



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**Region 6**

**1445 Ross Avenue, Suite 1200**

**Dallas, Texas 75202 - 2733**

APR 09 2015

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (See Attachment 1)

Addressees: Middle Rio Grande Watershed Municipal Separate Storm Sewer Systems  
Operators  
(See Attachment 1)

Re: NPDES Permit No. NMR04A000  
Notice of Minor Permit Modification

Dear (See Attachment 1):

Following regulations listed at 40 CFR 122.63(a) and CFR 122.63 (c), the following minor permit modifications are made to the NPDES Permit No. NMR04A000:

- To allow more time to review and approve NOIs, and remove schedule conflicts, certain interim compliance dates in the compliance schedules included in Activity Tables 1.a through 10, except Table 1.c entitled "Measurable Goals of Anoxic and Hypoxia Levels Measured by Permit Year" have been extended. The corrected pages are enclosed in Attachment 2. The new compliance schedules dates are in bold and underlined text.
- The point of contact and address for the Pueblo of Isleta in Part III, Part IV, and Appendix C has been updated. The updated page(s) are enclosed in Attachment 3.

The version of the permit on the EPA R6 website is also being updated. See <http://epa.gov/region6/water/npdes/sw/ms4/index.htm>

If you have any questions on any aspect of these minor permit modifications, please feel free to contact the permit writer, Nelly Smith, by telephone at:214-665-7109 or via E-mail at [Nelly.smith@epa.gov](mailto:Nelly.smith@epa.gov).

Sincerely yours,

  
for Stacey B. Dwyer, P.E.  
Associate Director  
NPDES Permits & TMDLs Branch

Enclosures

cc w/Enclosure: New Mexico Environment Department

## Attachment 1

## Attachment 1

MS4	Address	City	State	Zip Code	Contact Name	Return Receipt Requested
City of Albuquerque	Dept. Municipal Development P.O. Box 1293	Albuquerque	NM	87103	Kevin Daggett	7014015000002452 6650
AMAFCA	2600 Prospect Ave NE	Albuquerque	NM	87107	Jerry Lovato	7014015000002452 6643
NMDOT District 3	7500 Pan American Blvd	Albuquerque	NM	87199	Timothy R, Trujillo	7014015000002452 6636
University of New Mexico	1801 Tucker St NE	Albuquerque	NM	87131	Chemanji (Che) Shu-Nyamboli	7014015000002452 6629
SSCAFCA	1041 Commercial Dr SE	Rio Rancho	NM	87124	Chuck Thomas	7014015000002452 6612
Town of Bernalillo	829 Camino del Pueblo	Bernalillo	NM	87004	María Rinaldi	7014015000002452 6605
Sandoval County	2708 Iris NE	Rio Rancho	NM	87144	Fred Marquez	7014015000002452 6599
Village of Corrales	4324 Corrales Rd	Corrales	NM	87048	Mayor Jack Torres	7014015000002452 6582
Los Ranchos de Albuquerque	6718 Rio Grande Blvd NW	Los Ranchos de Albuquerque	NM	87107	Tim McDonough	7014015000002452 6575
City of Rio Rancho	3200 Civic Center Circle NE Ste 200	Rio Rancho	NM	87144	Xavier Pettes	7014015000002452 6568
Bernalillo County	2400 Broadway SE, Bldg N	Albuquerque	NM	87102	Anita Stead	7014015000002452 6551

Attachment 1

Kirtland AFB	377 ABW/CC 200 Wyoming Blvd SE	Kirtland AFB	NM	87117	Chris Segura	7014015000002452 6544
EXPO	P.O. Box 8456	Albuquerque	NM	87198	John C. Jaramillo	7014015000002452 6537
Sandia Laboratories, DOE	P.O. Box 5400, KAFB	Albuquerque	NM		Karen Agogino	7014015000002452 6520
ESCAFCA	829 Camino del Pueblo, Bernalillo, NM	Bernalillo	NM		Jack Torres	7014015000002452 6513
						7014015000002452 6506
Pueblo of Sandia	481 Sandia Loop	Bernalillo	NM	87004	Scott Bulgrin	7014015000002452 6490
Pueblo of Isleta	PO Box 1270	Isleta	NM	87022	Ramona Montoya	7014015000002453 0657

## Attachment 2

schedules described in Table 1.a of Part I.C.2.(iii). The annual report must include information on compliance with this section, including results of any sampling conducted by the permittee.

Note: Probable pollutant sources identified by permittees should be submitted to NMED on the following form: <ftp://ftp.nmenv.state.nm.us/www/swqb/Surveys/PublicProbableSourceIDSurvey.pdf>

- (c) Impairment for Nutrients: Where the impairment is for nutrients (e.g., nitrogen or phosphorus), the permittee shall identify potential significant sources and develop and implement targeted BMPs to control nutrients from potential sources. The permittee must, at minimum comply with the activities and schedules described in Table 1.b of Part I.C.2, (iii). The annual report must include information on compliance with this section, including results of any sampling conducted by the permittee.
  - (d) Impairment for Dissolved Oxygen: See Endangered Species Act (ESA) Requirements in Part I.C.3. These program elements may be coordinated with the monitoring required in Part III.A.
- (iii) Program Development and Implementation Schedules: Where the impairment is for nutrient constituent (e.g., nitrogen or phosphorus) or bacteria, the permittee must at minimum comply with the activities and schedules in Table 1.a and Table 1.b.

