

**U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 8  
NATIONAL POLLUTANT DISCHARGE ELIMINATION  
SYSTEM STATEMENT OF BASIS**

**PERMITTEE:** United States Department of the Interior,  
National Park Service

**FACILITY NAME AND ADDRESS:** Colorado National Monument  
750 Rim Rock Drive  
Fruita, CO 81521

**PERMIT NUMBER:** CO0034975

**RESPONSIBLE OFFICIAL:** Kevin Dowell  
970.858.2824  
Kevin\_Dowell@nps.gov

**FACILITY CONTACT:** [ Same as Above ]

**PERMIT TYPE:** Minor, No Discharge Facility, Permit  
Renewal, Federally Owned Facility

**FACILITY LOCATION:** Section 13, Township 11s, Range 102W,  
Latitude 39.106111° N, Longitude 108.741111°  
Mesa County, Colorado

## 1. INTRODUCTION

This statement of basis (SoB) is for the issuance of a National Pollutant Discharge Elimination System (NPDES) permit (the Permit) to the National Park Service (NPS) for the Colorado National Monument Lagoon System (the Facility), a no-discharge wastewater treatment facility. The Permit maintains the no-discharge requires set forth in previous permit issuances for the Facility. The SoB explains the regulatory and technical basis for these decisions.

The Facility is a federal facility in Colorado. EPA Region 8 is the NPDES permitting authority for federal facilities located in Colorado.

## 2. MAJOR CHANGES FROM PREVIOUS PERMIT

No major changes have been made from the previous permit. The Environmental Protection Agency (EPA) intends to re-issue a no discharge permit for this Facility.

## 3. BACKGROUND INFORMATION

The Colorado National Monument lagoon system serves the Saddlehorn Visitor Center, offices, housing, and the Saddlehorn Campground. The U.S. National Park Service is responsible for the operation and maintenance of this Facility. The lagoons are located at Latitude 39.106111° N, Longitude -108.741111° W.

**Figure 1. Aerial of the Colorado National Monument Lagoon System a/**



- a/ USA NAIP Imagery: Natural color imagery layer features recent high-resolution (1m or better) aerial imagery for the continental United States, made available by the USDA Farm Services Agency. Updated: November 4, 2020.

### 3.1. Treatment Process

The Colorado National Monument wastewater treatment system consists of two lagoons which function as evaporative ponds. The first lagoon has a capacity of 1.5 million gallons, the second, over 1 million gallons. The design flow rate of the lagoon system is 50,000 gallons per day; however, the permit application indicates that the annual average flow received by the Facility in 2020 was around 500 gallons per day.

Discussions with the Facility manager at the time of the 2021 permit reissuance confirmed that the flow to the lagoons has always been too low for the lagoons to reach their capacity. Per the permit record, at the time of the 2016 issuance of this discharge permit, the outfall from the second lagoon was removed. Consequently, there has been no discharge at the Facility and no future need to discharge is anticipated.

### 3.2. Chemicals Used

No chemical treatment process is utilized at this facility.

## 4. PERMIT HISTORY

According to EPA records maintained for the Facility, this renewal is at least the 3rd issuance of this NPDES permit. The previous permit for the Facility became effective on October 1, 2016 and was set to expire on September 30, 2021. The Facility submitted a permit renewal application prior to the permit's expiration, and thus the previous permit was administratively continued.

### 4.1. Discharge Monitoring Report (DMR) Data

Per the previous permit issuances, the Facility was required to collect monitoring data only in the event of a discharge from the Facility. The Colorado National Monument Lagoon System is permitted and operates under normal conditions as a no-discharge facility. No discharges have occurred at the Facility, therefore, no DMR data has been reported.

## 5. DESCRIPTION OF RECEIVING WATER

The Facility does not discharge as a part of its normal operations. However, in the event of an unauthorized discharge from the wastewater lagoon system, the system effluent would discharge to an unnamed tributary of the Colorado River. It is unlikely that any discharges would reach the Colorado River except for the possibility of during very large precipitation runoff conditions (i.e., wet weather).

