

NPDES PERMIT NO. NM0028436

FACT SHEET

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

APPLICANT

Pojoaque Terrace Mobile Home Park
27 Camino Cerrado RD/House
Santa Fe, NM 87506

ISSUING OFFICE

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

PREPARED BY

Suzanna M. Perea
Environmental Scientist
NPDES Permits & Technical Branch (6WQ-PP)
Water Quality Protection Division
VOICE: 214-665-7217
FAX: 214-665-2191
EMAIL: perea.suzanna@epa.gov

DATE PREPARED

May 25, 2011

PERMIT ACTION

Proposed reissuance of the current National Pollutant Discharge Elimination System (NPDES) permit issued September 29, 2006, with an effective date of November 1, 2006, and an expiration date of October 31, 2010.

RECEIVING WATER – BASIN

Arroyo Destierro to Pojoaque Creek to Pojoaque River – Upper Rio Grande Basin

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
ELG	Effluent limitation guidelines
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
FCB	Fecal coliform bacteria
F&WS	United States Fish and Wildlife Service
mg/l	Milligrams per liter
µg/l	Micrograms per liter
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
MQL	Minimum quantification level
O&G	Oil and grease
PCB	Polychlorinated Biphenyl
POTW	Publically owned treatment works
PPWQS	Pueblo of Pojoaque Water Quality Standards
RP	Reasonable potential
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	Wasteload allocation
WET	Whole effluent toxicity
WQCC	New Mexico Water Quality Control Commission
WQMP	Water Quality Management Plan
WWTP	Wastewater treatment plant

In this document, references to State WQS and/or rules shall collectively mean either or both the State of New Mexico and/or the Pueblo of Pojoaque.

I. CHANGES FROM THE PREVIOUS PERMIT

Changes from the permit previously issued September 29, 2006, with an effective date of November 1, 2006, and an expiration date of October 31, 2010, are:

- A. FCB limits have been eliminated.
- B. *E. coli* bacteria limits have been added.
- C. TSS and BOD minimum percent removal limits have been added.
- D. TSS and BOD loading limits have been increased.
- E. Design flow capacity has been corrected.

II. APPLICATION LOCATION and ACTIVITY

As described in the application, the plant is located at 27 Camino Cerrado RD/House, in Santa Fe, Santa Fe County, New Mexico. Under the Standard Industrial Classification Code (SIC) 6515, the applicant operates a mobile home site and a wastewater treatment plant with a design flow capacity of 0.02 million gallons per day (MGD) serving a population of approximately 69.

PLAT OF FACILITY



As described in the application, the treatment plant consists of a modified extended aeration activated sludge process with secondary clarification, chlorination (calcium hypochlorite tablet feeder) and dechlorination (sodium sulfite tablet feeder). Sludge is wasted to a holding tank and disposed of at the Pojoaque Pueblo POTW through a contracting firm.

The discharge from the plant is through Outfall 001 at Latitude 35° 53' 55" North and Longitude 106° 01' 35" West to Arroyo Destierro, thence to Pojoaque Creek, thence the Pojoaque River within the exterior boundaries of the Pueblo of Pojoaque; upstream from that portion of the river is also designated as New Mexico Segment No. 20.6.4.114 in the Upper Rio Grande Basin.

Based on the minimal flow of 0.02 MGD from the facility, and the 2.5 miles between the facility and Pueblo of Pojoaque boundary, it is the professional opinion of the permit writer that the discharge would not reach State of New Mexico waters except under influence of precipitation events. Therefore, the proposed permit is established to comply with the Pueblo of Pojoaque Water Quality Standards. The proposed permit increased the mass loading requirements of the previous permit for BOD₅ and TSS by 10 percent due to corrective design flow data provided in the application.

III. EFFLUENT CHARACTERISTICS

A quantitative description of the discharge(s) described in the EPA Permit Application Form 2A received June 9, 2010, are presented below:

POLLUTANT TABLE - 1

Parameter	Avg	Max
	(mg/l unless noted)	
Flow, million gallons/day (MGD)	0.01	0.20
Temperature, winter	---	---
Temperature, summer	---	---
pH, minimum, standard units (SU)	---	7.33
pH, maximum, standard units (SU)	---	8.03
Biochemical Oxygen Demand, 5-day (BOD ₅)	6.0	8.00
Fecal Coliform (FCB) (cfu/100 ml)	7.00	96.00
Total Suspended Solids (TSS)	9.00	19.00
Chlorine, Total Residual (TRC)	---	---

A summary of BOD, TSS, fecal coliform bacteria, total residual chlorine and pH monitoring data from January 2009 to December 2010 taken from DMRs demonstrates compliance with permit limitations established in the previous permit. However, TRC monitoring data was not provided on DMRs until October 2010.

