

NPDES PERMIT NO. NM0031151

STATEMENT OF BASIS

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

APPLICANT

New Mexico Department of Cultural Affairs
New Mexico History Museum
113 McFarland Avenue
Santa Fe, NM 87501

ISSUING OFFICE

U.S. Environmental Protection Agency
Region 6
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PREPARED BY

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DATE PREPARED

August 30, 2016

PERMIT ACTION

Proposed first-time issuance of a NPDES permit. Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed in Title 40, Code of Federal Regulations, revised as of July 1, 2015.

RECEIVING WATER – BASIN

Arroyo Mascaras (20.6.4.98 NMAC)-Santa Fe River-Rio Grande Basin
Santa Fe River (20.6.4.137 NMAC)-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
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 (one part per million)
ug/l	Micrograms per liter (one part per billion)
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
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
UV	Ultraviolet light
USFWS	United States Fish & Wildlife Service
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. APPLICANT AND DISCHARGE LOCATION

The New Mexico History Museum is located at 113 Lincoln Avenue in Santa Fe, Santa Fe County, New Mexico. The effluents from the east and west pumps are discharged separately into the city of Santa Fe Small Municipal Separate Storm Sewer System (sMS4). The discharge from the west pump goes to unclassified Arroyo Mascaras (20.6.4.98 NMAC), thence to Canyon Rincon; thence to Santa Fe River (20.6.4.136 NMAC). From the east pump, the discharge goes to Santa Fe River (20.6.4.137 NMAC). Both discharges are in the Rio Grande Basin.

The west pump discharges to an outfall in the Arroyo Mascaras at Guadalupe Street and Paseo De Peralta at Latitude 35° 41' 32.01"N and Longitude 105° 56' 50.33 W at elevation 6950 ft. The east pump discharges to an outfall in the Santa Fe River at Sandoval Street and West Alameda Street at Latitude 35° 41' 11.28" N and Longitude 105° 56' 34.37" W at elevation 6977 ft.

APPLICANT ACTIVITY

Under the Standard Industrial Classification (SIC) Code 8412, the applicant is discharging tetrachloroethylene contaminated groundwater from the basement of the New Mexico History Museum building. Tetrachloroethylene is also known as perchloroethylene (PCE or PERC). This chemical is a chlorinated solvent and used commercially as industrial degreasers, spot removers and in dry cleaning. Discharge of contaminated groundwater is not eligible under the sMS4 General Permit. More information on EPA R6's sMS4 general permit is available at <https://www3.epa.gov/region6/water/npdes/sw/sms4/index.htm>. Groundwater is pumped from sump pumps located in two separate mechanical rooms, then it goes through a treatment system consisting of granular activated carbon canisters and bag filters before being discharged to the city of Santa Fe sMS4.

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, effective June 5, 2013).

Arroyo Mascaras is subject to intermittent stream designated uses in 20.6.4.98 NMAC. The designated uses are livestock watering, wildlife habitat, marginal warm-water aquatic life and primary contact. Santa Fe River, from the outfall of the Santa Fe wastewater treatment facility to Guadalupe Street, in Segment 20.6.4.136 NMAC, has the following designated uses: limited aquatic life, wildlife habitat, primary contact, livestock watering and irrigation.

Santa Fe River from Guadalupe Street to Nichols reservoir in Segment 20.6.4.137 NMAC has the following designated uses: Cool-water aquatic life, wildlife habitat, primary contact, livestock watering and irrigation. Both current USEPA approved 2014-2016 and the draft 2016-2018 Section 303(d)/305(b) Integrated Report describes the water type for Segment 20.6.4.137 NMAC as an intermittent stream. The intermittent designation is due to the fact that water is impounded in the upper end of the watershed in McClure and Nichols Reservoirs and distributed for other purposes such as municipal and irrigation uses.

The CWA sections 101(a) (2) and 303(c) require water quality standards to provide, wherever attainable, water quality for the protection and propagation of fish, shellfish, wildlife and recreation in and on the water, functions commonly referred to as “fishable/swimmable” uses. EPA's current water quality regulation effectively establishes a rebuttable presumption that “fishable/swimmable” uses are attainable and therefore should apply to a water body unless it can be demonstrated that such uses are not attainable. EPA does not expect the State to adopt uses for intermittent waters that cannot be attained, but in those instances, the State must submit a use and attainability analysis (UAA) to support an aquatic life designation that does not meet the CWA §101(a)(2) objective as required by 40 CFR 131.10(j)(1).