Table 1.a. Pre-TMDL Bacteria Program Development and Implementation Schedules

Activity	Class Permittee				
	A Phase I MS4s	B Phase II MS4s (2000 Census)	C New Phase II MS4s (2010 Census **)	D MS4s within Indian Lands	Cooperative (*) Any Permittee with cooperative programs
Identify potential significant sources of the pollutant of concern entering your MS4	<u>Ten (10)</u> months from effective date of permit	<u>Ten (10)</u> months from effective date of permit	One (1) year from effective date of permit	One (1) year from effective date of permit	Sixteen (16) months from effective date of permit
Develop (or modify an existing program ***) and implement a public education program to reduce the discharge of bacteria in municipal storm water contributed by (if applicable) by pets, recreational and exhibition livestock, and zoos.	<u>Twelve (12)</u> months from effective date of permit	<u>Twelve (12)</u> months from effective date of permit	<u>Fourteen (14)</u> months from effective date of permit	<u>Fourteen (14)</u> months from effective date of permit	Sixteen (16) months from effective date of permit
Develop (or modify an existing program ***) and implement a program to reduce the discharge of bacteria in municipal storm water contributed by areas within your MS4 served by on-site wastewater treatment systems.	<u>Fourteen (14)</u> months from effective date of permit	<u>Fourteen (14)</u> months from effective date of permit	Sixteen (16) months from effective date of permit	Sixteen (16) months from effective date of permit	Eighteen (18) months from effective date of permit
Review results to date from the Illicit Discharge Detection and Elimination program (see Part I.D.5.e) and modify as necessary to prioritize the detection and elimination of discharges contributing bacteria to the MS4	<u>Fourteen (14)</u> months from effective date of permit	<u>Fourteen (14)</u> months from effective date of permit	Sixteen (16) months from effective date of permit	Sixteen (16) months from effective date of permit	Eighteen (18) months from effective date of permit

Develop (or modify an existing program ***) and implement a program to reduce the discharge of bacteria in municipal storm water contributed by other significant source identified in the Illicit Discharge Detection and Elimination program (see Part I.D.5.e)	<b>Sixteen (16) months</b> from effective date of permit	<b>Sixteen (16) months</b> from effective date of permit	<b>Eighteen (18) months</b> from effective date of permit	<b>Eighteen (18) months</b> from effective date of permit	<b>Twenty (20) months</b> from effective date of permit
Include in the Annual Reports progress on program implementation and reducing the bacteria and updates their measurable goals as necessary	Update as necessary	Update as necessary	Update as necessary	Update as necessary	Update as necessary

(\*) During development of cooperative programs, the permittee must continue to implement existing programs

(\*\*) or MS4s designated by the Director

(\*\*\*) Permittees previously covered under permit NMS000101 or NMR040000

Note: The deadlines established in this table may be extended by the Director for any MS4 designated as needing a permit after issuance of this permit to accommodate expected date of permit coverage.

Table 1.b. Pre-TMDL Nutrient Program Development and Implementation Schedules

Activity	Class Permittee				
	A Phase I MS4s	B Phase II MS4s (2000 Census)	C New Phase II MS4s (2010 Census **)	D MS4s within Indian Lands	Cooperative (*) Any Permittee with cooperative programs
Identify potential significant sources of the pollutant of concern entering your MS4	<b>Ten (10) months</b> from effective date of permit	<b>Ten (10) months</b> from effective date of permit	One (1) year from effective date of permit	One (1) year from effective date of permit	Sixteen (16) months from effective date of permit
Develop (or modify an existing program ***) and implement a public education program to reduce the discharge of pollutant of concern in municipal storm water contributed by residential and commercial use of fertilizer	<b>Ten (10) months</b> from effective date of permit	<b>Ten (10) months</b> from effective date of permit	One (1) year from effective date of permit	One (1) year from effective date of permit	Sixteen (16) months from effective date of permit
Develop (or modify an existing program ***) and implement a program to reduce the discharge of the pollutant of concern in municipal storm water contributed by fertilizer use at municipal operations (e.g., parks, roadways, municipal facilities)	One (1) year from effective date of permit	One (1) year from effective date of permit	Sixteen (16) months from effective date of permit	Sixteen (16) months from effective date of permit	Eighteen (18) months from effective date of permit

Develop (or modify an existing program ***) and implement a program to reduce the discharge of the pollutant of concern in municipal storm water contributed by municipal and private golf courses within your jurisdiction	One (1) <u>year</u> from effective date of permit	One (1) <u>year</u> from effective date of permit	Sixteen (16) months from effective date of permit	Sixteen (16) months from effective date of permit	Eighteen (18) months from effective date of permit
Develop (or modify an existing program ***) and implement a program to reduce the discharge of the pollutant of concern in municipal storm water contributed by other significant source identified in the Illicit Discharge Detection and Elimination program (see Part I.D.5.e)	One (1) <u>year</u> from effective date of permit	One (1) <u>year</u> from effective date of permit	Sixteen (16) months from effective date of permit	Sixteen (16) months from effective date of permit	Eighteen (18) months from effective date of permit
Include in the Annual Reports progress on program implementation and reducing the nutrient pollutant of concern and updates their measurable goals	Update as necessary				

(\*) During development of cooperative programs, the permittee must continue to implement existing programs

(\*\*) or MS4s designated by the Director

(\*\*\*) Permittees previously covered under permit NMS000101 or NMR040000

Note: The deadlines established in this table may be extended by the Director for any MS4 designated as needing a permit after issuance of this permit to accommodate expected date of permit coverage.

These program elements may be coordinated with the monitoring required in Part III.A.

3. **Endangered Species Act (ESA) Requirements.** Consistent with U.S. FWS Biological Opinion dated August 21, 2014 to ensure actions required by this permit are not likely to jeopardize the continued existence of any currently listed as endangered or threatened species or adversely affect its critical habitat, permittees shall meet the following requirements and include them in the SWMP:

a. **Dissolved Oxygen Strategy in the Receiving Waters of the Rio Grande:**

- (i) The permittees must identify (or continue identifying if previously covered under permit NMS000101) structural controls, natural or man-made topographical and geographical formations, MS4 operations, or oxygen demanding pollutants contributing to reduced dissolved oxygen in the receiving waters of the Rio Grande. The permittees shall implement controls, and update/revise as necessary, to eliminate discharge of pollutants at levels that cause or contribute to exceedances of applicable water quality standards for dissolved oxygen in waters of the Rio Grande. The permittees shall submit a summary of findings and a summary of activities undertaken under Part I.C.3.a.(i) with each Annual Report. The SWMP submitted with the first and fourth annual reports must include a detailed description of controls implemented (or/and proposed control to be implemented) along with corresponding measurable goals. (Applicable to all permittees).
- (ii) As required in Part I.C.1.d, the COA and AMAFCA shall revise the May 1, 2012 Strategy for dissolved oxygen to address dissolved oxygen at the North Diversion Channel Embayment and/or other MS4 locations. The permittees shall submit the revised strategy to FWS and EPA for approval within a year of permit issuance and progress reports with the subsequent Annual Reports (see also Part I.C.1.d.(iv)). The permittees shall ensure that actions to reduce pollutants or remedial activities selected for the North Diversion Channel Embayment and its watershed are implemented such that there is a reduction in

