



QUESTA MINE  
NPDES PERMIT  
REISSUANCE  
UPDATE

**PUBLIC MEETING MARCH 15, 2022**

# BACKGROUND

- Existing NPDES permit NM0022306 has been Administratively Continued since it expired 10/31/2018
- Reissuance of the NPDES permit was on hold due to 6/26/2019 announcement that EPA would initiate proceedings to consolidate regulatory oversight under CERCLA.
- EPA has made the decision not to move forward with the CERCLA ROD Amendment and will proceed with renewing the NPDES permit.

# NEXT STEPS

- Obtain an updated NPDES Permit Application
- Prepare a draft permit
- Public notice the draft permit likely with an extended 60 day public comment period and announce a virtual Public Meeting during the comment period, allowing time after the meeting to provide written comments
- New Mexico Environment Department will have a concurrent public comment period regarding its Clean Water Act §401 Certification of the permit
- Consider all comments and the 401 Certification, change the permit as needed, and issue a final permit decision with responses to all comments

# HOW WILL EPA DECIDE WHICH PERMIT LIMITS ARE NEEDED TO PROTECT WATER QUALITY IN THE RED RIVER?

- Designated uses for the Red River near Questa: Cold Water Aquatic Life, Fish Culture, Irrigation, Livestock Watering, Primary Contact, and Wildlife Habitat
- Application and river data are used to estimate instream concentrations at critical low flows in the river. Limits are included where discharges have enough of a particular pollutant to have a reasonable potential to cause an instream exceedance of any applicable Water Quality Standard approved as protective of the Designated Uses.
- Whole Effluent Toxicity monitoring and limits if needed, are also used to protect aquatic life from the combined effect of all pollutants in a discharge.

# WATER QUALITY IMPAIRMENTS IN THE RED RIVER

- Approved 2020-2022 CWA §303(d) List: Cold Water Aquatic Life use impaired for Aluminum and Turbidity
- 2022-2024 CWA §303(d) List was approved by New Mexico Water Quality Control Commission March 8, 2022 and will be sent to EPA for approval soon: Cold Water Aquatic Life use impaired only for Turbidity (Aluminum now meeting water quality standards)
- NMED has not yet completed a Total Maximum Daily Load that would identify sources of the impairments and assign load allocations for non-point sources and wasteload allocations for point sources

# ACCESSING REGION 6 DRAFT AND FINAL PERMITS

- Public Notices with draft permit documents are published online (usually last Saturday of month) at: <https://www.epa.gov/publicnotices>
- Final Permits are online at: <https://www.epa.gov/npdes-permits>

# HOW TO GET ADDED TO PUBLIC NOTICE E-MAIL LIST

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U.S. Environmental Protection Agency

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# NPDES PERMITS CONTACTS

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