Stormwater Pollution Prevention Plan

for:

MADDOX STATION
119 N. Maddox Road
(9 Mi. W of Hobbs On US Hwy 62/180, then 1 mile North on Maddox Road)
Hobbs, NM 88240
Lea County
Jeff Bryant, Plant Director
(575) 391 3701

SWPPP Contact(s):

Southwestern Public Service Company
Manager, Environmental Services
P.O. Box 1261
Amarillo, TX 79105
(806) 378 2194
(806) 378 2517 (FAX)

SWPPP Preparation Date:

12/17/15

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Contents

Table of Contents

SECTION 1: FACILITY DESCRIPTION AND CONTACT INFORMATION.

1.1 Facility Information.

Instructions:

- You will need the information from this section to complete your NOI.
- For further instruction, refer to the 2015 MSGP NOI form and instructions – specifically sections C and D of the NOI. A copy of the 2015 MSGP NOI is available at www.epa.gov/npdes/stormwater/msgp (Appendix G of the permit)
- You must include a copy of the 2015 MSGP, or a reference or link to where a copy can be found, in Attachment C of your SWPPP.

Facility Information

Name of Facility: Maddox Station

Street: 119 N. Maddox Road

City: Hobbs State: NM ZIP Code: 88240

County or Similar Subdivision: Lea

NPDES ID (i.e., permit tracking number): NMR053119 (if covered under a previous perm

Primary Industrial Activity SIC code, and Sector and Subsector (2015 MSGP, Appendix D and Part 8):
4911

Co-located Industrial Activity(s) SIC code(s), Sector(s) and Subsector(s) (2015 MSGP, Appendix D):

Latitude/Longitude

Latitude: Longitude:

32 . 7131 º N (decimal degrees) 103. 3100 º W (decimal degrees)

Method for determining latitude/longitude (check one):

☒USGS topographic map (specify scale: 1:24000) ☐GPS

☐Other (please specify):

Horizontal Reference Datum (check one):

☒NAD 27 ☐NAD 83 ☐WGS 84

Is the facility located in Indian country? ☐Yes ☒No

If yes, name of Reservation, or if not part of a Reservation, indicate "not applicable."

Are you considered a "federal operator" of the facility?

Federal Operator – an entity that meets the definition of "operator" in this permit and is either any department, agency or instrumentality of the executive, legislative and judicial branches of the Federal

government of the United States, or another entity, such as a private contractor, operating for any such department, agency, or instrumentality.

☐Yes ☒No

Estimated area of industrial activity at site exposed to stormwater: 23 (acres)

Discharge Information

Does this facility discharge stormwater into a municipal separate storm sewer system (MS4)? ☐Yes ☒No

If yes, name of MS4 operator: _____

Name(s) of surface water(s) that receive stormwater from your facility: Unnamed tributary of Monument Draw, then into Mustang Draw, which is a tributary of the Colorado River in Texas

Does this facility discharge industrial stormwater directly into any segment of an "impaired water" (see definition in 2015 MSGP, Appendix A)? ☐Yes ☒No

If Yes, identify name of the impaired water(s) (and segment(s), if applicable): _____

Identify the pollutant(s) causing the impairment(s): _____

Which of the identified pollutants may be present in industrial stormwater discharges from this facility?

_____

Has a Total Maximum Daily Load (TMDL) been completed for any of the identified pollutants? If yes, please list the TMDL pollutants: _____

Does this facility discharge industrial stormwater into a receiving water designated as a Tier 2, Tier 2.5 or Tier 3 water (see definitions in 2015 MSGP, Appendix A)? ☐Yes ☒No

Are any of your stormwater discharges subject to effluent limitation guidelines (ELGs) (2015 MSGP Table 1-1)? ☐Yes ☒No

If Yes, which guidelines apply? _____

1.2 Contact Information/Responsible Parties.

Instructions:

- List the facility operator(s), facility owner and SWPPP contact(s). Indicate respective responsibilities, where appropriate.
- You will need the information from this section of the SWPPP Template for your NOI.
- Refer to Section B of the NOI instructions (available in Appendix G of the 2015 MSGP).

Facility Operator(s):

Name: Southwestern Public Service Company

Address: P.O. Box 1261

City, State, Zip Code: Amarillo, TX 79105
Telephone Number: (806) 378 2194
Email address: dean.metcalf@xcelenergy.com
Fax number: (806) 378 2197

(repeat for multiple operators by copying and pasting the above rows)

Facility Owner(s):

Name: Southwestern Public Service Company
Address: P.O. Box 1261
City, State, Zip Code: Amarillo, TX 79105
Telephone Number: (806) 378 2194
Email address: dean.metcalf@xcelenergy.com
Fax number: (806) 378 2517

(repeat for multiple operators by copying and pasting the above rows)

SWPPP Contact(s):

SWPPP Contact Name (Primary): Tyler Wittman
Telephone number: (575) 391-3705
Email address: tyler.wittman@xcelenergy.com
Fax number: (575) 391 3708

SWPPP Contact Name (Backup): Gale Henslee
Telephone number: (806) 378 2197
Email address: gale.henslee@xcelenergy.com
Fax number: (806) 378 2517

1.3 Stormwater Pollution Prevention Team.

Instructions (see 2015 MSGP Part 5.2.1):

The stormwater pollution prevention team is responsible for overseeing development of and any modifications to the SWPPP, implementing and maintaining control measures/BMPs, and taking corrective actions when required. Each member of the stormwater pollution prevention team must have ready access to the 2015 MSGP, the most updated copy of the facility SWPPP, and other relevant documents.

- Identify the staff members (by name and/or title) that comprise the facility's stormwater pollution prevention team as well as their individual responsibilities.
- EPA recommends, but does not require, the stormwater pollution prevention team include at least one individual from each shift to ensure that there is always a stormwater pollution prevention team member on-site.

Staff Names	Individual Responsibilities
Jeff Bryant, (575) 391-3401	Plant Director - The Plant Director oversees all aspects of facility operations and management. The Plant Director is responsible for the general implementation and coordination of the SWPPP. He will work with the Environmental Analyst and Safety Advisor to ensure adherence to the requirements of the NPDES permit.

Tyler Wittman, (575) 391-3705	Environmental Analyst - The Environmental Analyst is responsible for monitoring and disposal of plant waste water. The Environmental Analyst will be responsible for the implementation and coordination of all requirements contained in the SWPPP. He will work with the Plant Director and Safety Advisor to ensure adherence to requirements of the NPDES permit.
Denny Young, (575) 391-3430	Safety Advisor - The Safety Advisor is the Commander of the Emergency Response Team. The Emergency Response Team is responsible for emergency spill procedures to isolate, contain, and clean up spills and emergency releases. If a an emergency spill or release were to occur the Safety Advisor would work with the Production Manager, Operations, and Environmental Analyst to ensure adherence to the requirements of the NPDES permit.

1.4 Site Description.

Instructions (see 2015 MSGP Part 5.2.2):

Provide a general description of the "industrial activities" conducted at your facility. For the MSGP industrial activities consist of: manufacturing and processing; material handling activities including storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product; and vehicle and equipment fueling, maintenance and cleaning.

Industrial activities may occur at any of the following areas (list not exhaustive): industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater.

EPA recommends that you differentiate activities that occur indoors from those that occur outdoors and could be exposed to stormwater, or under cover but that could be exposed to run-on. Don't overlook processes that are vented and may contribute pollutants to the roof.

Maddox Station is a fossil fueled (natural gas) steam electric generation plant. There are three generating units on site – Unit 1, approximately 108 MW (megawatts) consists of a natural gas fired boiler, which drives a steam turbine, which in turn, drives the electrical generator. Unit 2 is a natural gas fueled simple cycle combustion turbine, with a maximum capacity of 94 MW. Unit 3 is a natural gas fueled simple cycle combustion turbine with a maximum capacity of 20 MW. Approximately 23 employees work at Maddox Station. The plant site contains one cooling tower, associated with Unit 1, an electrical substation and switchyard, a paved parking lot, and buildings for maintenance and storage. Water for the process cooling and other purposes is self-produced from eight water wells, seven of which are located offsite. In addition, there is a single drinking water well located onsite.

Chemicals used for water treatment include sulfuric acid and HTH (Calcium Hypochlorite). Lubricating oils are used in numerous pieces of large equipment. Mineral oil is used in the transformers as a dielectric coolant. All of these are normally contained within the process and not exposed to rainfall. The only other chemicals used are for weed control and lawn maintenance, and these are used in accordance with label instructions. Occasionally, welding,

metal cutting, sand blasting, and painting may be done outside as a part of maintenance activities. Diesel Fuel and gasoline are used onsite to fuel maintenance equipment.

Most of the plant site and the substation is covered with a layer of small gravel (less than 1 inch) that inhibits detachment and transport of sediment.

1.5 General Location Map.

Instructions (see 2015 MSGP Part 5.2.2):

Provide a general location map (e.g., U.S. Geological Survey (USGS) quadrangle map or aerial image from the internet) with enough detail to identify the location of your facility and all receiving waters for your stormwater discharges (include as Attachment A of this SWPPP Template).

The general location map for this facility can be found in Attachment A.

1.6 Site Map.

Instructions (see 2015 MSGP Part 5.2.2):

Prepare a site map showing the following information. The site map will be included as Attachment B of the finished SWPPP.

- Boundaries of the property and the size of the property in acres;
- Location and extent of significant structures and impervious surfaces;
- Directions of stormwater flow (use arrows);
- Locations of all stormwater control measures;
- Locations of all receiving waters, including wetlands, in the immediate vicinity of your facility. Indicate which waterbodies are listed as impaired and which are identified by your state, tribe or EPA as Tier 2, Tier 2.5, or Tier 3 waters;
- Locations of all stormwater conveyances including ditches, pipes and swales;
- Locations of potential pollutant sources identified under Part 5.2.3.2;
- Locations where significant spills or leaks identified under Part 5.2.3.3 have occurred;
- Locations of all stormwater monitoring points;
- Locations of stormwater inlets and discharge points, with a unique identification code for each discharge point (e.g., Discharge points001, 002), indicating if you are treating one or more discharge points as "substantially identical" under Parts 3.2.3, 5.2.5.3, and 6.1.1, and an approximate outline of the areas draining to each discharge point;
- If applicable, MS4s and where your stormwater discharges to them;
- Areas of designated critical habitat for endangered or threatened species, if applicable.
- Locations of the following activities where such activities are exposed to precipitation:
    - fueling stations;
    - vehicle and equipment maintenance and/or cleaning areas;
    - loading/unloading areas;
    - locations used for the treatment, storage or disposal of wastes;
    - liquid storage tanks;
    - processing and storage areas;
    - immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
    - transfer areas for substances in bulk;
    - machinery; and
    - locations and sources of run-on to your site from adjacent property that contains significant quantities of pollutants.

The site map for this facility can be found in Attachment B.

SECTION 2: POTENTIAL POLLUTANT SOURCES.

Section 2 will describe all areas at your facility where industrial materials or activities are exposed to stormwater or from which allowable non-stormwater discharges originate. Industrial materials or activities include, but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; and intermediate products, by-products, final products, and waste

products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal or conveyance of any raw material, intermediate product, final product or waste product. For structures located in areas of industrial activity, you must be aware that the structures themselves are potential sources of pollutants. This could occur, for example, when metals such as aluminum or copper are leached from the structures as a result of acid rain.

For each area identified, the SWPPP must include industrial activities, potential pollutants, spills and leaks, unauthorized non-stormwater discharges, salt storage, stormwater sampling data and descriptions of control measures.

2.1 Potential Pollutants Associated with Industrial Activity.

Instructions (see 2015 MSGP Parts 5.2.3.1 and 5.2.3.2):

For the industrial activities identified in section 1.4 above, list the potential pollutants or pollutant constituents (e.g., motor oil, fuel, battery acid, and cleaning solvents).

In your list of pollutants associated with your industrial activities, include all significant materials that have been handled, treated, stored, or disposed, and that have been exposed to stormwater in the three years prior to the date you prepare your SWPPP.

Industrial Activity	Associated Pollutants
HTH (Calcium HypoChlorite) – cooling tower chlorination	The Chlorine is delivered to the plant in 100 pound pails, which are stored inside near the south-east corner of the Unit 2 cooling tower. The HTH is introduced manually into the downstream side of the cooling tower pit screens. PPE is available on location for worker safety. The Emergency Response Team is trained in responding to all chemical emergencies.
Mineral Oil	Mineral oil is used in the transformers as a dielectric coolant. The oil is reused in most cases and so delivery and off loading are not a normal procedure. The mineral oil is contained inside the transformer's case. When maintenance is performed on the transformers, a totally enclosed filtering storage tank system is used by the substation crews for mineral oil treatment. This method of treatment helps to eliminate the potential of a spill. The switchyard area is level and covered by gravel to minimize the spread of any spills if one was to occur.
Sulfuric Acid	Sulfuric acid is used at Maddox Station to adjust pH in the cooling tower. Acid is delivered to the plant in chemical trucks and fed into the storage tank located near the southeast end of the cooling tower. The Plant Chemist oversees the unloading to prevent possible leaks. The acid tank is elevated and has a spill containment berm built beneath it.
Overhead AST's (Diesel & Gasoline Storage Tanks)	300 gallon Diesel; 55 gallon Gasoline; located in facility

	yard ~ 150' north of Cooling Tower # 1.
Miscellaneous drums of new materials in storage, wastes and cleanup materials being accumulated or waiting for offsite disposal	Located inside the unit 1 boiler building and in the covered storage area west of the boiler building.

2.2 Spills and Leaks.

Instructions (See 2015 MSGP Part 5.2.3.3):

Include the following in this section:

- Potential spills and leaks: A description of where potential spills and leaks could occur at your site that could contribute pollutants to your stormwater discharge, and specify which discharge points are likely to be affected by such spills and leaks.
- Past spills and leaks: A description of significant spills and leaks in the past three years of oil or toxic or hazardous substances that actually occurred at exposed areas, or that drained to a stormwater conveyance.

Note: Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA Section 311 (see 40 CFR 110.6 and 40 CFR 117.21) or Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §9602.

Areas of Site Where Potential Spills/Leaks Could Occur

Location	Discharge Points
Sulfuric acid tank – near southeast end of cooling tower	001
Mineral Oil – in transformers	001
Turbine Oil – inside boiler building	001
HTH – near south end of cooling tower	001
Gasoline and diesel AST's – North facility yard	001
Miscellaneous materials in drums-west of boiler, inside boiler building	001

Description of Past Spills/Leaks

Date	Description	Discharge Points
	NONE in last 3 years	

2.3 Unauthorized Non-stormwater Discharges Documentation.

Instructions (see 2015 MSGP Part 5.2.3.4):

Part 1.1.3 of the 2015 MSGP identifies allowable non-stormwater discharges. The questions below require you to provide documentation of the following:

- Evaluation for the presence of unauthorized non-stormwater discharges at your site; and
- Elimination of any unauthorized non-stormwater discharges.

Description of this facility's unauthorized non-stormwater discharge evaluation:

- Date of evaluation: 1995, and during all subsequent annual comprehensive stormwater inspections
- Description of the evaluation criteria used: The power plant is located outside of the city limits in native pastures and in agricultural areas. The discharges from the outfall are from overland flow of storm water only and there are no known industrial discharges from adjacent properties.

  Reviews of piping schematics and interviews with knowledgeable plant employees, plus inspections during rain fall events reveal no non-storm water discharges from the outfall. Test results from water sampling confirms the absence of non-storm water discharges.
- List of the drainage points that were directly observed during the evaluation: 001
- Action(s) taken, such as a list of control measures used to eliminate unauthorized discharge(s), or documentation that a separate NPDES permit was obtained. For example, a floor drain was sealed, a sink drain was re-routed to the sanitary sewer or an NPDES permit application was submitted for an unauthorized cooling water discharge: None required.

2.4 Salt Storage.

Instructions (see 2015 MSGP Part 5.2.3.5):

Document the location of any storage piles containing salt used for deicing or other commercial or industrial purposes.

Note: you will be asked additional questions concerning salt storage in Section 3.1.7 of this SWPPP template, below.

Not Applicable

2.5 Sampling Data Summary.

Instructions (See 2015 MSGP Part 5.2.3.6):

Summarize all stormwater sampling data collected from your permitted discharge points during the previous permit term. Include a narrative description that summarizes the collected data to support identification of potential pollution sources. Note that data tables and/or figures may be used to aid the summary.

Beginning with the original permit term, the following sampling schedule was required;

October 1, 1998 to September 30, 1999	Quarterly	
October 1, 2001 to September 30, 2002	Quarterly	Year 2 of MSGP 2000
October 1, 2003 to September 30, 2004	Quarterly	Year 4
October 1, 2006 to September 30, 2007	Quarterly	Year 2 of Extended MSGP

MSGP 2008 coverage begins January 5, 2009 thru 2nd quarter of 2015.