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 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 applicant submitted a complete permit application May 25, 2010. It is proposed that the permit be reissued for a 5-year term following regulations promulgated at 40 CFR §122.46(a). The existing NPDES permit initially issued September 29, 2006, with an effective date of November 1, 2006, and an expiration date of October 31, 2010 is administratively continued until this permit is reissued.

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 require NPDES permit limits be developed to meet the more stringent of either technology-based effluent limitation guidelines (ELGs), numerical and/or narrative water quality standard-based effluent limitations, or the previous permit.

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

B. TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS

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, fecal coliform, 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.

The Pojoaque Terrace MHP is a privately owned facility which treats sanitary wastewater. Secondary treatment technology-based ELGs and percent removal for both BOD and TSS, and pH are established at 40 CFR §133.102 (a), 40 CFR §133.102 (b) and 40 CFR §133.102 (c), respectively. BOD and TSS ELGs are 30 mg/l for the 30-day average, 45 mg/l for the 7-day average and 85 percent removal (minimum). ELGs for pH are between 6-9 s.u. Additionally, regulations at 40 CFR §122.45 (f)(1) require all pollutants limited in permits to have limitations expressed in terms of mass, such as pounds per day. When determining mass limits for POTWs, the plant’s design flow is used to establish the mass load. Mass limits are determined by the following mathematical relationship:

$$\text{Loading (lbs/day)} = \text{pollutant concentration (mg/l)} * 8.345 \text{ lbs/gal} * \text{design flow (MGD)}$$

$$30\text{-day average BOD}_5/\text{TSS loading} = 30 \text{ mg/l} * 8.345 \text{ lbs/gal} * 0.02 \text{ MGD} = 5.0 \text{ lbs/day}$$

$$7\text{-day average BOD}_5/\text{TSS loading} = 45 \text{ mg/l} * 8.345 \text{ lbs/gal} * 0.02 \text{ MGD} = 7.5 \text{ lbs/day}$$

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

Technology-Based Effluent Limits – 0.02 MGD Design flow.

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			
	lbs/Day		mg/l (unless noted)	
Parameter	30-Day Avg.	7-Day Avg.	30-Day Avg.	7-Day Avg.
Flow	N/A	N/A	Measure MGD	Measure MGD
BOD ₅	5.0	7.5	30	45
BOD ₅ , % removal, minimum	≥ 85% (*1)	---	---	---
TSS	5.0	6.8	30	45
TSS, % removal, minimum	≥ 85% (*1)	---	---	---
pH	NA	NA	6.0 - 9.0 s.u.	

FOOTNOTE:

*1 Percent removal is calculated using the following equation: (average monthly influent concentration – average monthly effluent concentration) ÷ average monthly influent concentration.

The facility will be required to maintain a log and kept at the facility showing the influent of BOD and TSS on a once per month frequency to be used to determine the removal percentage. This data is not required to be submitted but must be made available to EPA or its agents upon request.

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 water quality limits. Under Section 301 (b)(1)(C) of the CWA, discharges are subject to effluent limitations based on WQS. Effluent limitations and/or conditions established in the draft permit are in compliance with Tribal water quality standards to assure that surface WQS of the receiving waters are protected and maintained, or attained. Permit limits will ensure downstream WQS will be met in accordance with 40 CFR §122.4(d).

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. Tribal 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. Tribal Water Quality Numerical Standards

a. GENERAL COMMENTS

The Pojoaque River designated uses for Pueblo of Pojoaque Water Quality Standards (PPWQS), Section IV.F, are irrigation, primary contact, marginal coldwater fisheries, groundwater recharge, livestock watering, and wildlife habitat use. Designated uses for NM are irrigation, livestock watering, wildlife habitat, marginal coldwater aquatic life, primary contact and warmwater aquatic life; and, public water supply on the main stem Rio Grande.

b. RECEIVING WATER STANDARDS and DESIGNATED USES

The discharge from Outfall 001 enters the Arroyo Destierro, thence Pojoaque Creek, thence Pojoaque River within the exterior boundaries of the Pueblo of Pojoaque; upstream from that portion of the river is also designated as Segment No. 20.6.4.114 in the Upper Rio Grande Basin. Based on the minimal flow of 0.02 MGD from the facility, and the 2.5 miles between the facility and Pueblo of Pojoaque boundary, it is the professional opinion of the permit writer that the discharge would not reach taste of New Mexico waters except under influence of precipitation events. Therefore, the proposed permit is established to comply with the Pueblo of Pojoaque Water Quality Standards.

c. WATER QUALITY STANDARDS

i. Pueblo of Pojoaque Water Quality Standards

The general and specific stream standards for the Pueblo of Pojoaque Water Quality Standards (PPWQS) are provided in "1999 Revised Pueblo of Pojoaque Water Quality Standards," approved by EPA on August 15, 2003.