To support an aquatic life designation, NMED submitted drafts of the Santa Fe River UAA consistent with federal and state regulatory objectives on August 21, 2012. EPA completed its review and approved new and revised water quality standards on September 13, 2012. The approval included amending the existing designated uses of segment 20.6.4.98 NMAC since the Santa Fe River from Guadalupe Street to Nichols Reservoir was also labeled as intermittent. EPA also concurred with creation of a new segment 20.6.4.137 NMAC for the above referenced section of the Santa Fe River. This amendment established the more protective cool-water aquatic life use of the new segment. Among other designated use of 20.6.4.98 NMAC, UAA retained the primary contact use with more protective criteria and also maintained the wildlife habitat, livestock watering and irrigation uses of 20.6.4.137 NMAC.

II. EFFLUENT CHARACTERISTICS

The applicant is discharging contaminated groundwater from the basement of the New Mexico History Museum building. Groundwater is pumped from sump pumps located in two separate mechanical rooms, then it goes through a treatment system consisting of granular activated carbon canisters and bag filters before being discharged to the city of Santa Fe SMS4. The characterization of the contaminated groundwater source in the area is unknown. Given these unknowns, there is potential for the source water characteristics to change over time or seasonally.

Effluent samples from the source water were collected on July 9, 2009, March 13, 2014 and September 29, 2014, and analyzed by a laboratory to determine the concentrations of pollutants present. After this initial sampling, a filtration system has been added to improve the quality of discharge. On May 3, 2016, effluent samples were collected before and after the filtration system. Post data results show that metals and polychlorinated biphenyl (PCB) 118 were detected for sump 1. Metals and PCB-118 were present in treated discharge from sump 2.

Pollutants from Table 4 in NMIP have numeric criteria for Human Health Organism Only (HH-OO) in 20.6.4.900 NMAC. The numeric criteria apply to all waters with designated aquatic life uses, in this case, marginal warm-water aquatic life in unclassified segment 20.6.4.98 NMAC and cool-water aquatic life in classified segment 20.6.4.137 NMAC. For discharge that enters a water with the applicable HH-OO numeric criteria, EPA has decided that all pollutants listed in table 1 must be analyzed and reported with the application.

Table 1: Pollutants from table 4 in NMIP

POLLUTANT	POLLUTANT	POLLUTANT
Antimony (D)	2-Chlorophenol	Fluoranthene
Arsenic (D)	2,4-Dichlorophenol	Fluorene
Nickel (D)	2,4-Dimethylphenol	Hexachlorobenzene
Selenium (D)	2-Methyl-4-6-Dinitrophenol	Hexachlorobutadiene
Thallium (D)	2,4-Dinitrophenol	Hexachlorocyclopentadiene
Zinc (D)	Pentachlorophenol	Hexachloroethane
Cyanide, weak acid dissociable	Phenol	Indeno (1,2,3-cd)Pyrene
2,3,7,8-TCDD (Dioxin)	2,4,6-Trichlorophenol	Isophorone
Acrolein	Acenaphthene	Nitrobenzene
Acrylonitrile	Anthracene,	n-Nitrodimethylamine
Benzene	Benzidine,	n-Nitrosodi-n-Propylamine
Bromoform	Benzo(a)anthracene	n-Nitrosodiphenylamine
Carbon Tetrachloride	Benzo(a)pyrene	Pyrene
Chlorobenzene	Benzo(b)fluoranthene	1,2,4-Trichlorobenzene
Clorodibromomethane	Benzo(k)fluoranthene	Aldrin
Chloroform	Bis (2-chloroethyl) Ether	Alpha-BHC
Dichlorobromomethane	Bis (2-chloroisopropyl) Ether	Beta-BHC
1,2-Dichloroethane	Bis (2-ethylhexyl) Phthalate	Gamma-BHC
1,1-Dichloroethylene	Butyl Benzyl Phthalate	Chlordane
1,2-Dichloropropane	2-Chloronaphthalene	4, 4'-DDT and derivatives
1,3-Dichloropropene	Chrysene	Dieldrin
Ethylbenzene	Dibenzo(a,h)anthracene	Alpha-Endosulfan
Methyl Bromide	1,2-Dichlorobenzene	Beta-Endosulfan
Methylene Chloride	1,3-Dichlorobenzene	Endosulfan sulfate
1,1,2,2-Tetrachloroethane	1,4-Dichlorobenzene	Endrin
Tetrachloroethylene	3,3-Dichlorobenzidine	Endrin Aldehyde
Toluene	Diethyl Phthalate	Heptachlor 90
1,2--trans-Dichloroethylene	Dimethyl Phthalate	Heptachlor Epoxide
1,1,2-Trichloroethane	Dibutyl Phthalate	PCBs
Trichloroethylene	2,4-Dinitrotoluene	Toxaphene
Vinyl Chloride	1,2-Diphenylhydrazine	---