Samples required each quarter beginning no earlier than April 1, 2009

April 1, 2009 to June 30, 2009
July 1, 2009 to September 30, 2009
October 1, 2009 to December 31, 2009
January 1, 2010 to March 31, 2010 … etc.

The outfall 001 has been sampled quarterly whenever there was a discharge from 1998 to present (July, 2015) and the average has been 0.57 mg/L. The table below summarizes the historical results.

Summary Fe measurements

Outfall 001	Q4	Q1 Fe, mg/L	Q2	Q3	Average	Count
98 - 99	-	-	-	-		0
01 - 02	-	0.363	0.316	-	0.17	2
03 - 04	0.222	0.25	<.1	-	<0.19	3
06 - 07	-	-	1.12	-	1.12	1
09	-	0.15	-	0.49	0.32	2
10	-	-	0.19	-	0.19	1
11	0.02	-	-	-	0.02	1
12	-	-	1.27	2.66	1.965	2
13	-	-	-	0.356	0.356	1
14	-	-	-	0.14	0.14	1
15	-	-	0.526	-	0.526	1
	0.242	0.763	3.922	3.646		15

Average = 0.57 mg/L

values < detection limit counted as 1/2 of the limit

In 2012, two samples were collected and both were over 1 mg/L Fe. An investigation identified storage of steel transmission structures that were waiting installation as the probable cause. The problem was resolved, and no Fe levels above 1.0 mg/L have occurred since.

SECTION 3: STORMWATER CONTROL MEASURES.

Instructions (See 2015 MSGP Parts 2.1.2, Part 8, and 5.2.4):

In Sections 3.1 - 3.11 of this SWPPP template, you are asked to describe the stormwater control measures that you have installed at your site to meet each of the permit's

- Non-numeric technology-based effluent limits in Part 2.1.2;
- Applicable numeric effluent limitations guidelines-based limits in Part 2.1.3 and Part 8;
- Water quality-based effluent limits in Part 2.2;
- Any additional measures that formed the basis of eligibility regarding threatened and endangered species, historic properties, and/or federal CERCLA site requirements in Part 2.3; and
- Applicable effluent limits in Parts 8 and 9.

In addition to your control measure descriptions, include explanations of how the controls fulfill the following requirements (see 2015 MSGP Part 2.1.1):

- The selection and design considerations; and
- How they address the pollutant sources identified in section 2.1 of the Template.

3.1 Non-numeric Technology-based Effluent Limits (BPT/BAT/BCT)

You must comply with the following non-numeric effluent limits (except where otherwise specified in Part 8) as well as any sector-specific non-numeric effluent limits in Part 8.

3.1.1 Minimize Exposure.

Instructions (see 2015 MSGP Part 2.1.2.1):
Describe any structural controls or practices used to minimize the exposure of industrial activities to rain, snow, snowmelt and runoff. Describe where the controls or practices are being implemented at your site.

Sulfuric Acid - Sulfuric acid is used at Maddox Station to adjust pH in the cooling tower. Acid is delivered to the plant in chemical trucks and fed into the storage tank on site. The Plant Chemist oversees the unloading to prevent possible leaks. The acid tank is elevated and has a spill containment berm built beneath it.

HTH - The HTH is delivered to the plant in 100 pound pails, which are stored inside near the south-east corner of the cooling tower. The HTH is introduced manually into the downstream side of the cooling tower pit screens. PPE is available on location for worker safety. The Emergency Response Team is trained in responding to all chemical emergencies.

Mineral Oil – the transformers are designed for outdoor use. Inspections will locate any leaks, which are then cleaned up and repaired as soon as possible to minimize exposure.

Turbine oil – located inside the boiler building, and is contained in building sumps. It is unlikely that a spill would result in any exposure.

Herbicides and lawn chemicals – applied in accordance with manufacturer's instructions.

Scrap metals are segregated and kept separate from other materials. Metal cuttings contaminated with oil are kept in covered containers.

Waste materials, new lubricants and heat exchange fluids are properly handled, labeled, and kept in closed containers. Outdoor storage areas are properly maintained and routinely inspected.

Noncontact cooling water. The term noncontact cooling water means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product. Noncontact cooling water describes the recirculating water in the cooling towers at Maddox Station.

The term blowdown means the minimum discharge of recirculating water for the purpose of discharging materials contained in the water, the further buildup of which would cause concentration in amounts exceeding limits established by best engineering practice. Cooling tower blowdown has the same chemical makeup as the recirculating noncontact cooling water. Cooling towers are operated and maintained to minimize incidental drift that may be deposited on the plant site.

The term process waste water means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product. Process waste water is not generated at Maddox Station.

Gasoline is stored in a 55 gallon overhead tank used to dispense fuel for fueling small equipment used on the plant site. It is maintained within a secondary containment sized to contain the contents of the gasoline tank and the diesel fuel, which is stored in a 300 gallon overhead tank used to dispense fuel into plant equipment. It is maintained within spill containment sized for the tank.

3.1.2 Good Housekeeping.

Instructions (see 2015 MSGP Parts 2.1.2.2 and 5.2.5.1):

Describe any practices you are implementing to keep exposed areas of your site clean. Describe where each practice is being implemented at your site. Include here your schedule for: (1) regular pickup and disposal of waste materials, and (2) routine inspections for leaks and of the condition of drums, tanks and containers. Note: There are specific requirements for facilities that handle pre-production plastic.

Good housekeeping practices are designed to maintain a clean and orderly work environment. Common sense and judgment are often the best measures for preventing pollution in storm water at industrial facilities. Simple procedures that the facility will utilize, include improved operation and maintenance of industrial machinery and processes, material storage practices, material inventory controls, routine cleanup operations, maintaining well organized work areas, and employee training. Specific practices to be included as part of the good housekeeping program for the facility are listed below:

* Maintain dry and clean surfaces within facility buildings, on loading docks, and in parking (paved) areas. Maintain surfaces with brooms, shovels, absorbent materials, and cleaning machines.

* Regular and prompt disposal of waste and rubbage material not associated with process waste; ensure lids on outdoor dumpsters are closed.

* Minimize loading/unloading during storm events.

* Inspect delivery vehicles arriving at the site to ensure the integrity of the body or container, and make sure the personnel involved are trained in proper response procedures for leakage or spills.

* Use spill containment curbs in unloading areas. Place drip pans under hose connectors to minimize and contain spillage.

* Routinely inspect all above ground tanks, pipelines, pumps, and other related equipment and initiate repairs immediately to eliminate leaks from faulty equipment.

* Construction laydown areas and material storage areas will be located in areas of flat grade, and outside of identified storm water drainage paths.

* Promptly clean up contaminated soil resulting from oil or chemical spills, and dispose of the residue properly.

3.1.3 Maintenance.

Instructions (see 2015 MSGP Parts 2.1.2.3 and 5.2.5.1):

Describe procedures (1) to maintain industrial equipment so that spills/leaks are avoided and (2) to keep control measures in effective operating condition. Include the schedule you will follow for such maintenance activities. Describe where each applicable procedure is being implemented at the site.

Preventive maintenance programs are designed to involve inspections and maintenance of storm water management devices and routine inspections of facility operations to detect faulty equipment. Tanks, secondary containment structures, and drums are inspected regularly for signs of deterioration.

3.1.4 Spill Prevention and Response.

Instructions (see 2015 MSGP Parts 2.1.2.4 and 5.2.5.1):

Describe any structural controls or procedures used to minimize the potential for leaks, spills and other releases. You must implement the following at a minimum:

- Plainly label containers (e.g., "Used Oil," "Spent Solvents," "Fertilizers and Pesticides") that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;*
- Implement procedures for material storage and handling, including the use of secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the discharge of pollutants from these areas;
- Develop training and train all staff on procedures to quickly stop, contain and clean up leaks, spills, and other releases. As appropriate, execute such procedures as soon as possible;
- Keep spill kits on-site, located near areas where spills may occur or where a rapid response can be made; and
- Notify appropriate facility personnel when a leak, spill or other release occurs.

Describe where each control is to be located or where applicable procedures will be implemented.

Note: some facilities may be required to develop a Spill Prevention Control and Countermeasure (SPCC) plan under a separate regulatory program (40 CFR 112). If you are required to develop an SPCC plan, or you already have one, you should include references to the relevant requirements from your plan.

EPA recommends you include:

Where a leak, spill or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302 occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 or, in the Washington, DC, metropolitan area, call (202) 267-2675 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 as soon as you have knowledge of the discharge. State or local requirements may necessitate reporting spills or discharges to local emergency response, public health, or drinking water supply agencies. Contact information must be in locations that are readily accessible and available.

The above referenced procedures and practices are implemented. The plant is not required to have a SPCC plan.

3.1.5 Erosion and Sediment Controls.

Instructions (see 2015 MSGP Parts 2.1.2.5 and 5.2.5.1):

Describe activities and processes for stabilizing exposed soils to minimize erosion. Describe flow velocity dissipation devices placed at all discharge locations and all structural and non-structural control measures to prevent the discharge of sediment. If applicable, describe the type and purpose of any polymers and/or chemical treatments used to control erosion and the location at your site where each control is implemented.

The primary method of soil stabilization on the Maddox Station plant site is the use of gravel to cover the plant "yard" – the area inside the perimeter fence. This surface treatment dissipates the energy of falling raindrops and minimizes detachment and transport of sediment. The entire plant site is graded to drain at very gentle slopes (less then 0.5%), which limits the velocity. Approximately 2 acres of the 23 acre plant yard is paved, and approximately 0.25 acres is covered in turf (the front lawn). The remainder of the plant site is undisturbed native vegetation. Outfall 001 is located at a berm in the Maddox Road west drainage ditch, approximately 0.1 miles south of the plant. Most plant site runoff is retained onsite in natural depressions that slow the velocity to essentially zero, allowing for sedimentation of any small remaining entrained particles. In the event of large rainfall events, water that reaches the outfall will overflow to the south.

3.1.6 Management of Runoff.

Instructions (See 2015 MSGP Part 2.1.2.6):

Describe controls used at your site to divert, infiltrate, reuse, contain or otherwise reduce stormwater runoff. Describe the location at your site where each control is implemented.

Most stormwater from Maddox Station is infiltrated onsite, and there are very few events that result in a discharge.

3.1.7 Salt Storage Piles or Piles Containing Salt.

Instructions (see 2015 MSGP Part 2.1.2.7):

If applicable, describe structures at your site that either cover or enclose salt storage piles or piles containing salt, and any controls that minimize or prevent the discharge of stormwater from such piles. Also, describe any controls or procedures used to minimize exposure resulting from adding to or removing materials from the pile. Describe the location at your site where each control and/or procedure is implemented.

Not Applicable

3.1.8 Dust Generation and Vehicle Tracking of Industrial Materials.

Instructions (see 2015 MSGP Part 2.1.2.10):

Describe controls and procedures that will be used at your site to minimize generation of dust and off-site tracking of raw, final or waste materials in order to minimize pollutant discharges.

The sector-specific non-numeric limits below address all sources of dust generation and tracking of industrial materials. (None)

3.2 Sector-Specific Non-Numeric Effluent Limits.

Instructions (see 2015 MSGP Part 8):

Describe any controls or procedures that will be used at your site to comply with any sector-specific requirements that apply to you in Part 8 of the 2015 MSGP. Describe the location at your site where each control and/or procedure will be implemented.

Note: Sector-specific effluent limits apply to Sectors A, E, F, G, H, I, J, L, M, N, O, P, Q, R, S, T, U, V, X, Y, Z and AA.

8.O.4.1 *Fugitive Dust Emissions.* Minimize fugitive dust emissions from coal handling areas. To minimize the tracking of coal dust offsite, consider procedures such as installing specially designed tires or washing vehicles in a designated area before they leave the site and controlling the wash water. Not Applicable

8.O.4.2 *Delivery Vehicles.* Minimize contamination of stormwater runoff from delivery vehicles arriving at the plant site. Consider procedures to inspect delivery vehicles arriving at the plant site and ensure overall integrity of the body or container and procedures to deal with leakage or spillage from vehicles or containers. Leaking vehicles are generally not allowed onsite. On discovery of a leaking vehicle, incident-specific responses will be initiated.

8.O.4.3 *Fuel Oil Unloading Areas.* Minimize contamination of precipitation or surface runoff from fuel oil unloading areas. Consider using containment curbs in unloading areas, having personnel familiar with spill prevention and response procedures present during deliveries to ensure that any leaks or spills are immediately contained and cleaned up, and using spill and overflow protection devices (e.g., drip pans, drip diapers, or other containment devices placed beneath fuel oil connectors to contain potential spillage during deliveries or from leaks at the connectors). Not Applicable

8.O.4.4 *Chemical Loading and Unloading.* Minimize contamination of precipitation or surface runoff from chemical loading and unloading areas. Consider using containment curbs at chemical loading and unloading areas to contain spills, having personnel familiar with spill prevention and response procedures present during deliveries to ensure that any leaks or spills are immediately contained and cleaned up, and loading and unloading in covered areas and storing chemicals indoors. Employees are trained in spill response to notify plant management, and then to contain the spill, if they can do so safely. If required, the hazardous materials response team is trained in responding to any type of incident that can be expected.

8.O.4.5 *Miscellaneous Loading and Unloading Areas.* Minimize contamination of precipitation or surface runoff from loading and unloading areas. Consider covering the loading area; grading, berming, or curbing around the loading area to divert run-on; locating the loading and unloading equipment and vehicles so that leaks are contained in existing containment and flow diversion systems; or equivalent procedures. Sulfuric acid is unloaded under supervision of the plant chemist. The storage tank has a concrete containment basin under the tank. Unloading area is paved to prevent soil contamination and facilitate containment in the event of a leak or spill during unloading.

8.O.4.6 *Liquid Storage Tanks.* Minimize contamination of surface runoff from above-ground liquid storage tanks. Consider protective guards around tanks, containment curbs, spill and overflow protection, dry cleanup methods, or equivalent measures. The sulfuric acid storage tank has secondary protection. When makeup to this tank is required, it is performed under the supervision of the plant chemist.

8.O.4.7 *Large Bulk Fuel Storage Tanks.* Minimize contamination of surface runoff from large bulk fuel storage tanks. Consider containment berms (or their equivalent). You must also comply with applicable State and Federal laws, including Spill Prevention, Control and Countermeasure (SPCC) Plan requirements. Not Applicable

8.O.4.8 *Spill Reduction Measures.* Minimize the potential for an oil or chemical spill, or reference the appropriate part of your SPCC plan. Visually inspect as part of your routine facility inspection the structural integrity of all above-ground tanks, pipelines, pumps, and related equipment that may be exposed to stormwater, and make any necessary repairs immediately. Secondary containment is provided for the diesel and gasoline tanks. In addition, the sulfuric acid tank is provided with secondary containment. Loading and unloading of these materials is supervised by properly trained individuals. All above ground tanks are regularly inspected and necessary repairs are completed as soon as possible. Leaks are responded to immediately.

8.O.4.9 *Oil-Bearing Equipment in Switchyards.* Minimize contamination of surface runoff from oil-bearing equipment in switchyard areas. Consider using level grades and gravel surfaces to retard flows and limit the spread of spills, or collecting runoff in perimeter ditches. See previous description of BMP's. These methods are implemented.

8.O.4.10 *Residue-Hauling Vehicles.* Inspect all residue-hauling vehicles for proper covering over the load, adequate gate sealing, and overall integrity of the container body. Repair vehicles without load covering or adequate gate sealing, or with leaking containers or beds. Residue hauling vehicles are inspected for proper covering of the load and general integrity.

8.O.4.11 *Ash Loading Areas.* Reduce or control the tracking of ash and residue from ash loading areas. Clear the ash building floor and immediately adjacent roadways of spillage, debris, and excess water before departure of each loaded vehicle. Not Applicable

8.O.4.12 *Areas Adjacent to Disposal Ponds or Landfills.* Minimize contamination of surface runoff from areas adjacent to disposal ponds or landfills. Reduce ash residue that may be tracked on to access roads traveled by residue handling vehicles, and reduce ash residue on exit roads leading into and out of residue handling areas. Not Applicable

8.O.4.13 *Landfills, Scrap yards, Surface Impoundments, Open Dumps, General Refuse Sites.* Minimize the potential for contamination of runoff from these areas. Good housekeeping and regular inspections, segregation of different materials, using pallets to keep materials off the ground, and avoiding low-lying areas.

3.3 Numeric Effluent Limitations Based on Effluent Limitations Guidelines.

Instructions (see 2015 MSGP Part 2.1.3):

If you are in an industrial category subject to one of the effluent limitations guidelines identified in the table below (Table 2-1 of the 2015 MSGP), describe controls or procedures that will be implemented at your site to meet these effluent limitations guidelines.