## 6. PERMIT LIMITATIONS

### 6.1. No Discharge Requirement

No changes are anticipated to the type or volume of wastes received by the Colorado National Monument and no alterations to current operational practices are expected. Therefore, the no discharge requirements established in previous permit issuances will be maintained in the 2021 issuance of the Colorado National Monument lagoon system NPDES permit.

The need to discharge is not expected to arise during the five-year life of the Permit. If an unauthorized release occurs or is expected to occur, the discharge is to be monitored and records are to be maintained in accordance with the guidelines set forth in the Permit. The EPA Region 8 office is to be notified in the event of any bypass or unauthorized discharge.

## 6.2. Antidegradation

Discharges from the Facility are prohibited per the conditions of the Permit, therefore, no exceedances of numeric or narrative standards are anticipated. An antidegradation review is not necessary per Colorado's Antidegradation Policy, because EPA has determined that under the conditions of this Permit, the Facility's operations do not have reasonable potential for an exceedance of the State's water quality standards.

## 6.3. Anti-Backsliding

Federal regulations at 40 CFR Section 122.44(l)(1) require that when a permit is renewed or reissued, interim effluent limitations, standards or conditions must be at least as stringent as the final effluent limitations, standards, or conditions in the previous permit unless the circumstances on which the previous permit were based have materially and substantially changed since the time the Permit was issued and would constitute cause for permit modification or revocation and reissuance under 40 CFR Section 122.62.

This permit renewal complies with anti-backsliding regulatory requirements. All Permit conditions are equally stringent to those established in the previous permit.

## **7. MONITORING REQUIREMENTS**

### 7.1. Self-Monitoring Requirements

Discharges from the Facility are not authorized under this Permit. The Permittee shall inspect the wastewater treatment facility on a weekly basis, at minimum, to ascertain the discharge status of the lagoons and confirm that proper operation and maintenance procedures are being put into practice.

In the event that an unauthorized release is discovered or expected to occur, the discharge shall be monitored for the parameters listed in Table 1 below. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, as required in 40 CFR Part 122.41(j), unless another method is required under 40 CFR subchapters N or O.

Grab samples were selected for this Permit because the Facility does not plan to discharge. In the event of a discharge, the effluent is likely to be consistent in nature, and grab samples will be representative. Discharges are also expected to be short in duration (less than six hours) and will be stopped as soon as possible. A time composite sample may not be feasible.

**Table 1. Self-Monitoring Requirements for Unauthorized Discharge**

<b>Effluent Characteristic</b>	<b>Monitoring Frequency</b>	<b>Sample Type <u>a/</u></b>	<b>How often must data be reported on DMRs?</b>	<b>Data Reported on DMR</b>
Flow, mgd	<u>b/</u>	Grab	<u>c/</u>	Daily Max. <u>d/</u> 30- Day Avg. 7-Day Avg.
Total Suspended Solids (-TSS ), mg/L	<u>b/</u>	Grab	<u>c/</u>	30- Day Avg. 7-Day Avg.
Biological Oxygen Demand (-BOD <sub>5</sub> ), mg/L	<u>b/</u>	Grab	<u>c/</u>	30- Day Avg. 7-Day Avg.
O&G, visual	<u>b/</u>	Visual	<u>c/</u>	Narrative
O&G, m/L <u>e/</u>	<u>b/</u>	Grab	<u>c/</u>	Daily Max.
pH, units	<u>b/</u>	Grab	<u>c/</u>	Instantaneous Min. Instantaneous Max.

a/ See Permit Definitions, Section 1, for definition of terms.

b/ The discharge shall be monitored three times per week for the first week of discharge (sample taken and flow rate measured), including once as soon as practical after the unauthorized release is discovered or when an expected unauthorized release begins, and at weekly intervals thereafter until the unauthorized release stops. If the discharge lasts less than one week in duration, monitoring shall be performed at the beginning, middle, and end of the discharge event.

c/ Effluent monitoring results obtained during the duration of each discharge shall be postmarked no later than the 28<sup>th</sup> day of the month following the month in which the unauthorized release began. If the discharge continues into the next month, monitoring results shall be reported monthly until the discharge is terminated.

d/ Flow measurements of effluent volume shall be made in such a manner that the Permittee can affirmatively demonstrate that representative values are being obtained. The average flow rate in million gallons per day (mgd) during the reporting period and the maximum flow rate observed, in mgd, shall be reported.

e/ If a visible sheen is detected, a grab sample shall be taken immediately and analyzed in accordance with the requirements of 40 CFR Part 136. The concentration of oil and grease shall not exceed 10 mg/L in any sample.