Pollutants in table 1 were compared with the results of samples collected on May 3, 2016. This review showed that Cyanide, 1, 2-Dichloropropane, Methyl Bromide, 2-Methyl-4-6-Dinitrophenol and Bis (2-chloroisopropyl) Ether were not provided with the latest laboratory results. Within 30 days from the permit becoming effective, samples should be collected and analyzed for these five pollutants. Depending on results, permit may be revised to meet the NMWQS. See section XI.

III. 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. It is proposed that the permit be issued for approximately a 5-year term following regulations promulgated at 40 CFR §122.46(a).

IV. 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.

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 best professional judgment (BPJ) in the absence of promulgated guidelines for the discharge, or on a combination of the two.

There are no effluent guidelines for a project like discharge of contaminated groundwater from the New Mexico History Museum. To treat contamination, granular activated carbon canisters and bag filters are utilized before water is being discharged to the city of Santa Fe SMS4. However, EPA Region 6 has issued an NPDES general permit authorizing discharge from groundwater at a construction site contaminated with petroleum fuel. The technology that was the basis of this general permit was a granular activated carbon treatment system. Therefore, based on the BPJ of the permit writer and above referenced general permit, TSS limits of 30 mg/l for the 30-day average is appropriate to protect from high effluent concentrations of TSS (1090 mg/l and 3,200 mg/l). In addition, BOD₅ limits will not be assigned since discharge contains only treated groundwater.

C. WATER QUALITY BASED LIMITATIONS

1. General Comments

Water quality based requirements are necessary to maintain or achieve federal or state water quality limits. Under Section 301(b) (1) (C) of the CWA, discharge is 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. State Water Quality Standards

The general and specific stream standards are provided in NMWQS (20.6.4 NMAC, effective June 5, 2013). Stream segment 20.6.4.98 NMAC is designated for livestock watering, wildlife habitat, marginal warm-water aquatic life and primary contact. Stream segment 20.6.4.137 NMAC is designated for cool-water aquatic life, wildlife habitat, primary contact, livestock watering and irrigation. The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

3. An RP screening of effluent data against the State WQS was conducted. 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 as follows:

a. BACTERIA

20.6.4.98 NMAC stream segment has an E.coli criteria of 904 cfu/100 mL or less and 30-day average of 206 cfu/100 ml or less. The criteria would apply at the point of discharge from the west pump. 20.6.4.137 NMAC stream segment has an E.coli criteria of 410 cfu/100 ml or less and 30-day average of 126 cfu/100 ml or less. The criteria would apply at the point of discharge from the east pump. Laboratory results show the presence of fecal coliform/total coliform in samples collected on September 29, 2014 from the east pump. Based on this information, draft permit requires monitoring and reporting of E.coli from both outfalls since the source of discharge is the same. The WQS have been changed from fecal to E. coli. E.coli data has not been provided. An E.coli effluent limitation will not be assigned.

b. pH

20.6.4.98 NMAC requires the pH from 6.6 to 9.0 for the protection of marginal warm-water aquatic life and primary contact. 20.6.4.137 NMAC specifies the pH from 6.6 to 9.0 for the protection of cool-water aquatic life and primary contact. pH from 6.6 to 9.0 will be the discharge limit.

c. TOXICS

A selected number of PCB congeners were analyzed. None of them were detected in samples collected on May 3, 2016 except PCB-118. The RP screening of the post concentrations of PCB-118 and Tetrachloroethylene indicated that they will not exceed the NMWQS. However, since the downstream water body is impaired for PCBs and the site said to be contaminated with Tetrachloroethylene, quarterly monitoring and reporting for both PCBs and Tetrachloroethylene will be required.