Not Applicable

Regulated Activity	40 CFR Part/Subpart	Effluent Limit
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I	See Part 8.A.7
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Part 418, Subpart A	See Part 8.C.4

Regulated Activity	40 CFR Part/Subpart	Effluent Limit
Runoff from asphalt emulsion facilities	Part 443, Subpart A	See Part 8.D.4
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C	See Part 8.E.5
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, or D	See Part 8.J.9
Runoff from hazardous waste landfills	Part 445, Subpart A	See Part 8.K.6
Runoff from non-hazardous waste landfills	Part 445, Subpart B	See Part 8.L.10
Runoff from coal storage piles at steam electric generating facilities	Part 423	See Part 8.O.8
Runoff containing urea from airfield pavement deicing at existing and new primary airports with 1,000 or more annual non-propeller aircraft departures	Part 449	See Part 8.S.8

3.4 Water Quality-based Effluent Limitations and Water Quality Standards.

Instructions (see 2015 MSGP Part 2.2.1):

Describe the measures that will be implemented at your site to control industrial stormwater discharge as necessary to meet applicable water quality standards of all affected states (i.e., your discharge must not cause or contribute to an exceedance of applicable water quality standards in any affected state).

EPA expects that compliance with the conditions in this permit will control discharges as necessary to meet applicable water quality standards. If at any time you become aware, or EPA determines, that your discharge does not meet applicable water quality standards, you must take corrective action(s) as required in Part 4.1 of the 2015 MSGP and document the corrective actions as required in Part 4.3 of the 2015 MSGP. You must also comply with any additional requirements required by your state or tribe.

EPA may also require that you undertake additional control measures (to meet the narrative water quality-based effluent limit above) on a site-specific basis, or require you to obtain coverage under an individual permit, if information in your NOI, required reports, or from other sources indicates that your discharges are not controlled as necessary to meet applicable water quality standards. You must implement all measures necessary to be consistent with an available wasteload allocation in an EPA-established or approved TMDL.

Not Applicable

SECTION 4: SCHEDULES AND PROCEDURES.

4.1 Good Housekeeping.

Instructions (see 2015 MSGP Part 5.2.5.1):

Document a schedule or the process used for determining when pickup and disposal of waste materials occurs (e.g., roll off dumpsters are collected when full). Provide a schedule for routine inspections for leaks and conditions of drums, tanks and containers.

Operators are trained to observe and report leaks of oil, transformer dielectric fluid, cooling tower circulating water, and any other leaks or chemical spills that may affect stormwater quality. Operators make rounds every day. The plant environmental analyst makes a weekly inspection and completes a monthly inspection report. Whenever dumpsters are full, they are scheduled for pickup. Any spill or other abnormal

situation is immediately reported to the shift supervisor and cleanup is initiated as soon as possible. Drummed materials are isolated and contained in the drum storage area, and managed as required.

Good housekeeping practices are designed to maintain a clean and orderly work environment. Common sense and judgment are often the best measures for preventing pollution in storm water at industrial facilities. Simple procedures that the facility utilizes, include high quality operation and maintenance of industrial machinery and processes; orderly material storage practices; material inventory controls; routine cleanup operations; maintaining well organized work areas; and employee training. Specific practices to be included as part of the good housekeeping program for the facility are listed below:

* Maintain dry and clean surfaces within facility buildings, on loading docks, and in parking (paved) areas. Maintain surfaces with brooms, shovels, absorbent materials, and cleaning machines.

* Regular and prompt disposal of waste and rubbage material not associated with process waste; ensure lids on outdoor dumpsters are closed.

* Minimize loading/unloading during storm events.

* Inspect delivery vehicles arriving at the site to ensure the integrity of the body or container, and make sure the personnel involved are trained in proper response procedures for leakage or spills.

* Use spill containment curbs in unloading areas. Place drip pans under hose connectors to minimize and contain spillage.

* Routinely inspect all above ground tanks, pipelines, pumps, and other related equipment and initiate repairs immediately to eliminate leaks from faulty equipment.

* Construction laydown areas and material storage areas will be located in areas of flat grade, and outside of identified storm water drainage paths.

* Promptly clean up contaminated soil resulting from oil or chemical spills, and dispose of the residue properly.

4.2 Maintenance.

Instructions (see 2015 MSGP Part 5.2.5.1):

Document preventative maintenance procedures, including regular inspections, testing, maintenance and repair of all control measures to avoid situations that may result in leaks, spills, and other releases, and any back-up practices in place should a runoff event occur while a control measure is off-line. Include the schedule or frequency for maintaining all control measures used to comply with the effluent limits in Part 2 of the 2015 MSGP.

The controls that require regular inspection include sulfuric acid tank secondary containment, secondary containment for the gasoline and diesel above ground storage tanks, above ground pipes and equipment, and any areas where scrap or new materials are stored outside.

All areas of the plant are under continuous video surveillance. Plant operators visually inspect (usually daily) all areas, and plant environmental analyst inspects weekly.

4.3 Spill Prevention and Response Procedures.

Instructions (see 2015 MSGP Part 5.2.5.1):

Document procedures for preventing and responding to spills and leaks, including notification procedures. For preventing spills, include control measures for material handling and storage, and the procedures for preventing spills that can contaminate stormwater. Also specify cleanup equipment, procedures and spill logs, as appropriate, in the event of spills. You may reference the existence of other plans for Spill Prevention Control and Countermeasure (SPCC) developed for the facility under Section 311 of the CWA or BMP programs otherwise required by an NPDES permit for the facility.

Emergency Drills, simulations, and refresher training are conducted periodically to ensure preparedness and the ability to respond appropriately in the event of an emergency. Routine tests are conducted to provide additional information regarding the condition and performance of the unit and equipment for maintenance and planning.

Operations is responsible for the first response to any unusual events or incidents that occur at the Plant in accordance with the site specific Emergency Action Plan. They will be the Incident Commander until relieved of these duties. They will take command of internal response teams; as well as coordinate with outside agencies should any be called to respond. They also are responsible for appropriate notification of higher-level management and outside agencies as related to the severity of the incident.

An event that requires immediate attention because of its serious nature and potential for further harm is generally termed an emergency, whether related to personnel, such as an accident with serious injury or grave illness, or related to equipment. Prompt response to calls, alarms, and other indications might prevent an emergency from becoming more serious. Operations is charged with primary response actions for both personnel and equipment emergencies.

The proper initial response in emergencies is critical to efforts to minimize the adverse impacts of such events. To facilitate effective response by Operations, emergency response plans for various scenarios are reviewed and updated regularly, and appropriate training is conducted. Operations should be well rehearsed to implement actions in response to emergencies.

Incidents are generally reported immediately to the Shift Supervisor. The Shift Supervisor then initiates the response at a level appropriate to the incident. The Plant Environmental Analyst and other members of the Pollution Prevention Team will be notified whenever impacts to environmental resources are possible. Spill cleanup materials are available.

4.4 Erosion and Sediment Control.

Instructions (see 2015 MSGP Part 5.2.5.1):

Document if polymers and/or other chemical treatments are used for erosion and sediment control and identify the polymers and/or chemicals used and the purpose.

Not Applicable

4.5 Employee Training.

Instructions (see 2015 MSGP Part 2.1.2.8 and Part 5.2.5.1):

Instructions (see 2015 MSGP Part 2.1.2.8 and 5.2.5.1):

Provide the elements of your training plan, including:

- The content of the training;
- The frequency/schedule of training for employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of the permit.

The following personnel, at a minimum, must receive training, and therefore should be listed out individually in the table below:

- Personnel who are responsible for the design, installation, maintenance, and/or repair of controls (including pollution prevention measures);
- Personnel responsible for the storage and handling of chemicals and materials that could become contaminants in stormwater discharges;
- Personnel who are responsible for conducting and documenting monitoring and inspections as required in Parts 3 and 6; and
- Personnel who are responsible for taking and documenting corrective actions as required in Part 4.

2015 MSGP Part 2.1.2.8 requires that the personnel who are required to be trained must also be trained to understand the following if related to the scope of their job duties (e.g., only personnel responsible for conducting inspections need to understand how to conduct inspections):

- An overview of what is in the SWPPP;
- Spill response procedures, good housekeeping, maintenance requirements, and material management practices;
- The location of all controls on the site required by this permit, and how they are to be maintained;

Annual training is provided for employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of the MSGP, including all members of the Pollution Prevention Team. The training is documented and conducted in accordance with EPA Guidelines.

4.6 Inspections and Assessments.

Instructions (see 2015 MSGP Part 3):

Document procedures for performing the types of inspections specified by this permit, including:

- Routine facility inspections (see Part 3.1) and;
- Quarterly visual assessment of stormwater discharges (see Part 3.2).

Note: If you are invoking the exception for inactive and unstaffed sites proceed to 4.6.3 below.

4.6.1 Routine Facility Inspections.

Instructions (see 2015 MSGP Part 3.1):

Describe the procedures you will follow for conducting routine facility inspections in accordance with Part 3.1 of the 2015 MSGP. Document any findings of your facility inspections and maintain this report with your SWPPP as required in Part 5.5 of the 2015 MSGP. Summarize your findings in the annual report per Part 7.5 of the 2015 MSGP. Any corrective action required as a result of a routine facility inspection must be performed consistent with Part 4 of the 2015 MSGP.

Monthly inspection – drive and walk the plant site, fill out the Storm Water Monthly Inspection Form

During normal facility operating hours you must conduct inspections of areas of the facility covered by the requirements in this permit, including, but not limited to, the following:

• Areas where industrial materials or activities are exposed to stormwater;

• Areas identified in the SWPPP and those that are potential pollutant sources (see Part 5.2.3);

• Areas where spills and leaks have occurred in the past three years;

• Discharge points; and

• Control measures used to comply with the effluent limits contained in this permit.

Inspections must be performed by qualified personnel (as defined in Appendix A) with at least one member of your stormwater pollution prevention team participating. Inspectors must consider the results of visual and analytical monitoring (if any) for the past year when planning and conducting inspections.

During the inspection you must examine or look out for the following:

• Industrial materials, residue or trash that may have or could come into contact with stormwater;

• Leaks or spills from industrial equipment, drums, tanks and other containers;

• Offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site;

• Tracking or blowing of raw, final or waste materials from areas of no exposure to exposed areas;

• Control measures needing replacement, maintenance or repair.

During an inspection occurring during a stormwater event or discharge, control measures implemented to comply with effluent limits must be observed to ensure they are functioning correctly. Discharge points must also be observed during this inspection. If such discharge locations are inaccessible, nearby downstream locations must be inspected.

For routine facility inspections to be performed at your site, your SWPPP must include a description of the following:

1. Person(s) or positions of person(s) responsible for inspection.

   Monthly Plant Inspections – Plant Environmentalist, Tyler Wittman (or designated alternate)

   Quarterly Visual Assessments – Plant Environmentalist Tyler Wittman (or designated alternate)

   Note: Inspections must be performed by qualified personnel with at least one member of your stormwater pollution prevention team participating. Inspectors must consider the results of visual and analytical monitoring (if any) for the past year when planning and conducting inspections. Qualified personnel are

those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at your facility, and who can also evaluate the effectiveness of control measures.

2. Schedules for conducting inspections.

   Monthly Inspections will be conducted during each month of the year

   Quarterly visual assessments will be conducted in each quarter when a discharge occurs. Since the area is considered arid or semi-arid, and discharges are infrequent, visual assessments may be conducted whenever there is a discharge to observe.

   Note: Inspections must be conducted at least quarterly (i.e., once each calendar quarter), or in some instances more frequently (e.g., monthly), as appropriate. Increased frequency may be appropriate for some types of equipment, processes and stormwater control measures, or areas of the facility with significant activities and materials exposed to stormwater. At least one of your routine inspections must be conducted during a period when a stormwater discharge is occurring.

3. List areas where industrial materials or activities are exposed to stormwater.

   Substation/switchyard; cooling towers, maintenance shop; scrap metal storage area; material laydown area; receiving dock; chemical unloading areas; roll-offs or other trash containers. All areas of the plant will be inspected. Specific areas are listed on the inspection sheet.

4. List areas identified in the SWPPP (section 1 of the SWPPP Template) and any others that are potential pollutant sources (see Part 5.2.3). See 3 above.

5. Areas where spills and leaks have occurred in the past 3 years. None

6. Inspection information for discharge points. All samples are to be collected at outfall 001, located approximately 0.1 miles south of the plant entrance, on Maddox Road, in the west ditch, where there is a small berm indicating the outfall location. No samples will be collected unless there is flow passing the berm.

Latitude:	Longitude:
32.71229º N (decimal degrees)	103.29949º W (decimal degrees)

   Exercise caution due to the difficult access to the culvert, especially when wet or dark. Observe the area and watch for snakes, spiders, insects, or wild animals that may be present. Due to the location adjacent to the highway, be aware of traffic, and park off the highway if possible.

7. List the control measures used to comply with the effluent limits contained in this permit.

   Avoid exposure of potential pollutant sources to rainfall. Where this is not possible, implement best management practices

8. Other site-specific inspection objectives. DESCRIBE ANY OTHER ITEMS TO BE COVERED BY THE INSPECTION.

4.6.2 Quarterly Visual Assessment of Stormwater Discharges.

Instructions (see 2015 MSGP Part 3.2):

Describe the procedures you will follow for conducting quarterly visual assessments in accordance with Part 3.2 of the 2015 MSGP. The visual assessment must be made:

- Of a discharge sample contained in a clean, colorless glass or plastic container, and examined in a well-lit area;
- On samples collected within the first 30 minutes of an actual discharge from a storm event. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample must be collected as soon as practicable after the first 30 minutes and you must document why it was not possible to take the sample within the first 30 minutes. In the case of snowmelt, samples must be taken during a period with a measurable discharge from your site; and
- For storm events, on discharges that occur at least 72 hours (3 days) from the previous discharge. The 72-hour (3-day) storm interval does not apply if you document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period.

Document the results of your visual assessments and maintain this documentation onsite with your SWPPP as required in Part 5.5 of the 2015 MSGP. Any corrective action required as a result of a quarterly visual assessment must be performed consistent with Part 4 of the 2015 MSGP.

For quarterly visual assessments to be performed at your site, your SWPPP must include a description of the following:

Person(s) or positions of person(s) responsible for assessments. The plant environmental analyst is responsible for conduction the quarterly visual assessment.

Schedules for conducting assessments. Beginning in the 4th quarter, 2015 as follows:

4th Quarter 2015 October 1 to December 31, 2015

1st quarter 2016 January 1 to March 31, 2016

2nd quarter 2016 April 1 to June 30, 2016

3rd quatrter 2016 July 1 to September 30, 2016

4th Quarter 2016 October 1 to December 31, 2016 – and continuing through the end of the permit term

Specific assessment activities. Once each quarter for the entire permit term, collect a stormwater sample from Outfall 001 and conduct a visual assessment of each of these samples. These samples are not required to be collected consistent with 40 CFR Part 136 procedures but must be collected in such a manner that the samples are representative of the stormwater discharge. Guidance on monitoring is available at http://water.epa.gov/polwaste/npdes/stormwater/EPA-Multi-Sector-General-Permit-MSGP.cfm.

The visual assessment must be made:

• Of a sample in a clean, colorless glass or plastic container, and examined in a well-lit area;

• On samples collected within the first 30 minutes of an actual discharge from a storm event. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample must be collected as soon as practicable after the first 30 minutes and you must document why it was not possible to take

the sample within the first 30 minutes. In the case of snowmelt, samples must be taken during a period with a measurable discharge from your site; and

• For storm events, on discharges that occur at least 72 hours (three days) from the previous discharge. The 72-hour (three-day) storm interval does not apply if you document that less than a 72-hour (three-day) interval is representative for local storm events during the sampling period.

You must visually inspect or observe the sample for the following water quality characteristics:

• Color;

• Odor;

• Clarity (diminished);

• Floating solids;

• Settled solids;

• Suspended solids;

• Foam;

• Oil sheen; and

• Other obvious indicators of stormwater pollution.

Whenever the visual assessment shows evidence of stormwater pollution, you must initiate the corrective action procedures in Part 4.

Quarterly Visual Assessment Documentation.

Document the results of your visual assessments on the Quarterly Visual Monitoring Form and maintain this documentation onsite with your SWPPP as required in Part 5.5. You are not required to submit your visual assessment findings to EPA, unless specifically requested to do so. However, you must summarize your findings in the annual report per Part 7.5.

Your documentation of the visual assessment must include, but not be limited to:
• Sample location(s);
• Sample collection date and time, and visual assessment date and time for each sample;
• Personnel collecting the sample and performing visual assessment, and their signatures;
• Nature of the discharge (i.e., runoff or snowmelt);
• Results of observations of the stormwater discharge;
• Probable sources of any observed stormwater contamination;
• If applicable, why it was not possible to take samples within the first 30 minutes; and
• A statement, signed and certified in accordance with Appendix B, Subsection 11.

