NPDES PERMIT NO. NM0030031
FACT SHEET

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

APPLICANT

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ISSUING OFFICE

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DATE PREPARED

February 25, 2013

PERMIT ACTION

Renewal of a permit previously issued December 14, 2007, with an effective date of January 1, 2008, and an expiration date of December 31, 2012.

RECEIVING WATER – BASIN

Mora River – Canadian River 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
FWS	United States Fish and Wildlife Service
mg/l	Milligrams per liter
ug/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
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	Wasteload 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 previous permit issued December 14, 2007, with an effective date of January 1, 2008, and an expiration date of December 31, 2012, are:

1. The permit changes the WET dilution series concentrations.
2. Daily maximum and monthly average loading limits for TSS have decreased.

II. APPLICANT LOCATION and ACTIVITY

As described in the application, the Mora Fish Hatchery (MFH) facility is located of State Highway 434, approximately 1.73 miles north of its intersection with State Highway 518 in Mora, Mora County, NM. Under the Standard Industrial Classification Code 0921, the applicant operates a fish hatchery raising Gila trout, an endangered species. The facility described in the application produces an average harvestable weight of 2,000 pounds of Gila trout per year using 400 pounds maximum monthly food.

PLAT OF MORA NATIONAL FISH HATCHERY – FIGURE 1

PLAT OF MFH OPERATIONS – FIGURE 2

Source water at MFH is provided by groundwater pumped from four wells and piped into a storage tank reservoir. Figure 1 shows the well field is approximately 1.5 miles from it to the storage tank seen in detail in Figure 2. Water enters the facility and passes through a filter with a 90-micron screen for sediment removal. The filtered water is mixed with additional ground water input from the storage tank, sent through a biofiltration system for ammonia and nitrite removal and disinfected with ultraviolet light. The water is then aerated and sent through a gas stripper column for nitrogen gas removal before entering the fish raceways and/or research tanks. There are 8 raceways and over 150 tanks, some as small as 40 gallons. Water exiting the raceways in the main hatchery building is either re-circulated through the treatment system and reused in the hatchery or directed into one of two settling ponds and eventually discharged to Outfall 001. The settling ponds consist of two separate concrete structures with sloping sides. An overflow structure allows decanted water to exit the settling pond and flow via underground pipeline into a final polishing earthen pond. The polishing pond is less than one acre in size and 12 feet deep with a bentonite liner. Water leaves the polishing pond through a 10’ high perforated stand pipe that is surrounded by a screen to minimize accumulation of debris and algae. Water exits the standpipe and flows into an underground pipeline for approximately 1.4 miles before being discharged at Outfall 001 located at the same site where the 4-well field lies

south-southeast of the facility. The discharge primarily consists of wastewater generated from the fish raceways. Discharges from the facility vary from 0.1 MGD to over 0.5 MGD. Domestic sewage, fish raceway solids, filter back flush, and floor drain wastes are treated in an on-site septic drain field. In the event drugs, medications and chemicals (DMC) are used in the hatchery, the specific raceway and/or tank is isolated from the normal discharge to the settling ponds and the waste stream is sent to the septic system at the facility. No discharge of DMC wastewater is sent through Outfall 001.

Solids accumulated in the raceways are either returned to the drum filters or suctioned up and discharged into the 12,000 gallon on-site septic system. The settling pond receives water from the raceways and does not include solids removed from the drum filters, backwash water, and solids from the biofilters.

The location of Outfall 001 is Latitude 35° 58' 34.23" North, Longitude 105° 18' 52.13" West

III. EFFLUENT CHARACTERISTICS

Application data for aquatic animal production facilities reported on Form 2B does not require pollutant data. Analysis of the groundwater was conducted in the previous permit and there were no measurable pollutants above MQL except for phosphorus and nitrates, both of which were limited in the previous permit due to a TMDL. An analysis of the DMR data from the facility over the most recent 24 months; September 2010 thru October 2012, indicated several exceedances. There was one total nitrogen (TN) non reporting failure in August 2011. There was one exceedance of average and maximum TN limits in April 2012. For total phosphorus (TP), there was one non reporting failure in August 2011. Average and maximum exceedances were reported for TP in 2012; January, February, April thru June, and August and September. Pollutants pH, SS and TSS each had two non reporting failures in February and March 2012. There were no reported limit exceedances for any of those pollutants. There was a reported WET test failure in the 2012 annual test.