The designated uses of the Pojoaque River, according to PPWQS, Section IV.F, are irrigation, primary contact, marginal coldwater fisheries, groundwater recharge, livestock watering, and wildlife habitat use.

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). Tribal WQS that are more stringent than effluent limitation guidelines are as follows:

a. pH

The Pueblo of Pojoaque stream segment WQS for primary contact, marginal coldwater fisheries, Section IV.D, minimum and maximum pH requirements of 6.6 and 8.8 s.u., are more limiting than the technology-based limits and are consistent with the current permit. The draft permit shall maintain 6.6 to 8.8 s.u. for pH based on the PPWQS.

The NMWQS minimum pH requirement for primary contact, marginal coldwater aquatic life and warmwater aquatic life is identical with PPWQS. The NMWQS maximum pH requirement of 9.0 s.u. is less stringent than the PPWQS; therefore, no additional limitations are required to protect the beneficial uses.

b. Bacteria

The previous permit had limits for fecal coliform bacteria (FCB). PPWQS allow either FCB or *E. coli* to be used for bacteria monitoring. PPWQS stream segment WQS for primary contact, Section IV.D, require an *E. coli* monthly geometric mean maximum of 126 cfu/100 ml and a single sample maximum of 235 cfu/100 ml. The draft permit shall propose *E. coli* limitations based on PPWQS of 126 cfu/100 ml monthly geometric mean and 235 cfu/100 ml single sample maximum.

Since the previous permit issuance, New Mexico has adopted *E. coli* as the State bacteria standard in lieu of FCB. NMWQS for primary contact require an *E. coli* monthly geometric mean of 126 cfu/100 ml and a single sample of 410 cfu/100 ml. NMWQS for *E. coli* monthly geometric mean are identical with PPWQS. The NMWQS single sample requirement is less stringent than the PPWQS; therefore, no additional limitations are required to protect the beneficial uses.

c. Total Residual Chlorine

Information submitted in the application indicates that for the existing plant, bacteria disinfection is currently achieved through chlorination. Chlorine, a known toxicant, if untreated, is likely to cause exceedances of numerical and narrative water quality standards contained in Section IV.E.4 of the PPWQS. The draft permit will continue the TRC limitation of 3 µg/l based on the previous permit.

The NM Implementation Plan strategy for TRC requires the most limiting of the critical dilution/chronic criteria concentration of 11 µg/l or end-of-use/acute criteria concentration of 19 µg/l be used in determining the limit. NMIP is less stringent than PPWQS; therefore, no additional limitations are required to protect the beneficial uses.

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 reasonable potential to cause an in-stream excursion above the 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 Publicly Owned Treatment Works (POTWs), but also to facilities that are similar to POTWS, but which do not meet the regulatory definition of “publicly owned treatment works” (i.e., 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.

The facility is designated as a minor, and does not need to fill out the expanded pollutant testing section Part D of Form 2A. No additional considerations are required for these pollutants.

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 contained in 40 CFR §122.44(i)(1). Technology based pollutants, BOD₅ and TSS, are proposed to be monitored one (1) time per month. Flow is proposed to be monitored one (1) time per day. These frequencies are consistent with the current permit. The sample type for BOD₅ and TSS shall be by grab, also consistent with the current permit.

Water quality-based pollutant monitoring frequency for *E. coli* shall be monitored one (1) time per month by grab sample. TRC shall be monitored daily by instantaneous grab sample. The pH shall be monitored monthly by grab sample, consistent with the current permit. Regulations at 40 CFR §136 define instantaneous grab as being analyzed within 15-minutes of collection.

E. WHOLE EFFLUENT TOXICITY LIMITATIONS

Biomonitoring of the discharge will not be placed in the permit base on the low flow, and nature of the receiving waterbody. Based on the technology-based and water quality-based limitations discussed above, and the nature of the discharge, the discharge does not have potential to exceed either numerical or narrative standards established by PPWQS.

VI. FACILITY OPERATIONAL PRACTICES

A. SEWAGE SLUDGE PRACTICES

Sludge produced at this facility is transported via truck to Pojoaque Pueblo POTW. The permittee shall use only those sewage sludge disposal or reuse practices that comply with the federal regulations established in 40 CFR §503 "Standards for the Use or Disposal of Sewage Sludge." EPA may at a later date issue a sludge-only permit. Until such future issuance of a sludge-only permit, sludge management and disposal at the facility will be subject to Part 503 sewage sludge requirements. Part 503 regulations are self-implementing, which means that facilities must comply with them whether or not a sludge-only permit has been issued. Part IV of the draft permit contains sewage sludge permit requirements.