Adverse Weather Conditions: When adverse weather conditions prevent the collection of samples during the quarter, you must take a substitute sample during the next qualifying storm event. Documentation of the

rationale for no visual assessment for the quarter must be included with your SWPPP records as described in Part 5.5. Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, electrical storms, or situations that otherwise make sampling impractical, such as extended frozen conditions.

Climates with Irregular Stormwater Runoff: If your facility is located in an area where limited rainfall occurs during many parts of the year (e.g., arid or semi-arid climate) or in an area where freezing conditions exist that prevent runoff from occurring for extended periods, then your samples for the quarterly visual assessments may be distributed during seasons when precipitation runoff occurs.

Areas Subject to Snow: In areas subject to snow, at least one quarterly visual assessment must capture snowmelt discharge, as described in Part 6.1.3, taking into account the exception described above for climates with irregular stormwater runoff.

4.6.3 Exception to Routine Facility Inspections and Quarterly Visual Assessments for Inactive and Unstaffed Sites.

Instructions (see 2015 MSGP Parts 3.1.1 and 3.2.3):

If you are invoking the exception for inactive and unstaffed sites relating to routine facility inspections and/or quarterly visual assessments, you must include documentation to support your claim that your facility has changed its status from active to inactive and unstaffed.

To invoke this exception you must also include a statement in your SWPPP per Part 5.2.5.2 indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii). The statement must be signed and certified in accordance with Appendix B, Subsection 11.

Note: If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you must immediately resume routine facility inspections. If you are not qualified for this exception at the time you become authorized under the 2015 MSGP, but during the permit term you become qualified because your facility becomes inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, you must include the same signed and certified statement as above and retain it with your records pursuant to Part 5.5.

Inactive and unstaffed facilities covered under Sectors G (Metal Mining), H (Coal Mines and Coal Mining-Related Facilities), and J (Non-Metallic Mineral Mining and Dressing) are not required to meet the "no industrial materials or activities exposed to stormwater" standard to be eligible for this exception from routine inspections, per Parts 8.G.8.4, 8.H.8.1, and 8.J.8.1.

☐This site is inactive and unstaffed, and has no industrial materials or activities exposed to stormwater, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii) as signed and certified in Section 7 below.

If you are invoking the exception for inactive and unstaffed sites for your routine facility inspections and/or quarterly visual assessments, include information to support this claim.

Not Applicable

4.7 Monitoring.

Instructions (see 2015 MSGP Part 5.2.5.3):

Describe your procedures for conducting the five types of analytical monitoring specified by the 2015 MSGP, where applicable to your facility, including:

- Benchmark monitoring (2015 MSGP Part 6.2.1 and relevant requirements in Part 8 and/or Part 9);
- Effluent limitations guidelines monitoring (2015 MSGP Part 6.2.2 and relevant requirements in Part 8);
- State- or tribal-specific monitoring (2015 MSGP Part 6.2.3 and relevant requirements in Part 9);
- Impaired waters monitoring (2015 MSGP Part 6.2.4);
- Other monitoring as required by EPA (2015 MSGP Part 6.2.5).

Depending on the type of facility you operate, and the monitoring requirements to which you are subject, you must collect and analyze stormwater samples and document monitoring activities consistent with the procedures described in 2015 MSGP Part 6 and Appendix B, Subsections 10 – 12, and any additional sector-specific or state/tribal-specific requirements in 2015 MSGP Parts 8 and 9, respectively. Refer to 2015 MSGP Part 7 for reporting and recordkeeping requirements. *Note: All monitoring must be conducted in accordance with the relevant sampling and analysis requirements at 40 CFR Part 136*. Include in your description procedures for ensuring compliance with these requirements.

If you are invoking the exception for inactive and unstaffed sites for benchmark monitoring, you must include in your SWPPP the information to support this claim as required by 2015 MSGP Part 6.2.1.3.

If you plan to use the substantially identical discharge point exception for your benchmark monitoring requirements, impaired waters monitoring requirements, and/or your quarterly visual assessment, you must include the following documentation:

- Location of each of the substantially identical discharge points;
- Description of the general industrial activities conducted in the drainage area of each discharge point;
- Description of the control measures implemented in the drainage area of each discharge point;
- Description of the exposed materials located in the drainage area of each discharge point that are likely to be significant contributors of pollutants to stormwater discharges;
- An estimate of the runoff coefficient of the drainage areas (low = under 40%; medium = 40 to 65%; high = above 65%);
- Why the discharge points are expected to discharge substantially identical effluents.

Check the following monitoring activities applicable to your facility:

☒Quarterly benchmark monitoring

☐Effluent limitations guidelines monitoring

☐State- or tribal-specific monitoring

☐Impaired waters monitoring

☐Other monitoring required by EPA

For each type of monitoring checked above, your SWPPP must include the following information:

Select type of monitoring activity from drop-down list below (*if subject to more than one type of monitoring activity, you will need to copy and paste the items below for each monitoring activity*):

Click here to select monitoring activity type

1. Sample location(s). All samples are to be collected at outfall 001, located approximately 0.1 miles south of the plant entrance, on Maddox Road, in the west ditch, where there is a small berm indicating the outfall location. No samples will be collected unless there is flow passing the berm.
2. Pollutants to be sampled. The quarterly samples (at the frequency described in section 5) will be analyzed for Total Iron, and compared to the benchmark value of 1.0 mg/L. The sample will be collected in a polyethylene sample bottle, and acidified, cooled, and shipped on ice to the company laboratory in Amarillo, or another qualified laboratory. Quarterly visual samples will be collected at the same time as the benchmark samples, and examined for the parameters prescribed for visual sample evaluation. These are listed on the sample evaluation form.
3. Monitoring Schedules. Once per quarter during the term of this permit, EXCEPT, since the plant is located in a semi-arid area, and rainfall is infrequent and unpredictable, inspections and sampling will be conducted during the season when runoff is likely to occur, until a total of four samples is collected per year. In addition, if those four samples don't occur in all four quarters, then one sample will be collected in each quarter in which a runoff event occurs. Rainfall events which don't result in any runoff will be documented.
4. Numeric Limitations. Not Applicable
5. Procedures. Sampler: Plant Environmentalist or qualified sampler

   Procedure: Follow EPA SW 846 sampling procedures or other similar applicable guidance.

   Lab: System Lab (or other NELAC (or other recognized accreditation) Certified Laboratory)

Note: it may be helpful to create a table with columns corresponding to # 1 - 5 above for each type of monitoring you are required to conduct.

Inactive and unstaffed sites exception (if applicable) Not Applicable

Substantially identical discharge point (outfall) exception (if applicable) Not Applicable

SECTION 5: DOCUMENTATION TO SUPPORT ELIGIBILITY CONSIDERATIONS UNDER OTHER FEDERAL LAWS.

5.1 Documentation Regarding Endangered Species.

Instructions (see 2015 MSGP Part 5.2.6.1):

Include any documentation you have that supports your determination of eligibility consistent with 2015 MSGP, Part 1.1.4.5 (Endangered and Threatened Species and Critical Habitat Protection). Refer to Appendix E of the 2015 MSGP for specific instructions for establishing eligibility.

There are no stormwater related activities planned that are likely to result in any change in quality of water discharged from this site. There are no listed aquatic dependent species or their habitat present. We contacted the USFWS for a list of threatened and endangered species and their habitat. There are three species that are federally listed that may be present:

Lesser prairie chicken

Northern aplomado falcon

Sprague's pipit

None of these species have listed critical habitat in Lea County New Mexico. Although they may rarely be seen, they would be infrequent migrants. It is unlikely that the stormwater discharges would adversely affect any of these species.

There is no habitat for any species on the NMFS endangered and threatened species list.

See Attachment D for the full ESA documentation.

5.2 Documentation Regarding Historic Properties.

Instructions (see 2015 MSGP Part 5.2.6.2):
Include any documentation you have that supports your determination of eligibility consistent with 2015 MSGP Part 1.1.4.6 (Historic Properties Preservation). Refer to 2015 MSGP, Appendix F for specific instructions for establishing eligibility.

As long as you are not constructing or installing any new stormwater control measures then you have met eligibility Criterion A of the MSGP. After you submit your NOI, there is a 30-day waiting period during which the SHPO, THPO, or other tribal representative may review your NOI. The SHPO, THPO, or other tribal representative may request that EPA hold up authorization based on concerns about potential adverse impacts to historic properties. EPA will evaluate any such request and notify you if any additional measures to address adverse impacts to historic properties are necessary.

We have determined that the plant site is eligible under Criterion A

SECTION 7: SWPPP CERTIFICATION.

Instructions (see 2015 MSGP Part 5.2.7):
The following certification statement must be signed and dated by a person who meets the requirements of Appendix B, Subsection 11.A, of the 2015 MSGP.
Note: this certification must be re-signed in the event of a SWPPP modification in response to a Part 4.1 trigger for corrective action.

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.

Name: DEAN METCHLF Title: MANAGER, ENVIRONMENTAL SAUS

Signature: Dean Metchlf Date: 3-23-2016

SECTION 8: SWPPP MODIFICATIONS.

Instructions (see 2015 MSGP Part 5.3):

Your SWPPP is a "living" document and is required to be modified and updated, as necessary, in response to corrective actions. See Part 4 of the 2015 MSGP.

- If you need to modify the SWPPP in response to a corrective action required by Part 4.1 or 4.2 of the 2015 MSGP, then the certification statement in section 7 of this SWPPP template must be re-signed in accordance with 2015 MSGP Appendix B, Subsection 11.A.
- For any other SWPPP modification, you should keep a log with a description of the modification, the name of the person making it, and the date and signature of that person. See 2015 MSGP Appendix B, Subsection 11.C.

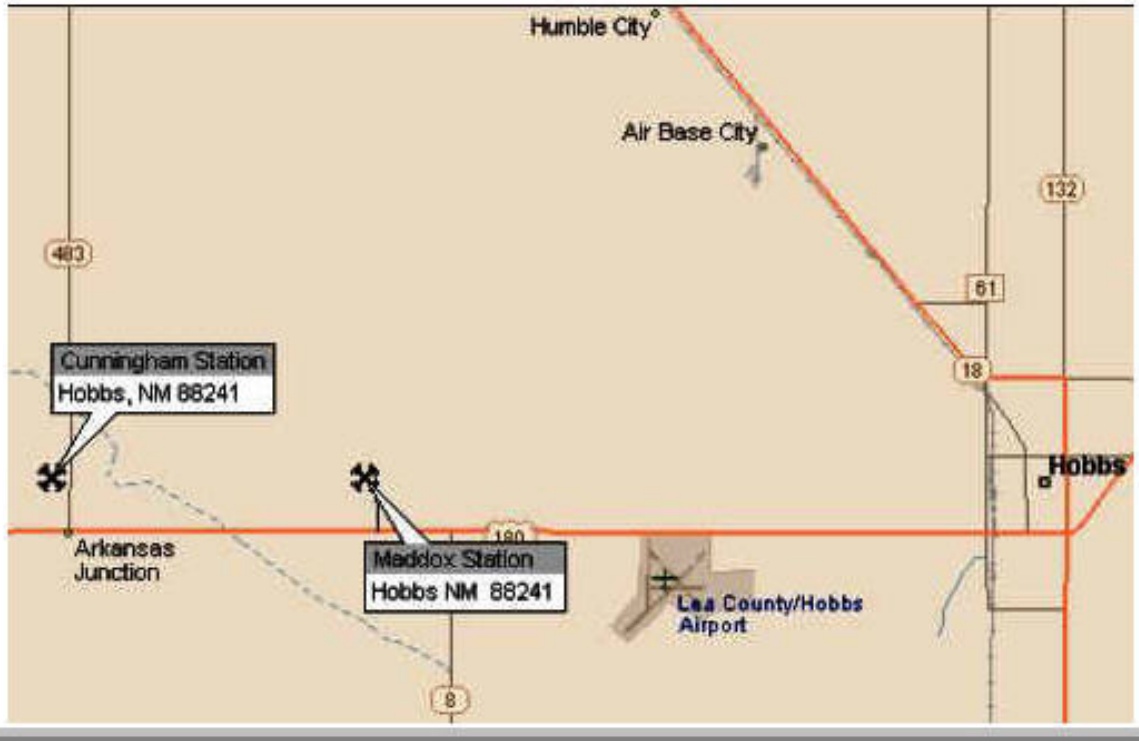
Amend. No.	Description of the Amendment	Date of Amendment	Amendment Prepared by [Name(s) and Title]
1	Changed the permit number from NMR05GC72 (old number) to NMR053119 in Section 1.1	12/3/2015	Gale Henslee
2	Update sections 2 and 3 to correct a few errors detected during recent internal audit .	12/17/15	Gale Henslee
3	Insert description of amendment	Insert date	Insert name/title
4	Insert description of amendment	Insert date	Insert name/title
5	Insert description of amendment	Insert date	Insert name/title
6	Insert description of amendment	Insert date	Insert name/title
7	Insert description of amendment	Insert date	Insert name/title
8	Insert description of amendment	Insert date	Insert name/title
9	Insert description of amendment	Insert date	Insert name/title
10	Insert description of amendment	Insert date	Insert name/title
11	Insert description of amendment	Insert date	Insert name/title

SWPPP ATTACHMENTS

Attachment A – General Location Map

Cunningham Station
Box 1650
Hobbs, NM 88241-1650
575-393-8693

13 miles West of Hobbs, NM on State Hwy. 62-180,
then 1 mile north on State Hwy 483



Attachment B – Site Map

Confidential Business Information

Submit requests for access to

Southwestern Public Service Company Responsible Authority

Attachment C –2015 MSGP

Click here to view EPA 2015 MSGP

Click here to return to Table of Contents

Attachment D – Endangered Species Documentation

United States Department of the Interior

FISH AND WILDLIFE SERVICE
New Mexico Ecological Services Field Office
2105 OSUNA ROAD NE
ALBUQUERQUE, NM 87113
PHONE: (505)346-2525 FAX: (505)346-2542
URL: www.fws.gov/southwest/es/NewMexico/;
www.fws.gov/southwest/es/ES_Lists_Main2.html

Consultation Code: 02ENNM00-2015-SLI-0507 July 30, 2015
Event Code: 02ENNM00-2015-E-00613
Project Name: Cunningham Station

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

Thank you for your recent request for information on federally listed species and important wildlife habitats that may occur in your project area. The U.S. Fish and Wildlife Service (Service) has responsibility for certain species of New Mexico wildlife under the Endangered Species Act (ESA) of 1973 as amended (16 USC 1531 et seq.), the Migratory Bird Treaty Act (MBTA) as amended (16 USC 701-715), and the Bald and Golden Eagle Protection Act (BGEPA) as amended (16 USC 668-668c). We are providing the following guidance to assist you in determining which federally imperiled species may or may not occur within your project area and to recommend some conservation measures that can be included in your project design.

FEDERALLY-LISTED SPECIES AND DESIGNATED CRITICAL HABITAT

Attached is a list of endangered, threatened, and proposed species that may occur in your project area. Your project area may not necessarily include all or any of these species. Under the ESA, it is the responsibility of the Federal action agency or its designated representative to determine if a proposed action "may affect" endangered, threatened, or proposed species, or designated critical habitat, and if so, to consult with the Service further. Similarly, it is the responsibility of the Federal action agency or project proponent, not the Service, to make "no effect" determinations. If you determine that your proposed action will have "no effect" on threatened or endangered species or their respective critical habitat, you do not need to seek concurrence with the Service. Nevertheless, it is a violation of Federal law to harm or harass any federally-listed threatened or endangered fish or wildlife species without the appropriate permit.

If you determine that your proposed action may affect federally-listed species, consultation with the Service will be necessary. Through the consultation process, we will analyze information

contained in a biological assessment that you provide. If your proposed action is associated with Federal funding or permitting, consultation will occur with the Federal agency under section 7(a)(2) of the ESA. Otherwise, an incidental take permit pursuant to section 10(a)(1)(B) of the ESA (also known as a habitat conservation plan) is necessary to harm or harass federally listed threatened or endangered fish or wildlife species. In either case, there is no mechanism for authorizing incidental take "after-the-fact." For more information regarding formal consultation and HCPs, please see the Service's Consultation Handbook and Habitat Conservation Plans at www.fws.gov/endangered/esa-library/index.html#consultations.

The scope of federally listed species compliance not only includes direct effects, but also any interrelated or interdependent project activities (e.g., equipment staging areas, offsite borrow material areas, or utility relocations) and any indirect or cumulative effects that may occur in the action area. The action area includes all areas to be affected, not merely the immediate area involved in the action. Large projects may have effects outside the immediate area to species not listed here that should be addressed. If your action area has suitable habitat for any of the attached species, we recommend that species-specific surveys be conducted during the flowering season for plants and at the appropriate time for wildlife to evaluate any possible project-related impacts.