Table 2. Construction Site Stormwater Runoff Control - Program Development and Implementation Schedules

Activity	Permittee Class				
	A Phase I MS4s	B Phase II MS4s (2000 Census)	C New Phase II MS4s (2010 Census **)	D MS4s within Indian Lands	Cooperative (*) Any Permittee with cooperative programs
Development of an ordinance or other regulatory mechanism as required in Part I.D.5.a.(ii)(a)	<u>Ten (10)</u> months from effective date of permit	<u>Ten (10)</u> months from effective date of permit	One (1) year from effective date of permit	One (1) year from effective date of permit	Eighteen (18) months from effective date of the permit
Develop requirements and procedures as required in Part I.D.5.a.(ii)(b) through in Part I.D.5.a.(ii)(h)	<u>Ten (10)</u> months from effective date of permit	<u>Thirteen (13)</u> months from effective date of permit	<u>Sixteen (16)</u> months from effective date of permit	<u>Sixteen (16)</u> months from effective date of permit	Eighteen (18) months from effective date of permit
Annually conduct site inspections of 100 percent of all construction projects cumulatively disturbing one (1) or more acres as required in Part I.D.5.a.(iii)	<u>Ten (10)</u> months from effective date of permit	Start <u>Thirteen (13)</u> months from effective date of permit and annually thereafter	Start <u>Sixteen (16)</u> months from effective date of permit and annually thereafter	Start eighteen (18) months from effective date of permit and thereafter	Start two (2) years from effective date of permit and thereafter
Coordinate with all departments and boards with jurisdiction over the planning, review, permitting, or approval of public and private construction projects/activities within the permit area as required in Part I.D.5.a.(iv)	<u>Ten (10)</u> months from effective date of permit	<u>Ten (10)</u> months from effective date of permit	<u>Twelve (12)</u> months from effective date of permit	<u>Twelve (12)</u> months from effective date of permit	<u>Fourteen (14)</u> months from effective date of permit
Evaluation of GI/LID/Sustainable practices in site plan reviews as required in Part I.D.5.a.(v)	<u>Ten (10)</u> months from effective date of permit	<u>Ten (10)</u> months from effective date of permit	<u>Twelve (12)</u> months from effective date of permit	<u>Twelve (12)</u> months from effective date of permit	<u>Fourteen (14)</u> months from effective date of permit
Update the SWMP document and annual report as required in Part I.D.5.a.(vi) and in Part I.D.5.a.(vii)	Update as necessary	Update as necessary	Update as necessary	Update as necessary	Update as necessary
Enhance the program to include program elements in Part I.D.5.a.(viii) through Part I.D.5.a.(x)	Update as necessary	Update as necessary	Update as necessary	Update as necessary	Update as necessary

- (xiii) The permittee may incorporate the following elements in the Post-Construction Stormwater Management in New Development and Redevelopment program required in Part I.D.5.b.(ii)(b):
- (a) Provide requirements and standards to direct growth to identified areas to protect environmentally and ecologically sensitive areas such as floodplains and/or other areas with endangered species and historic properties concerns;
  - (b) Include requirements to maintain and/or increase open space/buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation; and
  - (c) Encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure.

Table 3. Post-Construction Stormwater Management in New Development and Redevelopment - Program Development and Implementation Schedules

Activity	Permittee Class				
	A Phase I MS4s	B Phase II MS4s (2000 Census)	C New Phase II MS4s (2010 Census **)	D MS4s within Indian Lands	Cooperative (*) Any Permittee with cooperative programs
Development of strategies as required in Part I.D.5.b.(ii).(a)	<u>Ten (10)</u> months from effective date of permit	<u>Ten (10)</u> months from effective date of permit	<u>Twelve (12)</u> months from effective date of permit	<u>Twelve (12)</u> months from effective date of permit	<u>Fourteen (14)</u> months from effective date of permit
Development of an ordinance or other regulatory mechanism as required in Part I.D.5.b.(ii).(b)	<u>Twenty (24)</u> months from effective date of permit	<u>Thirty (30)</u> months from effective date of permit	<u>Thirty six (36)</u> months from effective date of permit	<u>Thirty six (36)</u> months from effective date of permit	<u>Thirty six (36)</u> months from effective date of permit
Implementation and enforcement, via the ordinance or other regulatory mechanism, of site design standards as required in Part I.D.5.b.(ii).(b)	Within <u>thirty six (36)</u> months from effective date of the permit	Within <u>forty two (42)</u> months from the effective date of the permit	Within <u>forty eight (48)</u> months from effective date of the permit	Within <u>forty eight (48)</u> months from effective date of the permit	Within <u>forty eight (48)</u> months from effective date of the permit
Ensure appropriate implementation of structural controls as required in Part I.D.5.b.(ii).(c) and Part I.D.5.b.(ii).(d)	<u>Ten (10)</u> months from effective date of permit	One (1) year from effective date of permit	Two (2) years from effective date of permit	Two (2) years from effective date of permit	Thirty (30) months from effective date of permit
Develop procedures as required in Part I.D.5.b.(ii).(e), Part I.D.5.b.(ii).(f), Part I.D.5.b.(ii).(g), and Part I.D.5.b.(ii).(h)	<u>Ten (10)</u> months from effective date of permit	<u>Ten (10)</u> months from effective date of permit	One (1) year from effective date of permit	One (1) year from effective date of permit	Eighteen (18) months from effective date of permit