B. 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.

C. INDUSTRIAL WASTEWATER CONTRIBUTIONS

The treatment plant has no non-categorical Significant Industrial User's (SIU) and no Categorical Industrial User's (CIU). The EPA has determined that the permittee will not be required to develop a full pretreatment program.

D. 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 quarterly. The monitoring results will be available to the public.

VII. 303(d) LIST

The Pueblo of Pojoaque has not evaluated the segment of the Pojoaque River within Tribal boundaries. Until the water is assessed, additional permit action is not required. A reopener clause will allow permit conditions to be addressed if and when the Pueblo assess the receiving water, and additional permit limits are required

VIII. ANTIDegradation

The Pueblo of Pojoaque revised Pueblo of Pojoaque Water Quality Standards Section II "Antidegradation Policy and Implementation Plan" sets forth the requirements to protect existing uses through implementation of the Pueblo of Pojoaque revised water quality standards. The limitations and monitoring requirements set forth in the proposed permit are developed from the Pueblo of Pojoaque Water Quality Standards and are protective of those designed 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.

IX. 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 increased the mass loading requirements of the previous permit for BOD₅ and TSS by 10 percent due to corrective design flow data provided in the application. The proposed permit has maintained the pH limitations from the current permit. Fecal coliform bacteria limitations have been eliminated; however, it does not constitute antibacksliding as it is an indicator parameter of bacteria and has been replaced by *E. coli* bacteria. All of the changes represent permit requirements that are consistent with the Tribal WQS.

X. ENDANGERED SPECIES CONSIDERATIONS

According to the most recent county listing available at US Fish and Wildlife Service (USFWS), Southwest Region 2 website, <http://www.fws.gov/southwest/es/EndangeredSpecies/lists/>, four species in Santa Fe County are listed as endangered (E) or threatened (T). The lone aquatic species is the Rio Grande silvery minnow (*Hybognathus amarus*) (E). The two bird species include the southwestern willow flycatcher (*Empidonax traillii extimus*) (E) and the Mexican spotted owl (*Strix occidentalis lucida*) (T). The only mammal is the black-footed ferret (*Mustela nigripes*) (E). The American bald eagle (*Haliaeetus leucocephalus*) was previously listed in Santa Fe 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).

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. 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. Characteristics of discharge have not changed from the previously issued permit, September 29, 2006.
2. Removal of the American bald eagle from the US Fish and Wildlife list of threatened and endangered species and critical habitat designation in the area of the discharge since the prior issuance has been the only change.

3. EPA concluded “no effect” during the previous issuance of the permit on September 29, 2006, and has received no additional information which would lead to revision of its determination.
4. The changes in the draft permit are made as a result of policy changes in applying WQS.
5. EPA determines that Items 1, 2, 3, and 4 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.

XI. 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.

XII. PERMIT REOPENER

The permit may be reopened and modified during the life of the permit if relevant portions of the Pueblo of Pojoaque or State WQS are revised or remanded. In addition, the permit may be reopened and modified during the life of the permit if relevant procedures implementing the State or Tribal Water Quality Standards are either revised or promulgated. Should either the Pueblo of Pojoaque or the State adopt a new WQS, 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 Tribal or 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.

XIII. VARIANCE REQUESTS

No variance requests have been received.

XIV. CERTIFICATION

The permit is in the process of certification by the Pueblo of Pojoaque agency following regulations promulgated at 40 CFR §124.53. A draft permit and draft public notice will be sent to the New Mexico Environment Department, Pueblo of San Ildefonso, 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.

XV. FINAL DETERMINATION

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

XVI. ADMINISTRATIVE RECORD

The following information was used to develop the proposed permit:

A. APPLICATION(s)

EPA Application Form 2A received June 9, 2010.

B. 40 CFR CITATIONS

Citations to 40 CFR as of May 20, 2011.

Sections §122, §124, §125, §13NAL3, §136

C. PUEBLO OF POJOAQUE REFERENCES

1999 Revised Pueblo of Pojoaque Water Quality Standards, approved by EPA August 15, 2003.

D. STATE OF NEW MEXICO REFERENCES

New Mexico State Standards for Interstate and Intrastate Surface Water, 20.6.4 NMAC, as amended through April 18, 2011.

Procedures for Implementing NPDES Permits in New Mexico, May 3, 2011.

Statewide Water Quality Management Plan, December 17, 2002.

State of New Mexico 303(d) List for Assessed Stream and River Reaches, 2010-2012.