Candidate Species and Other Sensitive Species

A list of candidate and other sensitive species in your area is also attached. Candidate species and other sensitive species are species that have no legal protection under the ESA, although we recommend that candidate and other sensitive species be included in your surveys and considered for planning purposes. The Service monitors the status of these species. If significant declines occur, these species could potentially be listed. Therefore, actions that may contribute to their decline should be avoided.

Lists of sensitive species including State-listed endangered and threatened species are compiled by New Mexico state agencies. These lists, along with species information, can be found at the following websites:

Biota Information System of New Mexico (BISON-M): www.bison-m.org

New Mexico State Forestry. The New Mexico Endangered Plant Program: www.emnrd.state.nm.us/SFD/ForestMgt/Endangered.html

New Mexico Rare Plant Technical Council, New Mexico Rare Plants: nmrareplants.unm.edu

Natural Heritage New Mexico, online species database: nhnm.unm.edu

WETLANDS AND FLOODPLAINS

Under Executive Orders 11988 and 11990, Federal agencies are required to minimize the destruction, loss, or degradation of wetlands and floodplains, and preserve and enhance their natural and beneficial values. These habitats should be conserved through avoidance, or mitigated to ensure that there would be no net loss of wetlands function and value.

We encourage you to use the National Wetland Inventory (NWI) maps in conjunction with ground-truthing to identify wetlands occurring in your project area. The Service's NWI program website, www.fws.gov/wetlands/Data/Mapper.html integrates digital map data with other resource information. We also recommend you contact the U.S. Army Corps of Engineers for permitting requirements under section 404 of the Clean Water Act if your proposed action could impact floodplains or wetlands.

MIGRATORY BIRDS

The MBTA prohibits the taking of migratory birds, nests, and eggs, except as permitted by the Service's Migratory Bird Office. To minimize the likelihood of adverse impacts to migratory birds, we recommend construction activities occur outside the general bird nesting season from March through August, or that areas proposed for construction during the nesting season be surveyed, and when occupied, avoided until the young have fledged.

We recommend review of Birds of Conservation Concern at website www.fws.gov/migratorybirds/CurrentBirdIssues/Management/BCC.html to fully evaluate the effects to the birds at your site. This list identifies birds that are potentially threatened by disturbance and construction.

BALD AND GOLDEN EAGLES

The bald eagle (*Haliaeetus leucocephalus*) was delisted under the ESA on August 9, 2007. Both the bald eagle and golden eagle (*Aquila chrysaetos*) are still protected under the MBTA and BGEPA. The BGEPA affords both eagles protection in addition to that provided by the MBTA, in particular, by making it unlawful to "disturb" eagles. Under the BGEPA, the Service may issue limited permits to incidentally "take" eagles (e.g., injury, interfering with normal breeding, feeding, or sheltering behavior nest abandonment). For information on bald and golden eagle management guidelines, we recommend you review information provided at www.fws.gov/midwest/eagle/guidelines/bgepa.html.

On our web site www.fws.gov/southwest/es/NewMexico/SBC_intro.cfm, we have included conservation measures that can minimize impacts to federally listed and other sensitive species. These include measures for communication towers, power line safety for raptors, road and highway improvements, spring developments and livestock watering facilities, wastewater facilities, and trenching operations.

We also suggest you contact the New Mexico Department of Game and Fish, and the New Mexico Energy, Minerals, and Natural Resources Department, Forestry Division for information regarding State fish, wildlife, and plants.

Thank you for your concern for endangered and threatened species and New Mexico's wildlife habitats. We appreciate your efforts to identify and avoid impacts to listed and sensitive species in your project area. For further consultation on your proposed activity, please call 505-346-2525 or email nmesfo@fws.gov and reference your Service Consultation Tracking Number.

Attachment

United States Department of Interior
Fish and Wildlife Service

Project name: Cunningham Station

Official Species List

Provided by:

New Mexico Ecological Services Field Office
2105 OSUNA ROAD NE
ALBUQUERQUE, NM 87113
(505) 346-2525
http://www.fws.gov/southwest/es/NewMexico/
http://www.fws.gov/southwest/es/ES_Lists_Main2.html

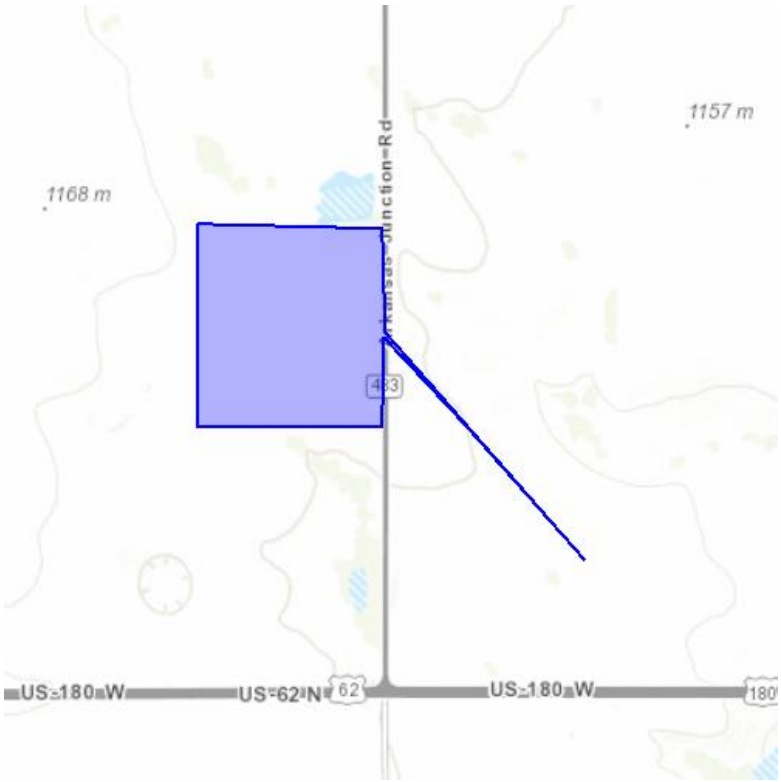
Consultation Code: 02ENNM00-2015-SLI-0507
Event Code: 02ENNM00-2015-E-00613

Project Type: POWER GENERATION

Project Name: Cunningham Station
Project Description: Cunningham Station is a fossil fueled (natural gas) steam electric generation plant. There are four generating units on site â Unit 1, approximately 76 MW (megawatts) is a natural gas fired steam generating unit. Unit 2, approximately 205 MW (megawatts) is a natural gas fired steam generating unit. Units 3 and 4 are natural gas fueled simple cycle combustion turbines, each approximately 100 MW.

Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-103.35087239742279 32.71063364706027, -103.3509635925293 32.714619135414225, -103.35937499999999 32.71479967427209, -103.35941791534424 32.70703617342408, -103.3509635925293 32.70700006253934, -103.35088849067688 32.7104892092578, -103.34718704223633 32.707072284294235, -103.34173679351807 32.70187216852283, -103.35087239742279 32.71063364706027)))

Project Counties: Lea, NM

United States Department of Interior
Fish and Wildlife Service

Project name: Cunningham Station

Endangered Species Act Species List

There are a total of 3 threatened, endangered, or candidate species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Birds	Status	Has Critical Habitat	Condition(s)
Lesser prairie-chicken *(Tympanuchus pallidicinctus)*	Threatened		
northern aplomado falcon *(Falco femoralis septentrionalis)* Population: U.S.A (AZ, NM)	Experimental Population, Non-Essential		
Sprague's Pipit *(Anthus spragueii)*	Candidate		

Critical habitats that lie within your project area

There are no critical habitats within your project area.

Endangered and Threatened Marine Species under NMFS' Jurisdiction

Approximately 2,215 species are listed as endangered or threatened under the ESA. Of these species, about 645 are foreign species, found only in areas outside of the U.S. and our waters.

We have jurisdiction over **125 endangered and threatened marine species**, including **38 foreign species**. We work with **U.S. Fish and Wildlife Service (USFWS)** to manage ESA-listed species. Generally, we manage marine species, while USFWS manages land and freshwater species.

- **Marine Mammals**
- **Sea Turtles**
- **Fish (Marine and Anadromous)**
- **Marine Invertebrates and Plants**

ESA Fact Sheet

» How does the ESA define "species"?

Marine Mammals (27 listed "species")

Manatees and sea otters are also listed under the ESA, but fall under the jurisdiction of the U.S. Fish and Wildlife Service.

(E = **"endangered"**; T = **"threatened"**; F = **"foreign"**; n/a = not applicable)

Species	Year Listed	Status	Critical Habitat*	Recovery Plan*
Cetaceans				
dolphin, Chinese River / baiji (*Lipotes vexillifer*)	1989	E (F)	n/a	n/a
dolphin, Indus River (*Platanista minor*)	1991	E (F)	n/a	n/a
porpoise, Gulf of California harbor / vaquita (*Phocoena sinus*)	1985	E (F)	n/a	n/a
whale, beluga (1 listed DPS) (*Delphinapterus leucas*)				
◦ Cook Inlet	2008	E	**final**	**draft**
whale, blue (*Balaenoptera musculus*)	1970	E	n/a	**final**
whale, bowhead (*Balaena mysticetus*)	1970	E	n/a	n/a
whale, false killer (1 listed DPS) (*Pseudorca crassidens*)				
◦ Main Hawaiian Islands Insular	2012	E	no	no
whale, fin (*Balaenoptera physalus*)	1970	E	n/a	**final**
whale, gray (1 listed DPS) (*Eschrichtius robustus*)				
◦ Western North Pacific	1970	E (F)	n/a	n/a
whale, humpback (*Megaptera novaeangliae*)	1970	E	n/a	**final**
whale, killer (1 listed DPS) (*Orcinus orca*)				
◦ Southern Resident	2005	E	**final**	**final**
whale, North Atlantic right (*Eubalaena glacialis*)	2008	E	**final**	**final**
original listing as "northern right whale" -	1970	E		
whale, North Pacific right (*Eubalaena japonica*)	2008	E	**final**	**final**
original listing as "northern right whale" -	1970	E		
whale, sei (*Balaenoptera borealis*)	1970	E	n/a	**final**
whale, Southern right (*Eubalaena australis*)	1970	E (F)	n/a	n/a

whale, sperm (*Physeter macrocephalus*)	1970	E	n/a	**final**
Pinnipeds				
sea lion, Steller (1 listed DPS) (*Eumetopias jubatus*)				
◦ Western *original listing -*	1997 1990	E T	**final**	**final**
seal, bearded (1 listed DPS) *(Erignathus barbatus)*				
◦ Okhotsk	2012	T (F)	no	no
seal, Guadalupe fur (*Arctocephalus townsendi*)	1985	T	n/a	n/a
seal, Hawaiian monk (*Neomonachus schauinslandi)*	1976	E	**final**	**final**
seal, ringed (5 listed subspecies) *(Phoca hispida)*				
◦ Arctic (*Phoca hispida hispida*)	2012	T	no	no
◦ Baltic (*Phoca hispida botnica*)	2012	T (F)	no	no
◦ Okhotsk (*Phoca hispida ochotensis*)	2012	T (F)	no	no
◦ Ladoga (*Phoca hispida ladogensis*)	2012	E (F)	no	no
◦ **Saimaa** (*Phoca hispida saimensis*)	1993	E (F)	n/a	n/a
seal, Mediterranean monk (*Monachus monachus)*	1970	E (F)	n/a	n/a
seal, spotted (1 listed DPS) *(Phoca largha)*				
◦ Southern	2010	T (F)	n/a	n/a

Sea Turtles (16 listed "species")

(E = **"endangered"**; T = **"threatened"**; F = **"foreign"**; n/a = not applicable)

Species	Year Listed	Status	Critical Habitat*	Recovery Plan*
green turtle (2 listed populations^) (*Chelonia mydas*)				
◦ Florida & Mexico's Pacific coast breeding colonies	1978	E	**final**	**final**
◦ all other areas	1978	T	**final**	**final**
hawksbill turtle (*Eretmochelys imbricata*)	1970	E	**final**	**final**
Kemp's ridley turtle (*Lepidochelys kempii*)	1970	E	n/a	**final**
leatherback turtle (*Dermochelys coriacea*)	1970	E	**final**	**final**
loggerhead turtle (9 listed DPSs) (*Caretta caretta*) » *original listing - 1978*			*no*	***final***
◦ Mediterranean Sea	2011	E (F)	n/a	n/a
◦ North Indian Ocean	2011	E (F)	n/a	n/a
◦ North Pacific Ocean	2011	E	no	**final**
◦ Northeast Atlantic Ocean	2011	E (F)	n/a	n/a

◦ Northwest Atlantic Ocean	2011	T	**final**	**final**
◦ South Atlantic Ocean	2011	T (F)	n/a	n/a
◦ South Pacific Ocean	2011	E (F)	n/a	n/a
◦ Southeast Indo-Pacific Ocean	2011	T (F)	n/a	n/a
◦ Southwest Indian Ocean	2011	T (F)	n/a	n/a
olive ridley turtle (2 listed populations^) (*Lepidochelys olivacea*)				
◦ Mexico's Pacific coast breeding colonies	1978	E	n/a	**final**
◦ all other areas	1978	T	n/a	**final**

^ These populations were listed before the 1978 ESA amendments that restricted population listings to "distinct population segments of vertebrate species."

Fish (Marine & Anadromous) (57 listed "species")

(E = **"endangered"**; T = **"threatened"**; F = **"foreign"**; XN = **"nonessential experimental population"**; n/a = not applicable)

Species	Year Listed	Status	Critical Habitat*	Recovery Plan*
bocaccio (1 listed DPS) (*Sebastes paucispinis*)				
◦ Puget Sound/ Georgia Basin	2010	E	**final**	no
eulachon, Pacific / smelt (1 listed DPS) (*Thaleichthys pacificus*)				
◦ Southern DPS	2010	T	**final**	no
rockfish, canary (1 listed DPS) (*Sebastes pinniger*)				
◦ Puget Sound/ Georgia Basin	2010	T	**final**	no
rockfish, yelloweye (1 listed DPS) (*Sebastes ruberrimus*)				
◦ Puget Sound/ Georgia Basin	2010	T	**final**	no
salmon, Atlantic (1 listed DPS) (*Salmo salar*)				
◦ Gulf of Maine *original listing -*	2009 (expanded) 2000	E	**final**	**final**
salmon, Chinook (9 listed ESUs & 1 XN) (*Oncorhynchus tshawytscha*)				
◦ California coastal	1999**	T	**final**	**in process**
◦ Central Valley spring-run	1999**	T	**final**	**final**
◦ Central Valley spring-run in the San Joaquin River, CA	2013	XN	n/a	-
◦ Lower Columbia River	1999**	T	**final**	**final**
◦ Upper Columbia River spring-run	1999**	E	**final**	**final**
◦ Puget Sound	1999**	T	**final**	**final**
◦ Sacramento River winter-run	1994**	E	**final**	**final**
◦ Snake River fall-run	1992**	T	**final**	**in process**
◦ Snake River spring/ summer-run	1992**	T	**final**	**in process**
◦ Upper Willamette River	1999**	T	**final**	**final**
salmon, chum (2 listed ESUs) (*Oncorhynchus keta*)				
◦ Columbia River	1999**	T	**final**	**final**
◦ Hood Canal summer-run	1999**	T	**final**	**final**
salmon, coho (4 listed ESUs) (*Oncorhynchus kisutch*)				
◦ Central California coast *original listing -*	2005** 1996**	E T	**final**	**final**

◦ Lower Columbia River	2005**	T	**proposed**	**final**
◦ Oregon coast	2008	T	**final**	**in process**
◦ Southern Oregon & Northern California coasts (SONCC)	1997**	T	**final**	**final**
salmon, sockeye (2 listed ESUs) (*Oncorhynchus nerka*)				
◦ Ozette Lake	1999**	T	**final**	**final**
◦ Snake River	1991**	E	**final**	**final**
sawfish, dwarf *(Pristis clavata)*	2014	E (F)	no	no
sawfish, green *(Pristis zijsron)*	2014	E (F)	no	no
sawfish, largetooth *(Pristis pristis)* (formerly *P. perotteti, P. pristis*, and *P. microdon*)	2014	E	no	no
sawfish, narrow *(Anoxypristis cuspidata)*	2014	E (F)	no	no
sawfish, smalltooth (2 listed DPSs) (*Pristis pectinata*)				
◦ U.S. portion of range	2003	E	**final**	**final**
◦ Non-U.S. portion of range	2014	E (F)	no	no
shark, scalloped hammerhead (4 listed DPSs) *(Sphyrna lewini)*				
◦ Central & Southwest Atlantic	2014	T	no	no
◦ Eastern Atlantic	2014	E (F)	no	no
◦ Eastern Pacific	2014	E	no	no
◦ Indo-West Pacific	2014	T	no	no
sturgeon, Adriatic *(Acipenser naccarii)*	2014	E (F)	n/a	no
sturgeon, Atlantic (5 listed DPSs) *(Acipenser oxyrinchus oxyrinchus)*				
◦ Gulf of Maine	2012	T	no	no
◦ New York Bight	2012	E	no	no
◦ Chesapeake Bay	2012	E	no	no
◦ Carolina	2012	E	no	no
◦ South Atlantic	2012	E	no	no
sturgeon, Chinese *(Acipenser sinensis)*	2014	E (F)	n/a	no
sturgeon, European *(Acipenser sturio)*	2014	E (F)	n/a	no
sturgeon, green (1 listed DPS) *(Acipenser medirostris)*				
◦ Southern DPS	2006	T	**final**	in process
sturgeon, Gulf (*Acipenser oxyrinchus desotoi*)	1991	T	**final**	**final**
sturgeon, Kaluga *(Huso dauricus)*	2014	E (F)	n/a	no
sturgeon, Sakhalin *(Acipenser mikadoi)*	2014	E (F)	n/a	no
sturgeon, shortnose (*Acipenser brevirostrum*)	1967	E	n/a	**final**
totoaba (*Totoaba macdonaldi*)	1979	E (F)	n/a	n/a
trout, steelhead (11 listed DPSs & 1 XN) *(Oncorhynchus mykiss)*				
◦ Puget Sound	2007	T	**proposed**	no
◦ Central California coast	1997**	T	**final**	**in process**
◦ Snake River Basin	1997**	T	**final**	**in process**
			final	**final**

◦ Southern California	1997**	E	final	final
◦ Middle Columbia River	1999**	T	final	final
◦ Middle Columbia River	2013	XN	n/a	
◦ Lower Columbia River	1998**	T	final	final
◦ Upper Willamette River	1999**	T	final	final
◦ Northern California	2000**	T	final	in process
◦ South-Central California coast	1997**	T	final	final
◦ California Central Valley	1998**	T	final	final

** All Pacific salmonid listings were revisited in 2005 and 2006. Only the salmonids whose status changed as a result of the review will show the revised date; for all others, only the original listing date is shown. For more information on the listing history, please click on the link for each ESU/DPS.