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 facility submitted a complete permit application July 26, 2012. 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 require that 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 SS. Water quality-based effluent limitations are established in the proposed draft permit for pH, TP and TN.

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, 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.

2. Effluent Limitation Guidelines

Technology-based effluent limitations found at 40 CFR §451 have been promulgated for this type of activity. Regulations for best practicable control technology currently available (BPT), apply for discharge of pollutants from a concentrated aquatic animal production facility that produces 100,000 pounds or more per year of aquatic animals in a flow-through system. The facility only produces approximately 2,000 pounds annually. The production is under the

minimum requiring BMPs relating to solids control, materials storage, structural maintenance, recordkeeping and training.

Previous permits however predated 40 CFR §451, and established technology-based limitations for TSS and SS in accordance with 40 CFR §122.44(l)(2)(ii). Limitations for TSS were established at 10 mg/l daily avg., 15 mg/l daily max. Limitations for SS were established at 0.1 milliliter/liter (ml/l) daily avg., 0.5 ml/l daily max. These limitations will be retained in the draft permit.

Mass loading limits shall be established for TSS in the draft permit for Outfall 001. Effluent flow of 0.42 MGD; based on the highest 30-day maximum flow over the past two years, conversion factor of 8.345 (lbs)(l)/(mg)(MG), and daily maximum concentrations of 15 mg/l, monthly average concentration of 10 mg/l, yields mass loadings of:

Daily maximum: $0.42 \times 8.345 \times 15 = 52.6$ lbs/day
Monthly average: $0.42 \times 8.345 \times 10 = 35.0$ lbs/day

These limits are lower than the previous permit and are based on the reduction of flow for the past 24-months. Mass limits are not established for SS based on the nature of the pollutant consistent with the previous permit and other hatchery permits in the state.

BMPs are narrative conditions that can aid in achieving permit compliance in addition to chemical specific limits. Regulations at 40 CFR §122.4 state that in addition to conditions established under 40 CFR §122.43(a), each NPDES permit shall include conditions meeting the following requirements when applicable. The authority for BMPs are found at 40 CFR §122.44(k)(4) which state that BMPs "…are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the CWA."

The current permit had a provision for the facility to prepare a BMP and to implement the plan. Maintenance of the BMP is continued as part of this permit. The plan shall be updated as needed and located at the hatchery. The BMP plan shall be made available to staff from either EPA and/or NMED 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 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 amended through November 20, 2012). Discharge from the MFH enters an unnamed irrigation ditch, thence to Trambley irrigation ditch, and thence to the Mora River in the Canadian River Basin in Water Quality Segment 20.6.4.307, NMAC. The designated uses for this segment of the river are: marginal coldwater aquatic life, warmwater aquatic life, primary contact, irrigation, livestock watering, and wildlife habitat.

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

Criteria for pH is listed in 20.6.4.900.H.(1) for both warmwater and marginal coldwater aquatic life within the range of 6.6 - 9.0 su's. These limits are the same as the previous permit.

b. TOXICS

i. General Comments

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 a water quality criteria, the permit must contain an effluent limit for that pollutant.

ii. Critical Conditions - Toxics

Discharges from the hatchery are to an unnamed irrigation ditch, thence to Trambley irrigation ditch, and thence to the Mora River. The previous permit established the low flow, Qa or 4Q3; 0.614 MGD, and the critical dilution (CD); 44%, based on the 2007 TMDL. Using the current effluent flow, Qe; 0.42 MGD, the CD would be 41% consistent with a slightly lower effluent

flow. However, to remain consistent with the previous permit and based on the close approximation of the two values, the previous CD will be used for this permit cycle regarding water quality based limits such as loading limits and WET considerations. The previous permit evaluated toxics and had determined that none exhibited a RP to exceed WQS. Since the evaluation of toxics is not consistent with this type of industrial discharger; Form 2B has no toxic monitoring requirements, the permit writer did not further evaluate pollutants for RP other than TP and TN.

c. TMDL CONSIDERATIONS

The previous permit established limits for TN and TP based on a TMDL EPA approved September 21, 2007. The previous permit provided a four-year compliance schedule for the development and implementation of treatment to achieve the limits. The compliance schedule required that limits for TN and TP be achieved by January 1, 2012, which included report measures to identify progress regarding its effort during the compliance schedule. The TN and TP limits established in the previous permit noted below are continued in the draft permit.