In addition, Benzidine, 4, 4-DDT & derivatives, Heptachlor, Heptachlor Epoxide, Pentachlorophenol and Toxaphene show RP based on the data provided. Their daily maximum and 30-day discharge limitations will be as follows: 0.04 ug/l & 0.03 ug/l, 0.001 ug/l & 0.001 ug/l, 0.004 ug/l & 0.003 ug/l, 0.004 ug/l & 0.003 ug/l, 15 ug/l & 10 ug/l and 0.0002 ug/l & 0.0002 ug/l respectively.

d. Metals

Effluent concentrations of Copper and Zinc exceed the NMWQS based on the RP screening. Daily maximum and 30-day average discharge limits are 26.3 ug/l & 26.3 ug/l for Copper and 381.4 ug/l & 381.4 ug/l for Zinc. Since the downstream water body segment 20.6.4.136 NMAC is impaired for Aluminum, quarterly monitoring and reporting for Total Aluminum has also been included.

D. TOTAL RESIDUAL CHLORINE (TRC)

The groundwater treatment system at the New Mexico History Museum does not use any bacteria control technology such as chlorine and the application did not describe the addition of potable water into the effluent.

E. 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). Since the treated groundwater will not be discharged continuously and the average flow from each sump pump is only 0.025 GPM, sample frequency will be based on the BPJ and not on the NMIP.

TSS to be examined once per quarter. Flow is proposed to be monitored when discharging by totalizing meter. Sample type for TSS is grab. Reporting frequency for the water quality-based E. coli pollutant shall be once per quarter by grab sample. The pollutant pH shall be monitored when discharging using instantaneous grab samples. Copper, Zinc, Benzidine, 4, 4-DDT & derivatives, Heptachlor, Heptachlor Epoxide, Pentachlorophenol and Toxaphene shall be monitored once per quarter using grab samples. Regulations at 40 CFR §136 define instantaneous grab as being analyzed within 15-minutes of collection.

F. WHOLE EFFLUENT TOXICITY LIMITATIONS

Procedures for implementing WET terms and conditions in NPDES permits are contained in the NMIP, March 2012. Tables 11 and 12 of Section V of the NMIP outlines the type of WET testing for different types of discharges. The discharge is to intermittent streams, 7-day chronic bio-monitoring testing will be required. The test species shall be *Pimephales promelas* and *Ceriodaphnia dubia*. Testing shall be performed during the first quarter after the permit effective date.

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE MONITORING</u>	
	<u>30-DAY AVG MINIMUM</u>	<u>7-DAY AVG MINIMUM</u>
Whole Effluent Toxicity Testing (7-Day Chronic Static Renewal)		
<i>Pimephales promelas</i>	REPORT	REPORT
<i>Ceriodaphnia dubia</i>	REPORT	REPORT

<u>EFFLUENT CHARACTERISTIC</u>	<u>MONITORING REQUIREMENTS</u>	
	<u>FREQUENCY</u>	<u>TYPE</u>
Whole Effluent Toxicity Testing (7-Day Chronic Static Renewal)		
<i>Pimephales promelas</i>	1/Permit Term	24-Hr. Composite
<i>Ceriodaphnia dubia</i>	1/Permit Term	24-Hr Composite

V. FACILITY OPERATIONAL PRACTICES

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.

VI.303(d) LIST

Arroyo Mascaras of the Rio Grande Basin has not been assessed. The first downstream receiving water segment 20.6.4.136 NMAC is assessed as Category 5/5A with irrigation as not having been assessed but wildlife habitat due to PCB, primary contact due to E.coli and limited aquatic life due to aluminum and PCB not supported. However, livestock watering is fully supported. Water quality-based effluent limitations are established in the proposed draft permit.