Marine Invertebrates (24 listed "species")

(E = "endangered"; T = "threatened"; F = "foreign"; n/a = not applicable)

Species	Year Listed	Status	Critical Habitat*	Recovery Plan*
Abalone				
abalone, black (*Haliotis cracherodii*)	2009	E	final	no
abalone, white (*Haliotis sorenseni*)	2001	E	not prudent [pdf]	final
Corals				
coral, [no common name] (*Acropora globiceps*)	2014	T	no	no
coral, [no common name] (*Acropora jacquelineae*)	2014	T	no	no
coral, [no common name] (*Acropora lokani*)	2014	T (F)	n/a	no
coral, [no common name] (*Acropora pharaonis*)	2014	T (F)	n/a	no
coral, [no common name] (*Acropora retusa*)	2014	T	no	no
coral, [no common name] (*Acropora rudis*)	2014	T (F)	no	no
coral, [no common name] (*Acropora speciosa*)	2014	T	no	no
coral, [no common name] (*Acropora tenella*)	2014	T (F)	n/a	no
coral, [no common name] (*Acropora spinosa*)	2014	T (F)	n/a	no
coral, [no common name] (*Euphyllia paradivisa*)	2014	T	no	no
coral, [no common name] (*Isopora crateriformis*)	2014	T	no	no
coral, [no common name] (*Montipora australiensis*)	2014	T (F)	n/a	no
coral, [no common name] (*Pavona diffluens*)	2014	T (F)	no	no
coral, [no common name] (*Porites napopora*)	2014	T (F)	n/a	no
coral, [no common name] (*Seriatopora aculeata*)	2014	T	no	no
	2014	T	no	no

coral, boulder star (*Orbicella franksi*)				
coral, elkhorn (*Acropora palmata*)	2006	T	final	final
coral, lobed star (*Orbicella annularis*)	2014	T	no	no
coral, mountainous star (*Orbicella faveolata*)	2014	T	no	no
coral, pillar (*Dendrogyra cylindrus*)	2014	T	no	no
coral, rough cactus (*Mycetophyllia ferox*)	2014	T	no	no
coral, staghorn (*Acropora cervicornis*)	2006	T	final	final

Marine Plants (1 listed "species")

(E = "endangered"; T = "threatened"; F = "foreign"; n/a = not applicable)

Species	Year Listed	Status	Critical Habitat*	Recovery Plan*
Johnson's seagrass (*Halophila johnsonii*)	1999	T	final	final

*** NOTE:** Critical habitat cannot be designated in foreign waters; critical habitat is also not required for species listed prior to the 1978 ESA amendments that added critical habitat provisions. Recovery plans for sea turtles are developed and implemented by NMFS and USFWS; the plans have been written separately for turtles in the Atlantic and Pacific oceans (and East Pacific for the green turtle) rather than for each listed species. Bowhead whales are exempt from recovery planning.

Endangered and Threatened Species Under NMFS' Jurisdiction:

- All Endangered and Threatened Species under NMFS Jurisdiction
  - » Marine Mammals
  - » Sea Turtles
  - » Fish (Marine & Anadromous)
  - » Marine Invertebrates & Plants

Additional Species:

- Species Petitioned for Listing under the ESA (awaiting 90-day findings)
- Candidates for ESA Listing
- Species Proposed for ESA Listing
- Species with "Not Warranted" 12-month findings (we reviewed the status, but determined that listing was not warranted)
- Delisted Species and Species Under Review or Proposed for Delisting

Updated: April 27, 2015

U.S. Fish & Wildlife Service

Cunningham Station

IPaC Trust Resource Report

Generated July 30, 2015 09:33 AM MDT

US Fish & Wildlife Service

IPaC Trust Resource Report

Project Description

NAME

Cunningham Station

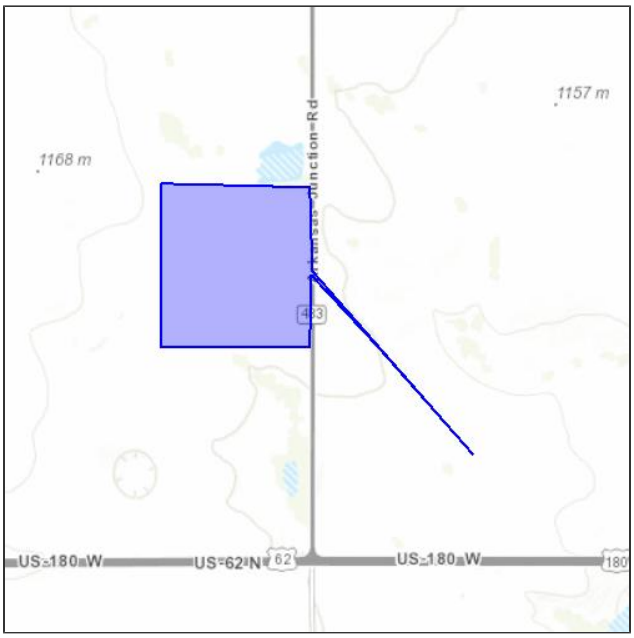
PROJECT CODE

HZE5O-O4KTR-H7LEY-EWWJN-MSVFZQ

LOCATION

Lea County, New Mexico

DESCRIPTION



Cunningham Station is a fossil fueled (natural gas) steam electric generation plant. There are four generating units on site – Unit 1, approximately 76 MW (megawatts) is a natural gas fired steam generating unit. Unit 2, approximately 205 MW (megawatts) is a natural gas fired steam generating unit. Units 3 and 4 are natural gas fueled simple cycle combustion turbines, each approximately 100 MW.

U.S. Fish & Wildlife Contact Information

Species in this report are managed by:

New Mexico Ecological Services Field Office
2105 Osuna Road Ne
Albuquerque, NM 87113-1001
(505) 346-2525

Endangered Species

Proposed, candidate, threatened, and endangered species that are managed by the Endangered Species Program and should be considered as part of an effect analysis for this project.

This unofficial species list is for informational purposes only and does not fulfill the requirements under Section 7 of the Endangered Species Act, which states that Federal agencies are required to "request of the Secretary of Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action." This requirement applies to projects which are conducted, permitted or licensed by any Federal agency.

A letter from the local office and a species list which fulfills this requirement can be obtained by returning to this project on the IPaC website and requesting an Official Species List from the regulatory documents section.

Birds

Lesser Prairie-chicken Tympanuchus pallidicinctus **Threatened**

CRITICAL HABITAT
No critical habitat has been designated for this species.

https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0AZ

Northern Aplomado Falcon Falco femoralis septentrionalis **Experimental Population, Non-Essential**

CRITICAL HABITAT
No critical habitat has been designated for this species.

https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B06V

Sprague's Pipit Anthus spragueii **Candidate**

CRITICAL HABITAT
No critical habitat has been designated for this species.

https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0GD

Critical Habitats

Potential effects to critical habitat(s) within the project area must be analyzed along with the endangered species themselves.

There is no critical habitat within this project area

Migratory Birds

Birds are protected by the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

Any activity which results in the take of migratory birds or eagles is prohibited unless authorized by the U.S. Fish and Wildlife Service (1). There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

You are responsible for complying with the appropriate regulations for the protection of birds as part of this project. This involves analyzing potential impacts and implementing appropriate conservation measures for all project activities.

Bald Eagle Haliaeetus leucocephalus — **Bird of conservation concern**
Season: Wintering
https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B008

Brewer's Sparrow Spizella breweri — **Bird of conservation concern**
Season: Wintering
https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0HA

Burrowing Owl Athene cunicularia — **Bird of conservation concern**
Year-round

Chestnut-collared Longspur Calcarius ornatus — **Bird of conservation concern**
Season: Wintering

Golden Eagle Aquila chrysaetos — **Bird of conservation concern**
Season: Wintering
https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0DV

Lark Bunting Calamospiza melanocorys — **Bird of conservation concern**
Season: Wintering

Lesser Prairie-chicken Tympanuchus pallidicinctus
Year-round
https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0AZ

Loggerhead Shrike Lanius ludovicianus — **Bird of conservation concern**
Year-round
https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0FY

Long-billed Curlew Numenius americanus — **Bird of conservation concern**
Season: Wintering
https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B06S

Mccown's Longspur Calcarius mccownii — **Bird of conservation concern**
Season: Wintering
https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0HB

Mississippi Kite Ictinia mississippiensis — **Bird of conservation concern**
Season: Breeding

Painted Bunting Passerina ciris — **Bird of conservation concern**
Season: Breeding

Prairie Falcon Falco mexicanus **Bird of conservation concern**

Season: Wintering
https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0ER

Snowy Plover Charadrius alexandrinus **Bird of conservation concern**

Season: Breeding

Swainson's Hawk Buteo swainsoni **Bird of conservation concern**

Season: Breeding
https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B070

Williamson's Sapsucker Sphyrapicus thyroideus **Bird of conservation concern**

Season: Wintering
https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0FX

Refuges

Any activity proposed on National Wildlife Refuge lands must undergo a 'Compatibility Determination' conducted by the Refuge. If your project overlaps or otherwise impacts a Refuge, please contact that Refuge to discuss the authorization process.

Refuge data is unavailable at this time.

Wetlands

Impacts to NWI wetlands and other aquatic habitats from your project may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal Statutes.

Project proponents should discuss the relationship of these requirements to their project with the Regulatory Program of the appropriate U.S. Army Corps of Engineers District.

DATA LIMITATIONS

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

DATA EXCLUSIONS

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

DATA PRECAUTIONS

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

Freshwater Pond

PUB 1.57 acres

Cunningham Station Action Area description for determining endangered species eligibility under the 2015 MSGP.

Cunningham Station is a fossil fueled (natural gas) steam electric generation plant. There are four generating units on site – Unit , approximately 76 MW (megawatts) is a natural gas fired steam generating unit. Unit 2, approximately 205 MW (megawatts) is a natural gas fired steam generating unit. Units 3 and 4 are natural gas fueled simple cycle combustion turbines, each approximately 100 MW.

The action area was setup to cover beyond the plant site boundaries, the outfall location, and approximately 400 yards downstream. The discharge path is poorly defined, and does not ever reach any named water body, therefore there are no areas of wetland habitat to be affected. The water quality in the discharge has not ever been found to contain any harmful substances, therefore the action area was limited to just a short distance downstream. Increasing the action area would not change any determination regarding aquatic or aquatic-dependent species because there are no wetlands associated with the discharge path as far as it can be traced.

Cunningham Station NMFS Endangered and Threatened Species List Evaluation

The attached NMFS endangered and threatened species list was reviewed. It needs no further evaluation because there is no suitable habitat for any species on the list in New Mexico.

Cunningham Station USFWS Endangered and Threatened Species List Evaluation

Although any of the three listed species may occur near the plant site, there is no designated critical habitat in or near the action area, they are not aquatic dependent species, and are not likely to be impacted.

Criterion C Eligibility Form

Instructions:

In order to be eligible for coverage under criterion C, you must complete the following form and you must submit it to EPA following the instructions in Section VII a **minimum of 30 days prior to filing your NOI for permit coverage.** After you submit your form, you may be contacted by EPA with additional measures (e.g., additional stormwater controls or modifications to your discharge-related activities) that you must implement in order to ensure your eligibility under criterion C.

If after completing this worksheet you cannot make a determination that your discharges and discharge-related activities are not likely to adversely affect listed threatened or endangered species or designated critical habitat, you must submit this completed worksheet to EPA, and you may not file your NOI for permit coverage until you receive a determination from EPA that your discharges and/or discharge-related activities are not likely to adversely affect listed species and critical habitat.

Note: Much of the information needed for this form can be obtained from your draft SWPPP which will be needed when you file your NOI.

SECTION I. OPERATOR, FACILITY, AND SITE LOCATION INFORMATION.

1) **Operator Information**

   a) **Operator Name:** _____

   b) **Point of Contact**

   First Name: _____ **Last Name:** _____

   Phone Number: _____

   E-mail: _____

2) **Facility Information**

   a) **Facility Name:** _____

   b) **Check which of the following applies:**

   ☐ I am seeking coverage under the MSGP as a new discharger or as a new source

   ☐ I am seeking coverage under the MSGP as an existing discharger and my facility has modifications to its discharge characteristics (e.g., changes in discharge flow or area drained, different pollutants) and/or discharge-related activities (e.g., stormwater controls)

   Indicate the number of years the facility has been in operation: _____ years

   Provide your NPDES ID (i.e., permit tracking number) from your previous MSGP coverage: _____

   ☐ I am seeking coverage under the MSGP as an existing discharger and there are no modifications to my facility.

   Indicate the number of year the facility has been in operation: _____ years

   Provide your NPDES ID (i.e., permit tracking number) from your previous MSGP coverage: _____

c) Facility Address:

Address 1: _____

Address 2: _____

City: _____ **State:** _____ **Zip Code:** _____

d) Identify the primary industrial sector to be covered under the 2015 MSGP:

SIC Code _____ or Primary Activity Code _____

Sector _____ and Subsector _____

e) Identify the sectors of any co-located activities to be covered under the 201r MSGP:

Sector _____ Subsector _____

Sector _____ Subsector _____

Sector _____ Subsector _____

Sector _____ Subsector _____

Sector _____ Subsector _____

Sector _____ Subsector _____

f) Estimated area of industrial activity exposed to stormwater: _____ acres

g) Provide a general description of the industrial activities that are taking place at this facility:

3) <u>Receiving Waters Information</u>

List all the stormwater outfalls from your facility.				**For each outfall, provide the following receiving water information:**	
Outfall ID	**Design Capacity (if known)**	**Latitude (decimal degrees)**	**Longitude (decimal degrees)**	**Name of the receiving water that receives stormwater from the outfall and/or from the MS4 that the outfall discharges to**	**Type of Waterbody (e.g., lake, pond, river/stream/creek, estuarine/marine water)**
		_ _ _ . _ _ _ _	_ _ _ . _ _ _ _		
		_ _ _ . _ _ _ _	_ _ _ . _ _ _ _		
		_ _ _ . _ _ _ _	_ _ _ . _ _ _ _		
		_ _ _ . _ _ _ _	_ _ _ . _ _ _ _		
		_ _ _ . _ _ _ _	_ _ _ . _ _ _ _		

SECTION II. ACTION AREA

Ensure that your action area is described in Attachment 1, as required in Step 2.

SECTION III. LISTED SPECIES AND CRITICAL HABITAT LIST

Ensure that the listed species and critical habitat list is included in Attachment 2, as required in Step 3.

