMINATION**

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

### **XIV. ADMINISTRATIVE RECORD**

The following information was used to develop the proposed permit:

#### **A. APPLICATION(S)**

EPA Application Forms 2A dated on February 14, 2013 and 2S dated May 28, 2014. Additional data provided on April 5 and 25, 2013 and May 8, 2013

#### **B. 40 CFR CITATIONS**

Sections 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 June 5, 2013

Procedures for Implementing National Pollutant Discharge Elimination System Permits in New Mexico, March 15, 2012

State of New Mexico 303(d) List for Assessed Stream and River Reaches, 2014-2016

TMDL For The Mainstem of The Canadian River and Select Tributary Streams, November 21, 2011.

#### **D. MISCELLANEOUS**

Permittee's letter dated 3/2015