## **8. REPORTING REQUIREMENTS**

Reporting requirements are based on requirements in 40 CFR §§ 122.44, 122.48, and Parts 3 and 127. An annual discharge monitoring report (DMR) frequency will be maintained from the 2016 issuance of this permit, because of the continued no-discharge status of the Facility. In the event of an unauthorized discharge, the Permittee must electronically report the monitoring data required in Table 1 above using NetDMR to EPA Region 8 no later than the 28<sup>th</sup> day of the

month following the month in which the unauthorized release began. If the discharge continues into the next month, monitoring results shall be reported monthly until the discharge is terminated. See section 4.4 of the Permit for further details.

## **9. COMPLIANCE RESPONSIBILITIES AND GENERAL REQUIREMENTS**

### **9.1. Inspection Requirements**

On a weekly basis, unless otherwise modified in writing by EPA, the Permittee shall inspect its treatment facility. The Permittee shall document the inspection, as required by the Permit. Inspections are required to ensure that system conditions are properly monitored and to ensure proper Operations and Maintenance (O&M) are completed in accordance with 40 CFR 122.41(e).

### **9.2. Operation and Maintenance**

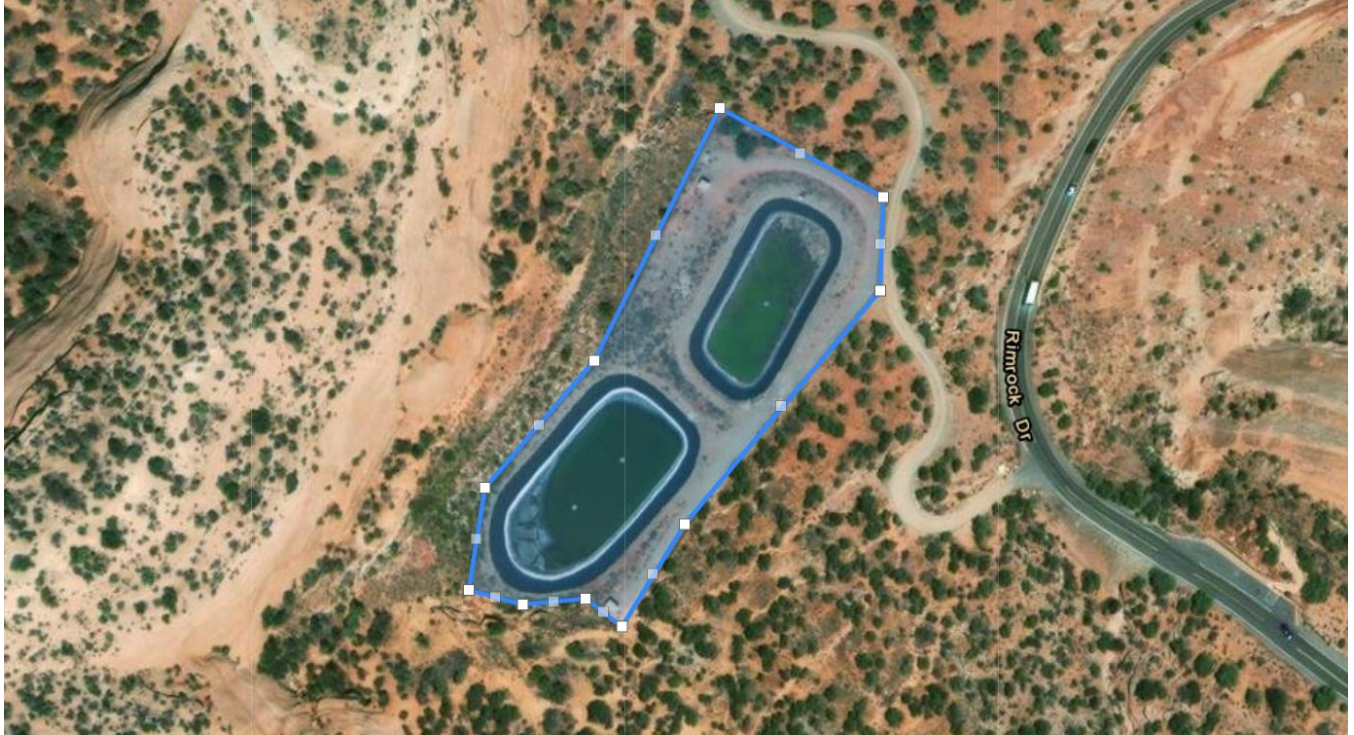
40 CFR § 122.41(e) requires permittees to properly operate and maintain at all times, all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. In addition to an operation and maintenance plan, regular facility inspections, an asset management plan, and consideration of staff and funding resources are important aspects of proper operation and maintenance. Asset management planning provides a framework for setting and operating quality assurance procedures and helps to ensure the Permittee has sufficient financial and technical resources to continually maintain a targeted level of service. Consideration of staff and funding provide the Permittee with the necessary resources to operate and maintain a well-functioning facility. These requirements have been established in section 5.3 of the Permit to help ensure compliance with the provisions of 40 CFR 122.41(e).