Coordinate internally with all departments and boards with jurisdiction over the planning, review, permitting, or approval of public and private construction projects/activities within the permit area as required in Part I.D.5.b.(iii)	<u>Ten (10)</u> months from effective date of permit	<u>Ten (10)</u> months from effective date of permit	<u>Eleven (11)</u> months from effective date of permit	<u>Eleven (11)</u> months from effective date of permit	One (1) year from effective date of permit
As required in Part I.D.5.b.(iv), the permittee must assess all existing codes, ordinances, planning documents and other applicable regulations, for impediments to the use of GI/LID/Sustainable practices	<u>Ten (10)</u> months from effective date of permit	One (1) year from effective date of permit	Eighteen (18) months from effective date of permit	Eighteen (18) months from effective date of permit	Two (2) years from effective date of permit
As required in Part I.D.5.b.(iv), develop and submit a report of the assessment findings on GI/LID/Sustainable practices.	<u>Eleven (11)</u> months from effective date of permit	Eighteen (18) months from effective date of permit	Two (2) years from effective date of permit	Two (2) years from effective date of permit	Twenty seven (27) months from effective date of permit
Estimation of the number of acres of IA and DCIA as required in Part I.D.5.b.(vi)	<u>Ten (10)</u> months from effective date of permit	One (1) year from effective date of permit	Two (2) years from effective date of permit	Two (2) years from effective date of permit	Thirty (30) months from effective date of permit
Inventory and priority ranking as required in section in Part I.D.5.b.(vii)	Within fifteen (15) months from effective date of the permit	Within <u>twenty four (24)</u> months from effective date of the permit	Within <u>thirty six (36)</u> months from effective date of the permit	Within <u>thirty six (36)</u> months from effective date of the permit	Within <u>forty two (42)</u> months from effective date of the permit
Incorporate watershed protection elements as required in Part I.D.5.b.(viii)	<u>Ten (10)</u> months from effective date of permit	One (1) year from effective date of permit	Two (2) years from effective date of permit	Two (2) years from effective date of permit	Thirty (30) months from effective date of permit
Update the SWMP document and annual report as required in Part I.D.5.b.(ix) and Part I.D.5.b.(x).	Update as necessary	Update as necessary	Update as necessary	Update as necessary	Update as necessary
Enhance the program to include program elements in Part I.D.5.b.(xi) and Part I.D.5.b.(xii)	Update as necessary	Update as necessary	Update as necessary	Update as necessary	Update as necessary

(\*) During development of cooperative programs, the permittee must continue to implement existing programs.

(\*\*) or MS4s designated by the Director

Note: The deadlines established in this table may be extended by the Director for any MS4 designated as needing a permit after issuance of this permit to accommodate expected date of permit coverage.

- (iv) The permittee must include in the SWMP a description of the mechanism(s) utilized to comply with each of the elements required in Part I.D.5.c.(i) throughout Part I.D.5.c.(iii) and its corresponding measurable goal.
- (v) The permittee shall assess the overall success of the program, and document the program effectiveness in the annual report.

Table 4. Pollution Prevention/Good Housekeeping for Municipal/Co-permittee Operations - Program Development and Implementation Schedules

Activity	Permittee Class				
	A Phase I MS4s	B Phase II MS4s (2000 Census)	C New Phase II MS4s (2010 Census **)	D MS4s within Indian Lands	Cooperative (*) Any Permittee with cooperative programs
-Develop or update the Pollution Prevention/Good House Keeping program to include the elements in Part I.D.5.c.(i)	<b>Ten (10)</b> months from effective date of the permit	<b>Twelve (12)</b> months from effective date of the permit	<b>Fourteen (14)</b> months from effective date of the permit	<b>Fourteen (14)</b> months from effective date of the permit	Eighteen (18) months from effective date of the permit
-Enhance the program to include the elements in Part I.D.5.c.(ii)	<b>Ten (10)</b> months from effective date of the permit	One (1) year from effective date of the permit	Two (2) years from effective date of the permit	Two (2) years from effective date of the permit	Thirty (30) months from effective date of the permit
-Develop or update a list and a map of industrial facilities owned or operated by the permittee as required in Part I.D.5.c.(iii)	<b>Ten (10)</b> months from effective date of the permit	<b>Eleven (11)</b> months from effective date of the permit	One (1) year from effective date of the permit	One (1) year from effective date of the permit	Eighteen (18) months from effective date of the permit
Update the SWMP document and annual report as required in Part I.D.5.c.(iv) and Part I.D.5.c.(v)	Update as necessary	Update as necessary	Update as necessary	Update as necessary	Update as necessary

(\*) During development of cooperative programs, the permittee must continue to implement existing programs  
(\*\*) or MS4s designated by the Director

Note: The deadlines established in this table may be extended by the Director for any MS4 designated as needing a permit after issuance of this permit to accommodate expected date of permit coverage.

d. Industrial and High Risk Runoff (Applicable only to Class A permittees)

- (i) The permittee must control through ordinance, permit, contract, order or similar means, the contribution of pollutants to the municipal storm sewer by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi). If no such industrial activities are in a permittees jurisdiction, that permittee may certify that this program element does not apply.
- (ii) The permittee must continue implementation and enforcement of the Industrial and High Risk Runoff program, assess the overall success of the program, and document both direct and indirect measurements of program effectiveness in the annual report. The program shall include:
  - (a) A description of a program to identify, monitor, and control pollutants in stormwater discharges to the MS4 from municipal landfills; other treatment, storage, or disposal facilities for municipal waste (e.g. transfer stations, incinerators, etc.); hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to EPCRA Title III, Section 313; and any other industrial or commercial discharge the permittee(s) determines are contributing a substantial pollutant loading to the

Table 5: Industrial and High Risk Runoff - Program Development and Implementation Schedules:

Activity	Permittee Class	
	A Phase I MS4s	Cooperative (*) Any Permittee with cooperative programs
Ordinance (or other control method) as required in Part I.D.5.d.(i)	<b>Ten (10)</b> months from effective date of the permit	<b>Twelve (12)</b> months from effective date of the permit
Continue implementation and enforcement of the Industrial and High Risk Runoff program, assess the overall success of the program, and document both direct and indirect measurements of program effectiveness in the annual report as required in Part I.D.5.d.(ii)	<b>Ten (10)</b> months from effective date of the permit	<b>Twelve (12)</b> months from effective date of the permit
Meet the monitoring requirements in Part I.D.5.d.(iii)	<b>Ten (10)</b> months from effective date of the permit	<b>Twelve (12)</b> months from effective date of the permit
Include requirements in Part I.D.5.d.(iv)	<b>Ten (10)</b> months from permit effective date of the permit	<b>Twelve (12)</b> months from effective date of the permit
Update the SWMP document and annual report as required in Part I.D.5.d.(v) and Part I.D.5.d.(vi)	Update as necessary	Update as necessary
Enhance the program to include requirements in Part I.D.5.d.(vii)	Update as necessary	Update as necessary

(\*) During development of cooperative programs, the permittee must continue to implement existing programs. Note: The deadlines established in this table may be extended by the Director for any MS4 designated as needing a permit after issuance of this permit to accommodate expected date of permit coverage.

e. Illicit Discharges and Improper Disposal

- (i) The permittee shall develop, revise, implement, and enforce a program to detect and eliminate illicit discharges (as defined at 40 CFR 122.26(b)(2)) entering the MS4. **Permittees previously covered under NMS000101 or NMR040000 must continue existing programs while updating those programs, as necessary, to comply with the requirements of this permit.** The permittee must:
  - (a) Develop, if not already completed, a storm sewer system map, showing the names and locations of all outfalls as well as the names and locations of all waters of the United States that receive discharges from those outfalls. Identify all discharges points into major drainage channels draining more than twenty (20) percent of the MS4 area;
  - (b) To the extent allowable under State, Tribal or local law, effectively prohibit, through ordinance or other regulatory mechanism, non-stormwater discharges into the MS4, and implement appropriate enforcement procedures and actions;
  - (c) Develop and implement a plan to detect and address non-stormwater discharges, including illegal dumping, to the MS4. The permittee must include the following elements in the plan:
    - A. Procedures for locating priority areas likely to have illicit discharges including field test for selected pollutant indicators (ammonia, boron, chlorine, color, conductivity, detergents, *E. coli*, enterococci, total coliform, fluoride, hardness, pH, potassium, conductivity, surfactants), and visually screening outfalls during dry weather;

- (d) If participating in a cooperative program with other MS4s, required detection program frequencies may be based on the combined jurisdictional area rather than individual jurisdictional areas and may use assessment areas crossing jurisdictional boundaries to reduce total number of screening locations (e.g., a shared single screening location that would provide information on more than one jurisdiction); and
- (e) After screening a non-high priority area once, adopt an “in response to complaints only” IDDE for that area provided there are citizen complaints on no more than two (2) separate events within a twelve (12) month period.
- (f) Enhance the program to utilize procedures and methodologies consistent with those described in “Illicit Discharge Detection and Elimination, A Guidance Manual for Program Development and Technical Assessments.”

Table 6. Illicit Discharges and Improper Disposal - Program Development and Implementation Schedules

Activity	Permittee Class				
	A Phase I MS4s	B Phase II MS4s (2000 Census)	C New Phase II MS4s (2010 Census ***)	D MS4s within Indian Lands	Cooperative (*) Any Permittee with cooperative programs
Mapping as required in Part I.D.5.e.(i)(a)	<u>Ten (10)</u> months from effective date of permit	<u>Ten (10)</u> months from effective date of permit	<u>Eleven (11)</u> months from effective date of permit	<u>Eleven (11)</u> months from effective date of permit	<u>Fourteen (14)</u> months from effective date of permit
Ordinance (or other control method) as required in Part I.D.5.e.(i)(b)	<u>Ten (10)</u> months from effective date of permit	<u>Ten (10)</u> months from effective date of permit	Two (2) years from effective date of permit	Two (2) years from effective date of permit	Thirty (30) months from effective date of permit
Develop and implement a IDDE plan as required in Part I.D.5.e.(i)(c)	<u>Ten (10)</u> months from effective date of permit	<u>Ten (10)</u> months from effective date of permit	Two (2) years from effective date of permit	Two (2) years from effective date of permit	Thirty (30) months from effective date of permit
Develop an education program as required in Part I.D.5.e.(i)(d)	<u>Ten (10)</u> months from effective date of permit	<u>Ten (10)</u> months from effective date of permit	One (1) year from effective date of permit	One (1) year from effective date of permit	Eighteen (18) months from effective date of permit
Establish a hotline as required in Part I.D.5.e.(i)(e)	Update as necessary	<u>Ten (10)</u> months from effective date of permit	One (1) year from effective date of permit	One (1) year from effective date of permit	Eighteen (18) months from effective date of permit
Investigate suspected significant/severe illicit discharges as required in Part I.D.5.e.(i)(f)	<u>Ten (10)</u> months from effective date of permit	<u>Ten (10)</u> months from effective date of permit	One (1) year from effective date of permit	One (1) year from effective date of permit	Eighteen (18) months from effective date of permit
Review complaint records and develop a targeted source reduction program as required in Part I.D.5.e.(i)(g)	<u>Ten (10)</u> months from effective date of permit	<u>Ten (10)</u> months from effective date of permit	N/A	N/A	One (1) year from effective date of permit

