

**U.S. Environmental Protection Agency  
Public Notice of Draft NPDES Permit(s)**

**May 31, 2014**

**This is to give notice that the U.S. Environmental Protection Agency, Region 6, has formulated a Draft Permit for the following facility (facilities) under the National Pollutant Discharge Elimination System (NPDES). Development of the draft permit(s) was based on a preliminary staff review by EPA, Region 6, and consultation with the State of New Mexico. The State of New Mexico is currently reviewing the draft permit(s). The permit(s) will become effective no sooner than 30 days after the close of the comment period unless:**

- A. The State of New Mexico denies certification, or requests an extension for certification prior to that date.**
- B. Comments received by June 30, 2014, in accordance with §124.20, warrant a public notice of EPA's final permit decision.**
- C. A public hearing is held requiring delay of the effective date.**

**EPA's contact person for submitting written comments, requesting information regarding the draft permit, and/or obtaining copies of the permit and the Statement of Basis or Fact Sheet is:**

**Ms. Evelyn Rosborough  
U.S. Environmental Protection Agency  
Permit Processing Team (6WQ-NP)  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733  
(214) 665-7515  
rosborough.evelyn@epa.gov**

**EPA's comments and public hearing procedures may be found at 40 CFR 124.10 and 124.12 (48 Federal Register 14264, April 1, 1983, as amended at 49 Federal Register 38051, September 26, 1984). The comment period during which written comments on the draft permit may be submitted extends for 30 days from the date of this Notice. During the comment period, any interested person may request a Public Hearing by filing a written request which must state the issues to be raised. A public hearing will be held when EPA finds a significant degree of public interest.**

**EPA will notify the applicant and each person who has submitted comments or requested notice of the final permit decision. A final permit decision means a final decision to issue, deny, modify, revoke or reissue, or terminate a permit. Any person who filed comments on or participated in a public hearing on the draft permit may appeal the Agency's final permit decision. However, the request must be submitted within 30 days of the date of the final permit decision and be in accordance with the requirements of 40 CFR 124.19.**

**Further information including the administrative record may be viewed at the above address between 8 a.m. and 4:30 p.m., Monday through Friday. It is recommended that you write or call to the contact above for an appointment, so the record(s) will be available at your convenience.**

**The draft permit(s) are available on the New Mexico NPDES Public Notices website at: <http://www.epa.gov/region6/water/npdes/publicnotices/nm/nmdraft.htm>**

NPDES authorization to discharge to waters of the United States, Permit No. NM0030996

The applicant's mailing address is:

Lee Ranch Coal Company  
El Segundo Mine  
P.O. Box 757  
Grants, NM 87020

The discharge from this facility is located at 35 miles north of Milan, off State Road 509, Grants, in McKinley County, NM. Under the SIC code 1221, the applicant operates a surface coal mine that produces approximately 8 million tons of sub-bituminous coal annually; the production began in 2008. Many discharges from multiple outfalls are to receiving water named Kim-me-ni-oli Valley Tributary, thence into Chaco River, a tributary of San Juan River (about 100 miles north-west of El Segundo Mine). Other discharges from multiple outfalls are to Inditos Draw, a tributary of Vought Draw, which flows into Arroyo Chico, then to Rio Puerco (about 60 miles southeast the mine area), a tributary of the Rio Grande River. Kim-me-ni-oli Valley and Inditos Draw are ephemeral receiving waters pursuant to 20.6.4.97 NMAC. Designated uses of the receiving water are livestock watering, wildlife habitat, limited aquatic life and secondary contact.

This is a renewal of a permit issued on December 29, 2008, with an effective date of February 1, 2009, and an expiration date of January 31, 2014.

Changes from the previous permit are:

- Alternative to Sediment Control Plan has been removed.
- Alternative to limitation requirements has been added for discharge caused by precipitation.
- Outfalls (sediment ponds) have been revised: addition and removal of outfalls.
- 24-hr oral reporting for total iron has been established.
- TRC limit has been changed from 19 ug/l to 11 ug/l.
- TDS limit has been established at Outfall 1 to 41.
- Monitoring of pollutants in Form 2C has been added.

A fact sheet is available.

#### State Certification

This Notice also serves as Public Notice of the intent of the New Mexico Environment Department, Surface Water Quality Bureau to consider issuing Clean Water Act (CWA) Section 401 Certification. The purpose of such certification is to reasonably ensure that the permitted activities will be conducted in a manner that will comply with applicable New Mexico water quality standards, including the antidegradation policy, and the statewide water quality management plan. The NPDES permit will not be issued until the certification requirements of Section 401 have been met.

If you want to comment on State Certification submit written comments within the 30 day period to:

Bruce Yurdin, Program Manager  
Surface Water Quality Bureau  
New Mexico Environment Department