## **10. ENDANGERED SPECIES CONSIDERATIONS**

The Endangered Species Act of 1973 requires all Federal Agencies to ensure, in consultation with the U.S. Fish and Wildlife Service (FWS), that any Federal action carried out by the Agency is not likely to jeopardize the continued existence of any endangered species or threatened species (together, “listed” species), or result in the adverse modification or destruction of habitat of such species that is designated by the FWS as critical (“critical habitat”). See 16 U.S.C. § 1536(a)(2), 50 CFR Part 402. When a Federal agency’s action “may affect” a protected species, that agency is required to consult with the FWS, depending upon the endangered species, threatened species, or designated critical habitat that may be affected by the action (50 CFR § 402.14(a)).

The U.S. Fish and Wildlife Information for Planning and Conservation (IPaC) website (<https://ecos.fws.gov/ipac/>) was accessed on August 3<sup>rd</sup>, 2021, to determine federally-listed Endangered, Threatened, Proposed and Candidate Species for the area near the Facility. The IPaC Trust Resource Report findings are provided below. The designated area utilized was taken directly from the IPaC system and covers approximately 2.5 acres.

**Figure 2. Aerial of Facility Footprint Utilized in IPaC Research a/**



a/ Screenshot obtained from IPaC on August 3<sup>rd</sup>, 2021.

**Table 2. IPaC Federally-listed Threatened and Endangered Species**

Species/Critical Habitat	Scientific Name	Status
Gunnison Sage-grouse	<i>Centrocercus minimus</i>	T, CR, NE
Mexican Spotted Owl	<i>Strix occidentalis lucida</i>	T, CR, NE
Bonytail Chub	<i>Gila elegans</i>	E, CR, NE
Colorado Pikeminnow	<i>Ptychocheilus Lucius</i>	E, CR, NE
Humpback chub	<i>Gila cypha</i>	E, CR, NE
Razorback Sucker	<i>Xyrauchen texanus</i>	E, CR, NE

Symbols/Acronyms:

- CR = Final critical habitat. IPaC lists no critical habitats for this area.
- T = Threatened
- E = Endangered
- NE = No Effect

### *Biological Evaluation*

Based on the IPaC information generated, the Facility location is outside of the critical habitat for the for all species identified in Table 2 above. The Gunnison Sage-grouse and the Mexican Spotted Owl are both threatened, terrestrial species however, IPaC data (listed in Table 2 above) indicates that there is no critical habitat for either species within the vicinity of the Facility. Therefore, EPA's determination for these species is "No Effect." Likewise, there is no critical habitat listed for the Bonytail Chub, Colorado Pikeminnow, Greenback Cutthroat Trout, Humpback chub, and Razorback Sucker. The Facility does not discharge per the requirements of the Permit. Therefore, EPA's determination for these species is "No Effect."