	DISCHARGE LIMITATIONS			
EFFLUENT CHARACTERISTICS	lbs/day		mg/l	
POLLUTANT	DAILY AVG	DAILY MAX	DAILY AVG	DAILY MAX
Phosphorus, Total	0.122	0.183	0.03	0.045
Nitrogen, Total	1.54	2.31	0.38	0.57

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). Sample frequency is based on the previous permit. Flow will be continuous using a totalizing meter. With the exception of WET testing, all the other parameters; pH, TSS, SS, TP and TN shall be monitored twice per month using grab samples.

6. Drugs Medications and/or Chemicals Used In Hatchery Practices

At times, MFH staff administers drugs, medications and/or chemicals (DMC) used for aquaculture purposes in the water system, in a manner and/or amount that will allow it to be discharged to waters of the United States. The US Food and Drug Administration (FDA) approve some of these DMC and/or amounts of use. Sometimes, however, either the DMC are used for purposes not specifically approved by the FDA, or the DMC are not approved by the FDA, but their use is consistent with sound hatchery practices. With the exception of chlorine, anytime DMC, at either concentrations and/or uses not approved by the FDA, are used either in amounts or a manner that it would allow it to enter the receiving stream; MFH shall notify both EPA and NMED of its impending use. Notification to NMED shall be by phone within one business day of its decision to use the DMC, and to EPA within three days. Written notification shall also be to both EPA and NMED, in writing no less than five-business days later. Both notifications shall provide the name of the DMC, its amount, concentration of use and reason for its use, along with the expected date and time of its use, and expected duration of use.

When the DMC used is either not approved by the FDA or its use is not consistent with FDA practices, such that it would allow it to enter the receiving stream, MFH shall conduct the following Whole Effluent Toxicity Test, per instance of use (See footnote *1 below). The test shall be a 48-Hr Static Renewal test, with a 100% critical dilution. This testing shall be reported on discharge monitoring report (DMR) and reported as Outfall 01B. On the DMR, report in the comment section the date, time, duration and the name of the DMC used. Also note the date of the letter MFH sent to EPA and NMED.

WHOLE EFFLUENT TOXICITY TESTING (48 Hr. Static Renewal) (*1)	30-DAY AVG. MINIMUM	48-Hr. MINIMUM
Pimephales promelas	Report	Report

EFFLUENT CHARACTERISTIC	MONITORING REQUIREMENTS	
WHOLE EFFLUENT TOXICITY TESTING (48 Hr. Static Renewal) (*1)	MEASUREMENT FREQUENCY	SAMPLE TYPE
Pimephales promelas	1/Use (*2,3)	Grab

*1 Acute freshwater Whole Effluent Toxicity Testing

*2 WET testing shall be conducted on the maximum dose of each instance of intermittent use of drugs, medications and/or chemicals not approved by the FDA, or drugs, medications and/or chemicals for purposes other than those for which FDA approval was granted (not including chlorine). For long-term use of these drugs, medications and/or chemicals, only one WET test shall be required on the maximum dose of the treatment, unless that maximum dose is later increased by 20 percent. At that point, and any later increases above 20 percent, then additional WET tests will be required.

*3 The sample shall occur at the outfall location consistent with the unit being treated, during the time that the expected highest dose is being administered and shall be taken at a time taking into consideration the lag-time for the slug of maximum dosage of DMC to flow from the point of application to the sample point. The grab sample for the WET test shall be taken 30-minutes after the expected arrival time of the first slug of DMC at the outfall. The expected arrival time can be determined by direct observation by use of a floatable marker such as wooden blocks.

7. DMC Use - Chlorine

During times when chlorine is used in the treatment process, for cleaning of the aquatic production system, and/or to eliminate parasites, MFH shall notify the Agency and the NMED. Notification to NMED shall be by phone within one business day of its decision to use the DMC, and at least three-business days prior to the actual use, and both EPA and NMED, in writing, within five-business days of its decision of use. The notification should give the expected date and time of its use and the expected duration of usage. This test shall be reported on the DMR as Outfall 01B. Total residual chlorine (TRC) shall be limited in the permit to a maximum 11 ug/l end-of-pipe. This test will be in place of the WET test described above for other DMC. Testing for TRC shall be an instantaneous grab sample, with analysis performed within 15-minutes of sample collection. During ALL times when chlorine is being used, MFH shall monitor and report TRC daily. In addition, TRC shall be measured and reported for one day after the last use of the chlorine. On the DMR report in the comment section, the date, time and duration of the chlorine use shall be noted. Also note the date of the letter that was sent to EPA and NMED. The first day of use, TRC shall be sampled approximately 30-minutes after the expected slug of water has passed through the outfall. The expected time of arrival can be determined by direct observation by the use of a floatable marker such as wooden blocks.