Review your species list in Attachment 2, choose one of the following three statements, and follow the corresponding instructions:

> ***Note:*** For the purposes of this permit, "terrestrial species" would not include animal or plant species that 1) spends any portion of its life cycle in a waterbody or wetland, or 2) if an animal, depends on prey or habitat that occurs in a waterbody or wetland. For example, shorebirds, wading birds, amphibians, and certain reptiles would not be considered terrestrial species under this definition. Please also be aware that some terrestrial animals (e.g., certain insects, amphibians) may have an aquatic egg or larval/juvenile phase.

☐ The species list includes only terrestrial species and/or their designated critical habitat. No aquatic or aquatic-dependent species or their critical habitat are present in the action area. **You may skip to Section IV of this form. You are not required to fill out Section V.**

☐ The species list includes only aquatic and/or aquatic-dependent species and/or their designated critical habitat. No terrestrial species or their critical habitat are present in the action area. **You may skip to Section V of this form and are not required to fill out Section IV.**

☐ The species list includes both terrestrial and aquatic or aquatic-dependent species and/or their designated critical habitat. **You must fill out both Sections IV and V of this form.**

SECTION IV. EVALUATION OF DISCHARGE-RELATED ACTIVITIES EFFECTS

Note: You are only required to fill out this section if your facility's action area contains terrestrial species and/or their designated critical habitat. If your action area only contains aquatic and/or aquatic-dependent species and/or their designated critical habitat, you can skip directly to Section V.

Most of the potential effects related to coverage under the MSGP are assumed to occur to aquatic and/or aquatic-dependent species. However, in some cases, potential effects to terrestrial species and/or their critical habitat should be considered as well from any discharge-related activities that occur during coverage under the MSGP. Examples of discharge-related activities that could have potential effects on listed terrestrial species or their critical habitat include the storage of materials and land disturbances associated with stormwater management-related activities (e.g., the installation or placement of stormwater control measures).

A. Select the applicable statement(s) below and follow the corresponding instructions:

☐ There are no discharge-related activities that are planned to occur during my coverage under the MSGP. You can conclude that your discharge-related activities will have no likely adverse effects, and:

- If there are any aquatic or aquatic-dependent species and/or their critical habitat in your action area, you must skip to Section V, *Evaluation of Discharge Effects,* below.
- If there are no aquatic or aquatic-dependent species you may skip to Section VI and verify that your activities will have no likely adverse effects. You must submit this form to EPA as specified in Section VII of this form. You may select criterion C on your NOI form and may submit your NOI for permit coverage 30 days after you have submitted this *Criterion C Eligibility Form*. You must also provide a description of the basis for the criterion you selected on your NOI form, **including the species and critical habitat list(s) in your action area**, as well as any other documentation supporting your eligibility. You must also include this completed *Criterion C Eligiblity Form* in your SWPPP.

☐ There are discharge-related activities planned as part of the proposal. Describe your discharge-related activities in the following box and continue to (b) below.

Describe discharge-related activities:

B. In order to ensure any discharge-related activities will have no likely adverse effects on listed species and/or their designated critical habitat, you must certify that all the following are true:

☐ Discharge-related activities will occur:

- on previously cleared/developed areas of the site where maintenance and operation of the facility are currently occurring or where existing conditions of the area(s) in which the discharge-related activities will occur precludes its use by listed species (e.g., work on existing impervious surfaces, work occurring inside buildings, area is not used by species), and
- if discharge-related activities will include the establishment of structures (including, but not limited to, infiltration ponds and other controls) or any related disturbances, these structures and/or disturbances will be sited in areas that will not result in isolation or degradation of nesting, breeding, or foraging habitat or other habitat functions for listed animal species (or their designated critical habitat), and will avoid the destruction of native vegetation (including listed plant species).

☐ If vegetation removal (e.g., brush clearing) or other similar activities will occur, no terrestrial listed species that use these areas for habitat would be expected to be present during vegetation removal.

If all the above are true, you can conclude that your discharge-related activities will have no likely adverse effects, and:

- If there are any aquatic or aquatic-dependent species and/or critical habitat in your action area, you must skip to Section V, *Evaluation of Discharge Effects,* below.
- If there are no aquatic or aquatic-dependent species you may skip to Section VI and verify that your activities will have no likely adverse effects. You must submit this form to EPA as specified in Section VII of this form. You may select criterion C on your NOI and may submit your NOI for permit coverage 30 days after you have submitted this completed form. You must also provide a description of the basis for the criterion you selected on your NOI form, **including the species and critical habitat list(s)**, and any other documentation supporting your eligibility. You must also include this completed *Criterion C Eligibility Form* in your SWPPP.
- **If any of the above are not true**, you cannot conclude that your discharge-related activities will have no likely adverse effects. You must complete the rest of this form (if applicable), and must submit the form to EPA for assistance in determining your eligibility for coverage.

SECTION V. EVALUATION OF DISCHARGE EFFECTS

Note: *You are only required to fill out this section if your facility's action area includes aquatic and/or aquatic-dependent species and/or their critical habitat.*

In this section, you will evaluate the likelihood of adverse effects from your facility's discharges. The scope of effects to consider will vary with each facility and species/critical habitat characteristics. The following are examples of discharge effects you should consider:

- *Hydrological Effects.* Stormwater discharges may adversely affect receiving waters from pollutant parameters such as turbidity, temperature, salinity, or pH. These effects will vary with the amount of stormwater discharged and the volume and condition of the receiving water. Where a stormwater discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely.
- *Toxicity of Pollutants.* Pollutants in stormwater may have toxic effects on listed species and may adversely affect critical habitat. Exceedances of benchmarks, effluent limitation guidelines, or state or tribal water quality requirements may be indicative of potential adverse effects on listed species or critical habitat. However, some listed species may be adversely affected at pollutant concentrations below benchmarks, effluent limitation guidelines, and state or tribal water quality standards. In addition, stormwater pollutants identified in Part 5.2.3.2 of your SWPPP, but not monitored as benchmarks or effluent limitation guidelines, may also adversely affect listed species and critical habitat.

As these effects are difficult to analyze for listed species, their prey, habitat, and designated critical habitat, this form helps you to analyze your discharges and make a determination of whether your discharges will have likely adverse effects and whether there are any additional controls you can implement to ensure no likely adverse effects.

A. Evaluation of Pollutants and Controls to Avoid Adverse Effects. In this section, you must document all of your pollutant sources and pollutants expected to be discharged in stormwater. You must also document the controls you will implement to avoid adverse effects on listed aquatic and aquatic-dependent species. You must include specific details about the expected effectiveness of the controls in avoiding adverse effects to the listed aquatic-and aquatic-dependent species. Attach additional pages if needed.

Potential Pollutant Source	Potential Pollutants	**Controls to Avoid Adverse Effects on Listed Aquatic and Aquatic-Dependent Species.** Include information supporting why the control(s) will ensure no adverse effects, including any data you have about the effectiveness of the control(s) in reducing pollutant concentrations. You may also attach photos of your controls to this form.
e.g., **vehicle and equipment fueling**	***e.g.,*** • **Oil & grease** • **Diesel** • **Gasoline** • **TSS** • **Antifreeze**	***e.g.,*** • **Fueling operators (including the transfer of fuel from tank trucks) will be conducted on an impervious or contained pad or under cover** • **Drip pans will be used where leaks or spills of fuel can occur and where making and breaking hose connections** • **Spill kit will be kept on-site in close proximity to potential spill areas** • **Any spills will be cleaned-up immediately using dry clean up methods** • **Stormwater runoff will be diverted around fueling areas using diversion dikes and curbing**

Potential Pollutant Source	Potential Pollutants	Controls to Avoid Adverse Effects on Listed Aquatic and Aquatic-Dependent Species.

Potential Pollutant Source	Potential Pollutants	Controls to Avoid Adverse Effects on Listed Aquatic and Aquatic-Dependent Species.

☐ Check if you are not able to make a preliminary determination that any of your pollutants will be controlled to a level necessary to avoid adverse effects on aquatic and/or aquatic-dependent listed species and their designated critical habitat. You must check in Section VI that you are unable to make a determination of no likely adverse effects, and must complete the rest of the form. You must submit your completed form to EPA for assistance in determining your eligibility for coverage.

B. Analysis of Effects Based on Past Monitoring Data. Select which of the following applies to your facility:

☐ I have no previous monitoring data for my facility because there are no applicable monitoring requirements for my facility's sector(s).

☐ I have no previous monitoring data for my facility because I am a new discharger or a new source, but I am subject to monitoring under the 2015 MSGP. You must provide information to support a conclusion that your facility's discharges are not expected to result in benchmark or numeric effluent limit exceedances that will adversely affect listed species or their critical habitat:

☐ My facility has not had any exceedances under the 2008 MSGP of any required benchmark(s) or numeric effluent limits.

☐ My facility has had exceedances of one or more benchmark(s) or numeric effluent limits under the 2008 MSGP, but I have addressed them during my coverage under the 2008 MSGP, or in my evaluation of controls to avoid adverse effects in (A) above. Describe all actions (including specific controls) that you will implement to ensure that the pollutants in your discharge(s) will not result in likely adverse effects from future exceedances.

☐ Check if your facility has had exceedances of one or more benchmarks or numeric effluent limits under the 2008 MSGP and you have not been able to address them to avoid adverse effects from future exceedances, or if you are a new discharger or a new source but you are not sure if you can avoid adverse effects from possible exceedances. You must check in Section VI that you are unable to make a determination of no likely adverse effects. You must submit your completed form to EPA for assistance in determining your eligibility for coverage. You may not file your NOI for permit coverage until you are able to make a determination that your discharges will avoid adverse effects on listed species and designated critical habitat.

SECTION VI VERIFICATION OF PRELIMINARY EFFECTS DETERMINATION

Based on Steps I – V of this form, you must verify your preliminary determination of effects on listed species and designated critical habitat from your discharges and/or discharge-related activities :

☐ Following the applicable Steps in I – V above, I have made a preliminary determination that my discharges and/or discharge-related activities are not likely to adversely affect listed species and designated critical habitats.

☐ Following the applicable Steps in I – V above, I am **not** able to make a preliminary determination that my discharges and/or discharge-related activities are not likely to adversely affect listed species and designated critical habitats.

Certification Information

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.

First Name, Middle Initial, Last Name:

Title:

Signature: _____ Date: / /

E-mail:

SECTION VII CRITERION C ELIGIBILITY FORM SUBMISSION INSTRUCTIONS

You must submit this completed form to EPA at msgpesa@epa.gov, including any attachments and any additional information that demonstrates how you will avoid or eliminate adverse effects to listed species or critical habitat (e.g., specific controls you will implement to avoid or eliminate adverse effects). **Any missing or incomplete information may result in a delay of your coverage under the permit**.

If you have made a preliminary determination that your discharges and/or discharge-related activities are not likely to adversely affect listed species and critical habitat, this form must be submitted a minimum of 30 days prior to submitting your NOI for permit coverage under criterion C. Please note that during either the 30-day *Criterion C Eligibility Form* review period prior to your NOI submission, or within 30 days after your NOI submission and before you have been authorized for permit coverage, EPA may advise you that additional information is needed, or that there are additional measures you must implement to avoid likely adverse effects.

If you are unable to make a preliminary determination that your discharges and/or discharge-related activities are not likely to adversely affect listed species and critical habitat, this worksheet must be submitted to EPA, but you may not file your NOI for permit coverage until you have received a determination from EPA that your discharges and/or discharge-related activities are not likely to adversely affect listed species and critical habitat.

Attachment 1

Include a map **and a written description** of the action area of your facility, as required in Step 2. You may choose to include the map that is generated from the FWS' on-line mapping tool IPaC (the *Information, Planning, and Consultation System*) located at http://ecos.fws.gov/ipac/.

The written description of your action area that accompanies your action area map must explain your rationale for the extant of the action area drawn on your map. For example, your action area written description may look something like this:

> *The action area for the (name of your facility)'s stormwater discharges extends downstream from the outfall(s) in (name of receiving waterbody) (# of meters/feet/kilometers/miles). The downstream limit of the action area reflects the approximate distance at which the discharge waters and any pollutants would be expected to cause potential adverse effects to listed species and/or critical habitat because (insert rationale). The action area does/does not extend to the (name of receiving waterbody)'s confluence with (name of confluence waterbody) because (insert rationale).*

Note that you action area written description will be highly site-specific, depending on the expected effects of your facility's dishcarges and discharge-related activities, receiving waterbody characteristics, etc.

Attachment 2

List or attach the listed species and critical habitat in your action area on this sheet, as required in Step 3. You must include a list for applicable listed NMFS and FWS species and critical habitat. If there are listed species and/or critical habitat for only one Service, you must include a statement confirming there are no listed species and/or critical habitat for the other Service. For FWS species, include the full printout from your IPaC query. *Note: If your Official Species List from the USFWS indicated no species or critical habitat were present in your action area, include the full consultation tracking code at the top of your Official Species List in your NOI submittal in the question "Provide a brief summary of the basis for the criterion selected in Appendix E." If an Official Species List was not available on IPaC, list the contact date and name of the Service staff with whom you corresponded to identify the existence of any USFWS species or critical habitat present in your action area.*

Cunningham Station Action Area description for determining endangered species eligibility under the 2015 MSGP.

Cunningham Station is a fossil fueled (natural gas) steam electric generation plant. There are four generating units on site – Unit , approximately 76 MW (megawatts) is a natural gas fired steam generating unit. Unit 2, approximately 205 MW (megawatts) is a natural gas fired steam generating unit. Units 3 and 4 are natural gas fueled simple cycle combustion turbines, each approximately 100 MW.

The action area was setup to cover beyond the plant site boundaries, the outfall location, and approximately 400 yards downstream. The discharge path is poorly defined, and does not ever reach any named water body, therefore there are no areas of wetland habitat to be affected. The water quality in the discharge has not ever been found to contain any harmful substances, therefore the action area was limited to just a short distance downstream. Increasing the action area would not change any determination regarding aquatic or aquatic-dependent species because there are no wetlands associated with the discharge path as far as it can be traced.

Cunningham Station NMFS Endangered and Threatened Species List Evaluation

The attached NMFS endangered and threatened species list was reviewed. It needs no further evaluation because there is no suitable habitat for any species on the list in New Mexico.

Cunningham Station USFWS Endangered and Threatened Species List Evaluation

Although any of the three listed species may occur near the plant site, there is no designated critical habitat in or near the action area, they are not aquatic dependent species, and are not likely to be impacted.

U.S. Fish & Wildlife Service

Cunningham Station

IPaC Trust Resource Report

Generated July 30, 2015 09:33 AM MDT

US Fish & Wildlife Service

IPaC Trust Resource Report

Project Description

NAME

Cunningham Station

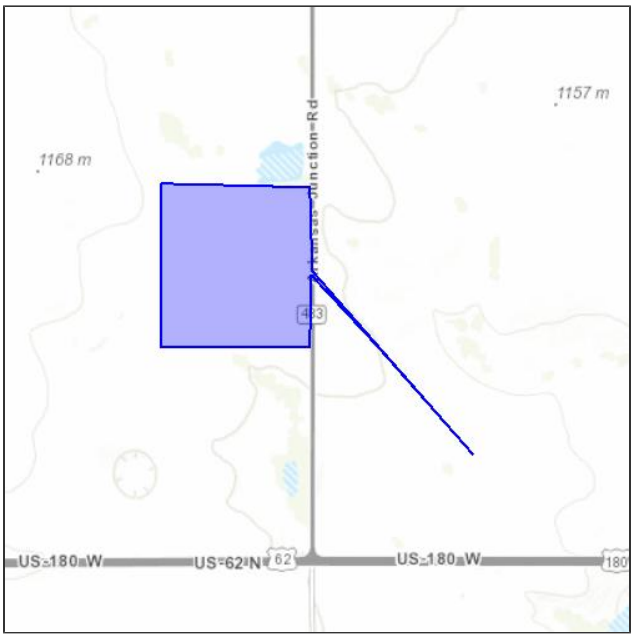
PROJECT CODE

HZE5O-O4KTR-H7LEY-EWWJN-MSVFZQ

LOCATION

Lea County, New Mexico

DESCRIPTION



Cunningham Station is a fossil fueled (natural gas) steam electric generation plant. There are four generating units on site – Unit 1, approximately 76 MW (megawatts) is a natural gas fired steam generating unit. Unit 2, approximately 205 MW (megawatts) is a natural gas fired steam generating unit. Units 3 and 4 are natural gas fueled simple cycle combustion turbines, each approximately 100 MW.

U.S. Fish & Wildlife Contact Information

Species in this report are managed by:

New Mexico Ecological Services Field Office
2105 Osuna Road Ne
Albuquerque, NM 87113-1001
(505) 346-2525

Endangered Species

Proposed, candidate, threatened, and endangered species that are managed by the Endangered Species Program and should be considered as part of an effect analysis for this project.