Based on the IPaC information EPA determined the permitting action to have "No Effect" and "may affect, but is not likely to adversely affect" on the species listed above.

On October 13<sup>th</sup>, 2021, before going to public notice, a copy of the draft Permit and this Statement of Basis was sent to the USFWS via email requesting concurrence with EPA's finding that reissuance of this NPDES Permit is Not Likely to Adversely Affect any of the species listed as threatened or endangered for Mesa County by the USFWS under the Endangered Species Act nor their critical habitat. EPA resent the concurrence request on October 19<sup>th</sup> 2021, and January 25<sup>th</sup>, 2022. USFWS provided an informal consultation on the effects determinations included in the public noticed draft of this Statement of Basis on February 2<sup>nd</sup>, 2022. At that time the USFWS recommended that effects determination be updated to "No Effect" for each of the species listed by IPAC for the Facility location due to the no- discharge provisions of the Permit and that the Greenback Cutthroat Trout be removed from Table 2. Table 2 has been updated to reflect these suggestions.

## **11. NATIONAL HISTORIC PRESERVATION ACT REQUIREMENTS**

Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470(f) requires that federal agencies consider the effects of federal undertakings on historic properties. The first step in this analysis is to consider whether the undertaking has the potential to affect historic properties, if any are present. See 36 CFR 800.3(a)(1). Permit renewals where there is no new construction are generally not the type of action with the potential to cause effects on historic properties.

## **12. 401 CERTIFICATION CONDITIONS**

Colorado is the CWA section 401 certifying authority for the Permit, and a CWA section 401 certification was requested prior to Permit finalization on October 13, 2021. On October 26, 2021, Colorado requested that the deadline for providing a 401 certification for this permit be extended to January 13, 2022. The request for extension was granted by EPA on November 8, 2021. No certification was received by January 13, 2022. Per EPA regulations, certification is



waived. However, EPA notes that Colorado provided the 401 Certification on January 25, 2022, which did not contain any conditions.

### **13. MISCELLANEOUS**

The effective date of the Permit and the Permit expiration date will be determined upon issuance of the Permit. The intention is to issue the Permit for a period not to exceed 5 years.

Permit drafted by Margaret Kennedy U.S. EPA, 303.312.6644 [August 2021]

## **ADDENDUM:**

### **AGENCY CONSULTATIONS**

The USFWS did not provide a response to EPA's preliminary conclusion that the Permit reissuance is not likely to adversely affect listed species, sent to the USFWS via email on October 13<sup>th</sup>, 2021, October 19<sup>th</sup> 2021, and January 25<sup>th</sup>, 2022. USFWS provided an informal consultation on the effects determinations included in the public noticed draft of this Statement of Basis on February 2<sup>nd</sup>, 2022. At that time the USFWS recommended that effects determination be updated to "No Effect" for each of the species listed by IPAC for the Facility location due to the no- discharge provisions of the Permit and that the Greenback Cutthroat Trout should be removed from Table 2. Table 2 has been updated to reflect these suggestions.

On October 13<sup>th</sup>, 2021, EPA sent a sent a CWA section 401 certification request to Colorado. Colorado requested an extension of the 60-day review period until January 13, 2022, which was granted by EPA. No certification was received by January 13, 2022. Although the certification was waived under EPA regulations due to no certification being received by January 13, 2022, EPA notes that Colorado sent a a certification without section 401 requirements on January 25<sup>th</sup>, 2022.

### **PUBLIC NOTICE AND RESPONSE TO COMMENTS**

The Permit and statement of basis, including the CWA section 401 certification, were public noticed at <https://www.epa.gov/npdes-permits/colorado-npdes-permits> on October 14<sup>th</sup>, 2021. No comments were received. The signing of the Permit shall constitute the EPA's Section 401 certification.