



March 30, 2007

Ms. Diane Smith
Water Quality Protection Division (6WQ-NP)
U S Environmental Protection Agency
1445 Ross Avenue
Dallas, TX 75202

RE: Submittal of Notice of Intent for Application for Coverage Under the USEPA NPDES Phase 2 MS4 Permit

Dear Ms. Smith,

The City of Farmington, located in San Juan County, New Mexico, intends to apply for coverage under the U.S. Environmental Protection Agency (USEPA) National Pollutant Discharge Elimination System (NPDES) Phase 2 Permit for Small Municipal Separate Storm Sewer Systems (MS4s), which was finalized on September 29, 2006, and became effective January 1, 2007.

In accordance with Section 3.2 of the Permit, the City of Farmington presents the following information:

- 1 Legal Name of **MS4** Operator City of Farmington
- 2 Mailing Address: City of Farmington
800 Municipal Drive
Farmington, New Mexico 87401
(505) 599-1301
3. Contact Person: Michael D. Sullivan
Director of Community Development
(505) 599-1285
- 4 Topographic Location Map – is presented within the enclosed Storm Water Management Plan (SWMP)
5. Area of Land within City of Farmington – 32.92 square miles
6. The MS4 is located within the San Juan County New Mexico Urbanized Area (Farmington, San Juan County and Aztec). Latitude and longitude within the approximate center of the City of Farmington was recorded as N36°44'3.762" and W108°12'10.704"
- 7 Major receiving waters are: **San Juan River, Animas River, and La Plata River.**

- 8 City of Farmington is not relying on any other entity to satisfy any portion of the permit obligations.
- 9 A description of the storm water management plan (SWMP), including best management practices (BMPs) that will be implemented and the measurable goals for each of the storm water minimum control measures specified in Part 5.3 of the this permit: the month and year in which the MS4 operator will start and fully implement each of the minimum control measures or the frequency of the action, the name of the persons or positions responsible for implementing or coordinating the SWMP, and supporting documentation required by Parts 1.5 and 1.6 is attached. **See the attached Storm Water Management Plan.**
10. **Eligibility Criteria for Listed Species and Critical Habitat** – In accordance with Section 1.5 of the Permit, the City of Farmington is in the process of evaluating eligibility criteria with regard to listed threatened and endangered species which may be impacted by storm water discharges from the Farmington's MS4. The City of Farmington has elected **not** to engage in agency consultation as a non-Federal representative (50 CFR § 402.08). Rather, City of Farmington retained Ecosphere Environmental Services (Ecosphere) in January 2007 to complete a Biological Assessment on behalf of the City. The Biological Assessment is currently in process and will be forwarded to USEPA upon completion--estimated date, April 30 2007. USEPA can then complete agency consultation with U.S. Fish and Wildlife Service to finalize eligibility criteria for the City of Farmington. See **Section 14** of the SWMP for more information.
- 11 **Eligibility Criteria for Historic Properties** – City of Farmington retained San Juan College (SJC) Cultural Resources Management Program (CRMP) in January 2007 to assist in identifying properties listed or eligible for listing that will be affected by MS4 storm water discharges. As required in Section 7.6 of the Permit, the City of Farmington has initiated consultation with the State Historic Preservation Office (SHPO) in order to determine whether City of Farmington is in compliance with the National Historic Preservation Act (NHPA). Please see **Section 15** of the SWMP for further information.
- 12 The City of Farmington MS4 discharges to the San Juan, Animas, and La Plata Rivers, all of which have had Total Maximum Daily Loads (TMDLs) developed for reaches within or adjacent to City of Farmington limits. According to the NMED TMDL Program staff, TMDLs do not currently specify a wasteload allocation applicable to storm water discharges. Therefore, in accordance with Section 1.4.6 of the Phase II MS4 Permit, adherence to a SWMP that meets the requirements of the Permit will generally be assumed to be consistent with any currently approved TMDL. If any EPA-approved or established TMDL specifically precludes such discharges in the future, the MS4 operator may not be eligible for coverage. See **Section 4** of the SWMP for more information.

According to the current CWA § 303(d) List for New Mexico, the TMDL Program established TMDLs for fecal coliform (E. coli) and sedimentation/siltation for stretches of the Animas and San Juan Rivers on August 31, 2005. The NMED SWQB and the San Juan Watershed Group are currently developing TMDLs for

eutrification (i.e. nutrients) and for mercury in fish issue. Current TMDL standards for portions of the San Juan, Animas, and La Plata Rivers are summarized in Table 1 of the SWMP

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated *the* information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Sincerely,



Michael D. Sullivan, Director
Community Development Department
City of Farmington

Enclosure: City of Farmington Storm Water Management Plan
City of Farmington Consultation Correspondence with SHPO

Cc: Program Manager
Point Source Regulations Section
Surface Water Quality Bureau
New Mexico Environment Department
P.O. Box 26110
Santa Fe, New Mexico 87502