Screening of system as required in Part I.D.5.e.(iii) as follows:	1 / year	1 / year	1 / year	1 / year	1 / year
a.) High priority areas**					
b.) Whole system	-Screen 20% of the MS4 per year	- Screen 20% of the MS4 per year	-Years 1 – 2: develop procedures as required in Part I.D.5.e.(i)(c)  -Year 3: screen 30% of the MS4 -Year 4: screen 20% of the MS4 -Year 5: screen 50% of the MS4	-Years 1 – 2: develop procedures as required Part I.D.5.e.(i)(c)  -Year 3: screen 30% of the MS4 -Year 4: screen 20% of the MS4 -Year 5: screen 50% of the MS4	-Years 1 – 3: develop procedures as require in Part I.D.5.e.(i)(c)  -Year 4: screen 30% of the MS4 -Year 5: screen 70% of the MS4
Develop, update, and implement a Waste Collection Program as required in Part I.D.5.e.(iv)	<u>Ten (10)</u> months from effective date of permit	Eighteen (18) months from effective date of permit	Two (2) years from effective date of permit	Two (2) years from effective date of permit	Thirty (30) months from effective date of permit
Develop, update and implement a Spill Prevention and Response program to prevent, contain, and respond to spills that may discharge into the MS4 as required in Part I.D.5.e.(v)	<u>Ten (10)</u> months from effective date of permit	<u>Ten (10)</u> months from effective date of permit	One (1) year from effective date of permit	One (1) year from effective date of permit	Eighteen (18) months from effective date of permit
Update the SWMP document and annual report as required in Part I.D.5.e.(iii), Part I.D.5.e.(vi), and Part I.D.5.e.(vii).	Update as necessary	Update as necessary	Update as necessary	Update as necessary	Update as necessary
Enhance the program to include requirements in Part I.D.5.e.(ix)	Update as necessary	Update as necessary	Update as necessary	Update as necessary	Update as necessary

(\*) During development of cooperative programs, the permittee must continue to implement existing programs.

(\*\*) High priority areas include any area where there is ongoing evidence of illicit discharges or dumping, or where there are citizen complaints on more than five (5) separate events within twelve (12) months

(\*\*\*) or MS4s designated by the Director

Note: The deadlines established in this table may be extended by the Director for any MS4 designated as needing a permit after issuance of this permit to accommodate expected date of permit coverage.

f. Control of Floatables Discharges

- (i) The permittee must develop, update, and implement a program to address and control floatables in discharges into the MS4. The floatables control program shall include source controls and, where necessary, structural controls. **Permittees previously covered under NMS000101 or NMR040000 must continue existing programs while updating those programs, as necessary, to comply with the requirements of this permit.** The following elements must be included in the program:

- (a) Develop a schedule for implementation of the program to control floatables in discharges into the MS4 (Note: AMAFCA and the City of Albuquerque should update the schedule according to the findings of the 2005 AMAFCA/COA Floatable and Gross Pollutant Study and other studies); and
  - (b) Estimate the annual volume of floatables and trash removed from each control facility and characterize the floatable type.
- (ii) The permittee must include in the SWMP a description of the mechanism(s) utilized to comply with each of the elements required in Part I.D.5.f.(i).
- (iii) The permittee shall assess the overall success of the program, and document the program effectiveness in the annual report.

Table 7. Control of Floatables Discharges - Program Development and Implementation Schedules

Activity	Permittee Class				
	A Phase I MS4s	B Phase II MS4s (2000 Census)	C New Phase II MS4s (2010 Census **)	D MS4s within Indian Lands	Cooperative (*) Any Permittee with cooperative programs
- Develop a schedule to implement the program as required in Part I.D.5.f.(i)(a)	<b>Ten (10)</b> months from the effective date of the permit	<b>Ten (10)</b> months from the effective date of the permit	One (1) year from the effective date of the permit	One (1) year from the effective date of the permit	Eighteen (18) months from the effective date of the permit
-Estimate the annual volume of floatables and trash removed from each control facility and characterize the floatable type as required in Part I.D.5.f.(i)(b)	<b>Ten (10)</b> months from the effective date of the permit	One (1) year from the effective date of the permit	Two (2) years from the effective date of the permit	Two (2) years from the effective date of the permit	Thirty (30) months from the effective date of the permit
Update the SWMP document and annual report as required in Part I.D.5.f.(ii) and Part I.D.5.f.(iii).	Update as necessary	Update as necessary	Update as necessary	Update as necessary	Update as necessary

(\*) During development of cooperative programs, the permittee must continue to implement existing programs.

(\*\*) or MS4s designated by the Director

Note: The deadlines established in this table may be extended by the Director for any MS4 designated as needing a permit after issuance of this permit to accommodate expected date of permit coverage.

g. Public Education and Outreach on Stormwater Impacts

- (i) The permittee shall, individually or cooperatively, develop, revise, implement, and maintain a comprehensive stormwater program to educate the community, employees, businesses, and the general public of hazards associated with the illegal discharges and improper disposal of waste and about the impact that stormwater discharges on local waterways, as well as the steps that the public can take to reduce pollutants in stormwater. **Permittees previously covered under NMS000101 and NMR040000 must continue existing programs while updating those programs, as necessary, to comply with the requirements of this permit.**
- (ii) The permittee must implement a public education program to distribute educational knowledge to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff. The permittee must:

Table 8. Public Education and Outreach on Stormwater Impacts - Program\_Development and Implementation Schedules

Activity	Permittee Class				
	A Phase I MS4s	B Phase II MS4s (2000 Census)	C New Phase II MS4s (2010 Census **)	D MS4s within Indian Lands	Cooperative (*) Any Permittee with cooperative programs
Develop, revise, implement, and maintain an education and outreach program as required in Part I.D.5.g.(i) and Part I.D.5.g.(ii)	<u>Ten (10)</u> months from the effective date of the permit	<u>Eleven (11)</u> months from the effective date of the permit	<u>Twelve (12)</u> months from effective date of the permit	<u>Twelve (12)</u> months from effective date of the permit	<u>Fourteen (14)</u> months from effective date of the permit
Update the SWMP document and annual report as required in Part I.D.5.g.(iii) and Part I.D.5.g.(iv)	Update as necessary	Update as necessary	Update as necessary	Update as necessary	Update as necessary
Enhance the program to include requirements in Part I.D.5.g.(v) through Part I.D.5.g.(viii)	Update as necessary	Update as necessary	Update as necessary	Update as necessary	Update as necessary

(\*) During development of cooperative programs, the permittee must continue to implement existing programs.

(\*\*) or MS4s designated by the Director

Note: The deadlines established in this table may be extended by the Director for any MS4 designated as needing a permit after issuance of this permit to accommodate expected date of permit coverage.

**h. Public Involvement and Participation**

- (i) The permittee must provide local public notice of and make available for public review a copy of the complete NOI and attachments (see Part I.B.2). Local public notice may be made by newspaper notice, notice at a council meeting, posting on the internet, or other method consistent with state/tribal/local public notice requirements.