D. WHOLE EFFLUENT TOXICITY LIMITATIONS

The previous permit identified WET failures and established WET limits based on those failures. The facility was given a three year compliance schedule to achieve the WET limits. Based on WET testing reported in the fact sheet, Part III, Effluent Characteristics above, WET limits will be continued in the draft permit. The 44% CD will be maintained based on the previous permit and the discussion in this fact sheet, Part V, above. Procedures for implementing WET terms and conditions in NPDES permits are contained in the NMIP. The WET test species will be Ceriodaphnia dubia and Pimephales promelas. The test frequency will be once per year, with the test to occur between November 1 and April 30. The effluent concentrations using a 75% dilution series are 19%, 25%, 33%, 44%, and 59% based on a 44% CD. The dilution series in the draft permit is different from the previous permit. The previous permit established two concentrations; 59% and 79%, above the CD. The NMIP requires only one concentration above the CD when the CD is less than or equal to 75%. The draft permit will remove the 79% concentration and instead will add the lower 19% concentration consistent with the NMIP. This change does not constitute a change requiring a compliance schedule.

Discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTIC	DISCHARGE MONITORING	
WHOLE EFFLUENT TOXICITY TESTING (7 Day NOEC) (*1) (PCS 22414)	30-DAY AVG. MINIMUM 44%	7-DAY MINIMUM 44%
Ceriodaphnia dubia	Report	Report
Pimephales promelas	Report	Report

EFFLUENT CHARACTERISTIC	MONITORING REQUIREMENTS	
WHOLE EFFLUENT TOXICITY TESTING (7 Day NOEC) (*1)	MEASUREMENT FREQUENCY	SAMPLE TYPE
Ceriodaphnia dubia	Annual (*2)	24-Hr Composite
Pimephales promelas	Annual (*2)	24-Hr Composite

FOOTNOTES:
*1 Monitoring and reporting requirements begin on the effective date of this permit.
*2 The discharge shall be tested between November 1, and April 30, following the permit effective date.

VI. 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.

VII. ENDANGERED SPECIES CONSIDERATIONS

According to the most recent county listing available at USFWS, Southwest Region 2 website, http://www.fws.gov/southwest/es/NewMexico/SBC_view.cfm?spcnty=Mora , four species in Mora County are listed as endangered (E) or threatened (T). The lone aquatic species is the Arkansas River shiner (T) (*Hybognathus amarus*), extirpated in the county. Two of the species are avian and include the Mexican spotted owl (T) (*Strix occidentalis lucida*), and the Southwestern willow flycatcher (E) (*Empidonax traillii extimus*). Additionally the black footed ferret (E) (*Mustela nigripes*) is listed as endangered in Mora County. The previous permit established the specific species baseline conditions and threats.

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. Permit limitations are at least as restrictive of the previously permit, issued December 14, 2007.

2. No additions and/or changes 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.

3. EPA concluded "no effect" during the previous issuance of the permit on December 14, 2007, and has received no additional information since then which would lead to revision of that "no effect" determination.

4. EPA determines that Items (1), (2), and (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.

VIII. 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.

IX. PERMIT REOPENER

The permit may be reopened and modified during the life of the permit if State Water Quality Standards are promulgated or revised. In addition, if the State amends 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.

X. VARIANCE REQUESTS

No variance requests have been received.

XI. 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 has maintained the concentration limits contained in the previous permit for SS, TSS, TN and TP. Mass loading for SS and TSS has been slightly reduced due to changes in flow. All of the changes represent permit requirements that are consistent with the WQS and with WQMP.

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, 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.

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 1 and 2B received July 12, 2012.

B. 40 CFR CITATIONS

Citations to 40 CFR are as of January 30, 2013.
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, as amended through November 20, 2012.

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, 2012 - 2014.