A TMDL for downstream impairments of the Santa Fe River has not been established at this time. The effluent discharge data has been reviewed by EPA to ensure that NPDES permits are protective of water quality standards. For all pollutants that have a reasonable potential to cause or contribute to a violation of a water quality standard, the permitting authority performs calculations or modeling to determine effluent limitations. This review is done in accordance with applicable federal regulations and guidance.

Pursuant to 40 CFR 130.12(a), NPDES permits must be consistent with the WQMP. In the case of a new permit, the WLA will be calculated using the TMDL target concentration, in this case the applicable numeric criteria, and flow estimate as specified in the NMIP.

VII. ANTIDegradation

The NMAC, Section 20.6.4.8 “Anti-degradation 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. Since the critical flow is zero (0), assimilative capacity calculations are not applicable. The permit requirements and the limits are protective of the receiving waters, which is protective of the designated uses of that water, NMAC Section 20.6.4.8.A.2.

VIII. ANTIBACKSLIDING

The proposed permit is consistent with the requirements to meet anti-backsliding 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. This is a new permit.

IX. ENDANGERED SPECIES CONSIDERATIONS

The following is a list of species according to the US Fish and Wildlife Services (USFWS) <http://ifw2es.fws.gov/EndangeredSpecies/lists/> and Biota Information System of New Mexico (BISON-M), <http://www.bison-m.org/reports.aspx?rtype=9>, in Santa Fe County, New Mexico:

E=Endangered; T=Threatened; SOC=Species of Concern; C=Candidate; Exp= Experimental non-essential population; P=Proposed

Common Name	Scientific Name	NMGF	US FWS	Critical Habitat
Spotted Bat	<i>Euderma maculatum</i>	T		
Pacific Marten	<i>Martes caurina</i>	T		
White-tailed Ptarmigan	<i>Lagopus leucura</i>	E		
Bald Eagle	<i>Haliaeetus leucocephalus</i>	T		
Peregrine Falcon	<i>Falco peregrinus</i>	T		
Arctic Peregrine Falcon	<i>Falco peregrinus tundrius</i>	T		
Least Tern	<i>Sternula antillarum</i>	E	E	
Yellow-billed Cuckoo (western pop)	<i>Coccyzus americanus occidentalis</i>		T	
Boreal Owl	<i>Aegolius funereus</i>	T		
Mexican Spotted Owl	<i>Strix occidentalis lucida</i>		T	Y
Violet-crowned Hummingbird	<i>Amazilia violiceps</i>	T		
Southwestern Willow Flycatcher	<i>Empidonax traillii extimus</i>	E	E	Y
Gray Vireo	<i>Vireo vicinior</i>	T		

Baird's Sparrow	Ammodramus bairdii	T		
Lilljeborg's Peaclam	Pisidium lilljeborgi	T		
New Mexico Meadow Jumping Mouse	Zapus hudsonius luteus		E	

Based on the information available on the above-referenced websites regarding threats to the species and the facts that (1) the federal activity is authorization of a discharge meeting water quality standards for surface waters, (2) none of the federally listed species are aquatic, (3) the Lilljeborg's Peaclam habitat is in Nambe Lake which is not in the flow path of the discharge, and (4) the project does not involve any new construction that could impact terrestrial species, EPA has determined that issuance of the NPDES permit will have "no effect" on listed threatened and endangered species and will not adversely impact designated critical habitat.

X. HISTORICAL and ARCHEOLOGICAL PRESERVATION CONSIDERATIONS

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

XI. 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. 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.

XII. VARIANCE REQUESTS

No variance requests have been received.

XIII. 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.

XIV. FINAL DETERMINATION

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

XV. ADMINISTRATIVE RECORD

The following information was used to develop the proposed permit:

A. APPLICATION(S)

EPA Application Forms 1 and 2C received on November 20, 2014.

B. 40 CFR CITATIONS

Sections 122, 124, 125, 136

C. STATE OF NEW MEXICO REFERENCES

New Mexico State Standards for Interstate and Intrastate Surface Water, 20.6.4 NMAC, as effective through June 5, 2013.

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

Statewide Water Quality Management Plan, December 23, 2011.

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

D. PROJECT LOCATION

The following map depicts locations of the New Mexico History Museum and discharge points.