The permittee must consider all public comments received during the public notice period and modify the NOI, or include a schedule to modify the SWMP, as necessary, or as required by the Director modify the NOI or/and SWMP in response to such comments. The Permittees must include in the NOI any unresolved public comments and the MS4's response to these comments. Responses provided by the MS4 will be considered as part of EPA's decision-making process. See also Appendix E Providing Comments or Requesting a Public Hearing on an Operator's NOI.

- (ii) The permittee shall develop, revise, implement and maintain a plan to encourage public involvement and provide opportunities for participation in the review, modification and implementation of the SWMP; develop and implement a process by which public comments to the plan are received and reviewed by the person(s) responsible for the SWMP; and, make the SWMP available to the public and to the operator of any MS4 or Tribal authority receiving discharges from the MS4. **Permittee previously covered under NMS000101 or NMR040000 must continue existing public involvement and participation programs while updating those programs, as necessary, to comply with the requirements of this permit.**

system, using phones and social media); Revegetation Programs; Storm Drain Stenciling Programs; Stream cleanup and Monitoring program/events.

Table 9. Public Involvement and Participation - *Program Development and Implementation Schedules*

Activity	Permittee Class				
	A Phase I MS4s	B Phase II MS4s (2000 Census)	C New Phase II MS4s (2010 Census **)	D MS4s within Indian Lands	Cooperative (*) Any Permittee with cooperative programs
Develop (or update), implement, and maintain a public involvement and participation plan as required in Part I.D.5.h.(ii) and Part I.D.5.h.(iii)	<u>Ten (10)</u> months from effective date of the permit	<u>Ten (10)</u> months from effective date of the permit	<u>Eleven (11)</u> months from effective date of the permit	<u>Eleven (11)</u> months from effective date of the permit	One (1) year from effective date of the permit
Comply with State, Tribal, and local notice requirements when implementing a Public Involvement and Participation Program as required in Part I.D.5.h.(iv)	<u>Ten (10)</u> months from effective date of the permit	<u>Eleven (11)</u> months from effective date of the permit	<u>Twelve (12)</u> months from effective date of the permit	<u>Twelve (12)</u> months from effective date of the permit	<u>Fourteen (14)</u> months from effective date of the permit
Include elements as required in Part I.D.5.h.(v)	<u>Ten (10)</u> months from effective date of the permit	<u>Eleven (11)</u> months from effective date of the permit	One (1) year from effective date of the permit	One (1) year from effective date of the permit	Eighteen (18) months from effective date of the permit
Update the SWMP document and annual report as required in Part I.D.5.h.(vi), Part I.D.5.h.(vii), and Part I.D.5.h.(viii)	Update as necessary	Update as necessary	Update as necessary	Update as necessary	Update as necessary
Enhance the program to include requirements in Part I.D.5.h.(ix)	Update as necessary	Update as necessary	Update as necessary	Update as necessary	Update as necessary

(\*) During development of cooperative programs, the permittee must continue to implement existing programs.

(\*\*) or MS4s designated by the Director

Note: The deadlines established in this table may be extended by the Director for any MS4 designated as needing a permit after issuance of this permit to accommodate expected date of permit coverage.

**6. Stormwater Management Program Review and Modification.**

- a. Program Review. Permittee shall participate in an annual review of its SWMP in conjunction with preparation of the annual report required in Part III.B. Results of the review shall be discussed in the annual report and shall include an assessment of:
  - (i) SWMP implementation, progress in achieving measurable goals, and compliance with program elements and other permit conditions;
  - (ii) the effectiveness of its SWMP, and any necessary modifications, in complying with the permit, including requirements to control the discharge of pollutants, and comply with water quality standards and any applicable approved TMDLs; and the adequacy of staff, funding levels, equipment, and support capabilities to fully implement the SWMP and comply with permit conditions.

- h. Response to monitoring results: The monitoring program must include a contingency plan for collecting additional monitoring data within the MS4 or at additional appropriate instream locations should monitoring results indicate that MS4 discharges may be contributing to instream exceedances of WQS. The purpose of this additional monitoring effort would be to identify sources of elevated pollutant loadings so they could be addressed by the SWMP.

Table 10. Wet Weather Monitoring Program Implementation Schedules:

Activity	Permittee Class				
	A Phase I MS4s	B Phase II MS4s (2000 Census)	C New Phase II MS4s (2010 Census **)	D MS4s within Indian Lands	Cooperative (*) Any Permittee with cooperative programs
Submit wet weather monitoring preference to EPA (i.e., individual monitoring program vs. cooperative monitoring program) with NOI submittals	<u>NOI submittal Deadline (see Table 1)</u>	<u>NOI submittal Deadline (see Table 1)</u>	<u>NOI submittal Deadline (see Table 1)</u>	<u>NOI submittal Deadline (see Table 1)</u>	<u>NOI submittal Deadline (see Table 1)</u>
Submit a detailed description of the monitoring scheme to EPA and NMED for approval. The monitoring scheme should include: a list of pollutants; a description of monitoring sites with an explanation of why those sites were selected; and a detailed map of all proposed monitoring sites	<u>Ten (10)</u> months from effective date of permit	<u>Ten (10)</u> months from effective date of permit	<u>Eleven (11)</u> months from effective date of permit	<u>Eleven (11)</u> months from effective date of permit	<u>Twelve (12)</u> months from effective date of permit
Submit certification that all wet weather monitoring sites are operational and begin sampling	<u>Eleven (11)</u> months from effective date of permit	<u>Eleven (11)</u> months from effective date of permit	<u>Thirteen (13)</u> months from effective date of permit	<u>Thirteen (13)</u> months from effective date of permit	<u>Fourteen (14)</u> months from effective date of permit
Update SWMP document and submit annual reports	Annually	Annually	Annually	Annually	Annually

(\*\*) or MS4s designated by the Director

Note: The deadlines established in this table may be extended by the Director for any MS4 designated as needing a permit after issuance of this permit to accommodate expected date of permit coverage.

2. **Dry Weather Discharge Screening of MS4:** Each permittee shall identify, investigate, and address areas within its jurisdiction that may be contributing excessive levels of pollutants to the Municipal Separate Storm Sewer System as a result of dry weather discharges (i.e., discharges from separate storm sewers that occur without the direct influence of runoff from storm events, e.g. illicit discharges, allowable non-stormwater, groundwater infiltration, etc.). Due to the arid and semi-arid conditions of the area, the dry weather discharges screening program may be carried out during both wet season (July 1 through October 31) and dry Season (November 1 through June 30). Results of the assessment

## Attachment 3

Attachment 3

Page 9 of Part III.D

Pueblo of Isleta  
Attn: Ramona M. Montoya, Environment Division Manager  
PO Box 1270  
Isleta NM 87022

Page 6 of Part IV.U

Pueblo of Isleta  
Department of Cultural and Historic Preservation  
Attn: Daniel Waseta, Director  
PO Box 1270  
Isleta NM 87022

Appendix C

Tribal Historic Preservation Officers (THPO)  
Pueblo of Isleta  
Department of Cultural and Historic Preservation  
Attn: Dr. Henry Walt, THPO  
PO Box 1270  
Isleta NM 87022

New Mexico Environment Department  
Attn: Bruce Yurdin, Program Manager  
Surface Water Quality Bureau  
Point Source Regulation Section  
P.O. Box 5469  
Santa Fe, New Mexico 87502

Pueblo of Sandia Environment Department  
Attn: Scott Bulgrin, Water Quality Manager  
481 Sandia Loop  
Bernalillo, NM 87004  
(Note: Only those MS4s with discharges upstream of or to waters under the jurisdiction of the Pueblo of Sandia: AMAFCA, Sandoval County, Village of Corrales, City of Rio Rancho, Town of Bernalillo, SSCAFCA, and ESCAFCA)

**Pueblo of Isleta**  
**Attn: Ramona M. Montoya, Environment Division Manager**  
**P.O. Box 1270**  
**Isleta NM 87022**

(Notes: Only the City of Albuquerque, Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA), New Mexico Department of Transportation (NMDOT) District 3, KAFB (Kirtland Air Force Base), Sandia Labs (DOE), and Bernalillo County). All parties submitting an NOI or NOT shall notify the Pueblo of Isleta in writing that a NOI or NOT has been submitted to EPA

Water Resources Division Manager  
Pueblo of Santa Ana  
2 Dove Road  
Santa Ana Pueblo, New Mexico 87004  
(Note: Only those MS4s with discharges upstream of or to waters under the jurisdiction of the Pueblo of Santa Ana)

Bataan Memorial Building  
407 Galisteo Street, Ste. 236  
Santa Fe, New Mexico 87501

Pueblo of Sandia Environment Department  
*Attn:* Frank Chaves, Environment Director  
481 Sandia Loop  
Bernalillo, New Mexico 87004

Pueblo of Isleta  
**Department of Cultural and Historic Preservation**  
**Attn: Daniel Waseta, Director**  
**P.O. Box 1270**  
**Isleta NM 87022**

Water Resources Division Manager  
Pueblo of Santa Ana  
2 Dove Road  
Santa Ana Pueblo, New Mexico 87004

3. If the permittee receives a request for an archeological survey or notice of adverse effects from the SHPO, the permittee shall delay such activity until:
    - a. A cultural resource survey report has been submitted to the SHPO for a review and a determination of no effect or no adverse effect has been made, and
    - b. If an adverse effect is anticipated, measures to minimize harm to historic properties have been agreed upon between the permittee and the SHPO.
  4. If the permittee does not receive notification of adverse effects or a request for an archeological survey from the SHPO within thirty (30) days, the permittee may proceed with the activity.
  5. Alternately, the permittee may obtain authorization for stormwater discharges from such sites of disturbance by applying for a modification of this permit. The permittee may apply for a permit modification by submitting the following information to the Permitting Authority 180 days prior to commencing such discharges:
    - a. A letter requesting a permit modification to include discharges from activities subject to this provision, in accordance with the signatory requirements in Part IV.H.
    - b. A description of the construction or land disturbing activity and the potential impact that this activity may have upon the ground; County in which the facility will be constructed; type of facility to be constructed; size area (in acres) that the facility will encompass; expected date of construction; and whether the facility is located on land owned or controlled by any political subdivision of New Mexico; and
    - c. A copy of a USGS topographic map outlining the location of the project and other ancillary impact areas.
- V. **CONTINUATION OF THE EXPIRED GENERAL PERMIT.** If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedures Act and remain in force and effect. Any permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

II. State Historic Preservation Officers (SHPO)

SHPO List for areas covered by the permit:

**NEW MEXICO**

Historic Preservation Div, Office of Cultural Affairs  
Bataan Memorial Building, 407 Galisteo Street, Suite 236  
Santa Fe, NM 87501  
505-827-6320 FAX: 505-827-6338

III. Tribal Historic Preservation Officers  
(THPO)

In instances where a Tribe does not have a Tribal Historic Preservation Officer, please contact the appropriate Tribal government office when responding to this permit eligibility condition.

Tribal Historic Preservation Officers:  
Mescalero Apache Tribe  
P.O. Box 227  
Mescalero, New Mexico 88340

Pueblo of Sandia Environment Department  
Attn: Frank Chaves, Environment Director  
481 Sandia Loop  
Bernalillo, New Mexico 87004

Pueblo of Isleta  
Department of Cultural and Historic Preservation  
Attn: Dr. Henry Walt, THPO  
P.O. Box 1270  
Isleta NM 87022

Water Resources Division Manager  
Pueblo of Santa Ana  
2 Dove Road  
Santa Ana Pueblo, New Mexico 87004

**For more information:**

National Association of Tribal Historic  
Preservation Officers  
P.O. Box 19189  
Washington, DC 20036-9189  
Phone: (202) 628-8476  
Fax: (202) 628-2241

IV. Advisory Council on Historic Preservation

Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue, NW., Suite 803,  
Washington, DC 20004 Telephone: (202) 606-8503, Fax: (202) 606-8647/8672, E-mail:  
[achp@achp.gov](mailto:achp@achp.gov)