This unofficial species list is for informational purposes only and does not fulfill the requirements under Section 7 of the Endangered Species Act, which states that Federal agencies are required to "request of the Secretary of Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action." This requirement applies to projects which are conducted, permitted or licensed by any Federal agency.

A letter from the local office and a species list which fulfills this requirement can be obtained by returning to this project on the IPaC website and requesting an Official Species List from the regulatory documents section.

Birds

Lesser Prairie-chicken Tympanuchus pallidicinctus **Threatened**

CRITICAL HABITAT
No critical habitat has been designated for this species.

https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0AZ

Northern Aplomado Falcon Falco femoralis septentrionalis **Experimental Population, Non-Essential**

CRITICAL HABITAT
No critical habitat has been designated for this species.

https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B06V

Sprague's Pipit Anthus spragueii **Candidate**

CRITICAL HABITAT
No critical habitat has been designated for this species.

https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0GD

Critical Habitats

Potential effects to critical habitat(s) within the project area must be analyzed along with the endangered species themselves.

There is no critical habitat within this project area

Migratory Birds

Birds are protected by the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

Any activity which results in the take of migratory birds or eagles is prohibited unless authorized by the U.S. Fish and Wildlife Service (1). There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

You are responsible for complying with the appropriate regulations for the protection of birds as part of this project. This involves analyzing potential impacts and implementing appropriate conservation measures for all project activities.

Bald Eagle Haliaeetus leucocephalus — **Bird of conservation concern**
Season: Wintering
https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B008

Brewer's Sparrow Spizella breweri — **Bird of conservation concern**
Season: Wintering
https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0HA

Burrowing Owl Athene cunicularia — **Bird of conservation concern**
Year-round

Chestnut-collared Longspur Calcarius ornatus — **Bird of conservation concern**
Season: Wintering

Golden Eagle Aquila chrysaetos — **Bird of conservation concern**
Season: Wintering
https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0DV

Lark Bunting Calamospiza melanocorys — **Bird of conservation concern**
Season: Wintering

Lesser Prairie-chicken Tympanuchus pallidicinctus
Year-round
https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0AZ

Loggerhead Shrike Lanius ludovicianus — **Bird of conservation concern**
Year-round
https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0FY

Long-billed Curlew Numenius americanus — **Bird of conservation concern**
Season: Wintering
https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B06S

Mccown's Longspur Calcarius mccownii — **Bird of conservation concern**
Season: Wintering
https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0HB

Mississippi Kite Ictinia mississippiensis — **Bird of conservation concern**
Season: Breeding

Painted Bunting Passerina ciris — **Bird of conservation concern**
Season: Breeding

Prairie Falcon Falco mexicanus **Bird of conservation concern**

Season: Wintering
https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0ER

Snowy Plover Charadrius alexandrinus **Bird of conservation concern**

Season: Breeding

Swainson's Hawk Buteo swainsoni **Bird of conservation concern**

Season: Breeding
https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B070

Williamson's Sapsucker Sphyrapicus thyroideus **Bird of conservation concern**

Season: Wintering
https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0FX

Refuges

Any activity proposed on National Wildlife Refuge lands must undergo a 'Compatibility Determination' conducted by the Refuge. If your project overlaps or otherwise impacts a Refuge, please contact that Refuge to discuss the authorization process.

Refuge data is unavailable at this time.

Wetlands

Impacts to NWI wetlands and other aquatic habitats from your project may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal Statutes.

Project proponents should discuss the relationship of these requirements to their project with the Regulatory Program of the appropriate U.S. Army Corps of Engineers District.

DATA LIMITATIONS

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

DATA EXCLUSIONS

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

DATA PRECAUTIONS

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

Freshwater Pond

PUB 1.57 acres

United States Department of the Interior

FISH AND WILDLIFE SERVICE
New Mexico Ecological Services Field Office
2105 OSUNA ROAD NE
ALBUQUERQUE, NM 87113
PHONE: (505)346-2525 FAX: (505)346-2542
URL: www.fws.gov/southwest/es/NewMexico/;
www.fws.gov/southwest/es/ES_Lists_Main2.html

Consultation Code: 02ENNM00-2015-SLI-0507 July 30, 2015
Event Code: 02ENNM00-2015-E-00613
Project Name: Cunningham Station

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

Thank you for your recent request for information on federally listed species and important wildlife habitats that may occur in your project area. The U.S. Fish and Wildlife Service (Service) has responsibility for certain species of New Mexico wildlife under the Endangered Species Act (ESA) of 1973 as amended (16 USC 1531 et seq.), the Migratory Bird Treaty Act (MBTA) as amended (16 USC 701-715), and the Bald and Golden Eagle Protection Act (BGEPA) as amended (16 USC 668-668c). We are providing the following guidance to assist you in determining which federally imperiled species may or may not occur within your project area and to recommend some conservation measures that can be included in your project design.

FEDERALLY-LISTED SPECIES AND DESIGNATED CRITICAL HABITAT

Attached is a list of endangered, threatened, and proposed species that may occur in your project area. Your project area may not necessarily include all or any of these species. Under the ESA, it is the responsibility of the Federal action agency or its designated representative to determine if a proposed action "may affect" endangered, threatened, or proposed species, or designated critical habitat, and if so, to consult with the Service further. Similarly, it is the responsibility of the Federal action agency or project proponent, not the Service, to make "no effect" determinations. If you determine that your proposed action will have "no effect" on threatened or endangered species or their respective critical habitat, you do not need to seek concurrence with the Service. Nevertheless, it is a violation of Federal law to harm or harass any federally-listed threatened or endangered fish or wildlife species without the appropriate permit.

If you determine that your proposed action may affect federally-listed species, consultation with the Service will be necessary. Through the consultation process, we will analyze information

contained in a biological assessment that you provide. If your proposed action is associated with Federal funding or permitting, consultation will occur with the Federal agency under section 7(a)(2) of the ESA. Otherwise, an incidental take permit pursuant to section 10(a)(1)(B) of the ESA (also known as a habitat conservation plan) is necessary to harm or harass federally listed threatened or endangered fish or wildlife species. In either case, there is no mechanism for authorizing incidental take "after-the-fact." For more information regarding formal consultation and HCPs, please see the Service's Consultation Handbook and Habitat Conservation Plans at www.fws.gov/endangered/esa-library/index.html#consultations.

The scope of federally listed species compliance not only includes direct effects, but also any interrelated or interdependent project activities (e.g., equipment staging areas, offsite borrow material areas, or utility relocations) and any indirect or cumulative effects that may occur in the action area. The action area includes all areas to be affected, not merely the immediate area involved in the action. Large projects may have effects outside the immediate area to species not listed here that should be addressed. If your action area has suitable habitat for any of the attached species, we recommend that species-specific surveys be conducted during the flowering season for plants and at the appropriate time for wildlife to evaluate any possible project-related impacts.

Candidate Species and Other Sensitive Species

A list of candidate and other sensitive species in your area is also attached. Candidate species and other sensitive species are species that have no legal protection under the ESA, although we recommend that candidate and other sensitive species be included in your surveys and considered for planning purposes. The Service monitors the status of these species. If significant declines occur, these species could potentially be listed. Therefore, actions that may contribute to their decline should be avoided.

Lists of sensitive species including State-listed endangered and threatened species are compiled by New Mexico state agencies. These lists, along with species information, can be found at the following websites:

Biota Information System of New Mexico (BISON-M): www.bison-m.org

New Mexico State Forestry. The New Mexico Endangered Plant Program: www.emnrd.state.nm.us/SFD/ForestMgt/Endangered.html

New Mexico Rare Plant Technical Council, New Mexico Rare Plants: nmrareplants.unm.edu

Natural Heritage New Mexico, online species database: nhnm.unm.edu

WETLANDS AND FLOODPLAINS

Under Executive Orders 11988 and 11990, Federal agencies are required to minimize the destruction, loss, or degradation of wetlands and floodplains, and preserve and enhance their natural and beneficial values. These habitats should be conserved through avoidance, or mitigated to ensure that there would be no net loss of wetlands function and value.

We encourage you to use the National Wetland Inventory (NWI) maps in conjunction with ground-truthing to identify wetlands occurring in your project area. The Service's NWI program website, www.fws.gov/wetlands/Data/Mapper.html integrates digital map data with other resource information. We also recommend you contact the U.S. Army Corps of Engineers for permitting requirements under section 404 of the Clean Water Act if your proposed action could impact floodplains or wetlands.

MIGRATORY BIRDS

The MBTA prohibits the taking of migratory birds, nests, and eggs, except as permitted by the Service's Migratory Bird Office. To minimize the likelihood of adverse impacts to migratory birds, we recommend construction activities occur outside the general bird nesting season from March through August, or that areas proposed for construction during the nesting season be surveyed, and when occupied, avoided until the young have fledged.

We recommend review of Birds of Conservation Concern at website www.fws.gov/migratorybirds/CurrentBirdIssues/Management/BCC.html to fully evaluate the effects to the birds at your site. This list identifies birds that are potentially threatened by disturbance and construction.

BALD AND GOLDEN EAGLES

The bald eagle (*Haliaeetus leucocephalus*) was delisted under the ESA on August 9, 2007. Both the bald eagle and golden eagle (*Aquila chrysaetos*) are still protected under the MBTA and BGEPA. The BGEPA affords both eagles protection in addition to that provided by the MBTA, in particular, by making it unlawful to "disturb" eagles. Under the BGEPA, the Service may issue limited permits to incidentally "take" eagles (e.g., injury, interfering with normal breeding, feeding, or sheltering behavior nest abandonment). For information on bald and golden eagle management guidelines, we recommend you review information provided at www.fws.gov/midwest/eagle/guidelines/bgepa.html.

On our web site www.fws.gov/southwest/es/NewMexico/SBC_intro.cfm, we have included conservation measures that can minimize impacts to federally listed and other sensitive species. These include measures for communication towers, power line safety for raptors, road and highway improvements, spring developments and livestock watering facilities, wastewater facilities, and trenching operations.

We also suggest you contact the New Mexico Department of Game and Fish, and the New Mexico Energy, Minerals, and Natural Resources Department, Forestry Division for information regarding State fish, wildlife, and plants.

Thank you for your concern for endangered and threatened species and New Mexico's wildlife habitats. We appreciate your efforts to identify and avoid impacts to listed and sensitive species in your project area. For further consultation on your proposed activity, please call 505-346-2525 or email nmesfo@fws.gov and reference your Service Consultation Tracking Number.

Attachment

United States Department of Interior
Fish and Wildlife Service

Project name: Cunningham Station

Official Species List

Provided by:

New Mexico Ecological Services Field Office
2105 OSUNA ROAD NE
ALBUQUERQUE, NM 87113
(505) 346-2525
http://www.fws.gov/southwest/es/NewMexico/
http://www.fws.gov/southwest/es/ES_Lists_Main2.html

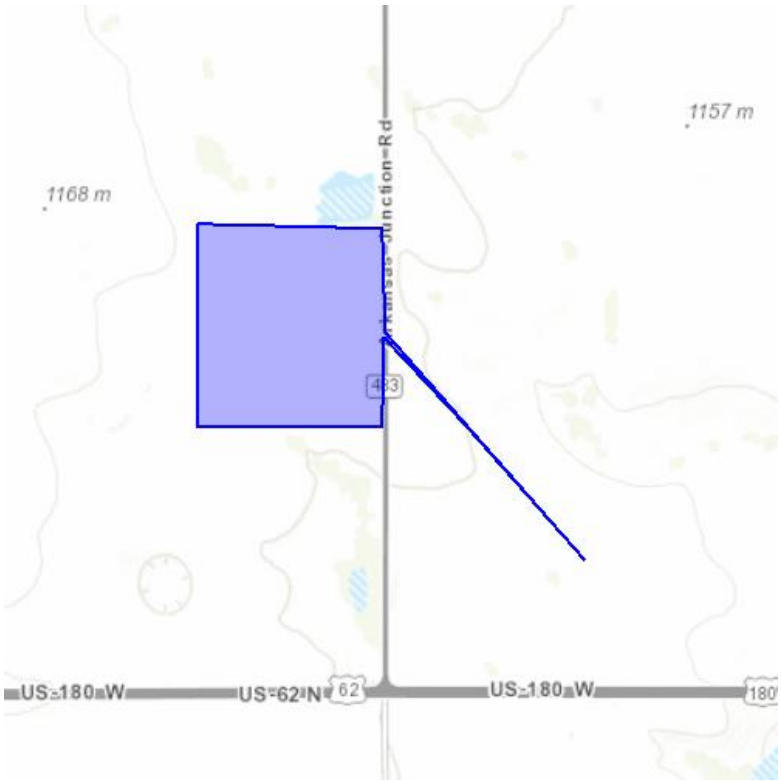
Consultation Code: 02ENNM00-2015-SLI-0507
Event Code: 02ENNM00-2015-E-00613

Project Type: POWER GENERATION

Project Name: Cunningham Station
Project Description: Cunningham Station is a fossil fueled (natural gas) steam electric generation plant. There are four generating units on site â Unit 1, approximately 76 MW (megawatts) is a natural gas fired steam generating unit. Unit 2, approximately 205 MW (megawatts) is a natural gas fired steam generating unit. Units 3 and 4 are natural gas fueled simple cycle combustion turbines, each approximately 100 MW.

Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-103.35087239742279 32.71063364706027, -103.3509635925293 32.714619135414225, -103.35937499999999 32.71479967427209, -103.35941791534424 32.70703617342408, -103.3509635925293 32.70700006253934, -103.35088849067688 32.7104892092578, -103.34718704223633 32.707072284294235, -103.34173679351807 32.70187216852283, -103.35087239742279 32.71063364706027)))

Project Counties: Lea, NM

United States Department of Interior
Fish and Wildlife Service

Project name: Cunningham Station

Endangered Species Act Species List

There are a total of 3 threatened, endangered, or candidate species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Birds	Status	Has Critical Habitat	Condition(s)
Lesser prairie-chicken *(Tympanuchus pallidicinctus)*	Threatened		
northern aplomado falcon *(Falco femoralis septentrionalis)* Population: U.S.A (AZ, NM)	Experimental Population, Non-Essential		
Sprague's Pipit *(Anthus spragueii)*	Candidate		

Critical habitats that lie within your project area

There are no critical habitats within your project area.

Endangered and Threatened Marine Species under NMFS' Jurisdiction

Approximately 2,215 species are listed as endangered or threatened under the ESA. Of these species, about 645 are foreign species, found only in areas outside of the U.S. and our waters.

We have jurisdiction over **125 endangered and threatened marine species**, including **38 foreign species**. We work with **U.S. Fish and Wildlife Service (USFWS)** to manage ESA-listed species. Generally, we manage marine species, while USFWS manages land and freshwater species.

- **Marine Mammals**
- **Sea Turtles**
- **Fish (Marine and Anadromous)**
- **Marine Invertebrates and Plants**

ESA Fact Sheet

» How does the ESA define "species"?

Marine Mammals (27 listed "species")

Manatees and sea otters are also listed under the ESA, but fall under the jurisdiction of the U.S. Fish and Wildlife Service.

(E = **"endangered"**; T = **"threatened"**; F = **"foreign"**; n/a = not applicable)

Species	Year Listed	Status	Critical Habitat*	Recovery Plan*
Cetaceans				
dolphin, Chinese River / baiji (*Lipotes vexillifer*)	1989	E (F)	n/a	n/a
dolphin, Indus River (*Platanista minor*)	1991	E (F)	n/a	n/a
porpoise, Gulf of California harbor / vaquita (*Phocoena sinus*)	1985	E (F)	n/a	n/a
whale, beluga (1 listed DPS) (*Delphinapterus leucas*)				
◦ Cook Inlet	2008	E	**final**	**draft**
whale, blue (*Balaenoptera musculus*)	1970	E	n/a	**final**
whale, bowhead (*Balaena mysticetus*)	1970	E	n/a	n/a
whale, false killer (1 listed DPS) (*Pseudorca crassidens*)				
◦ Main Hawaiian Islands Insular	2012	E	no	no
whale, fin (*Balaenoptera physalus*)	1970	E	n/a	**final**
whale, gray (1 listed DPS) (*Eschrichtius robustus*)				
◦ Western North Pacific	1970	E (F)	n/a	n/a
whale, humpback (*Megaptera novaeangliae*)	1970	E	n/a	**final**
whale, killer (1 listed DPS) (*Orcinus orca*)				
◦ Southern Resident	2005	E	**final**	**final**
whale, North Atlantic right (*Eubalaena glacialis*)	2008	E	**final**	**final**
original listing as "northern right whale" -	1970	E		
whale, North Pacific right (*Eubalaena japonica*)	2008	E	**final**	**final**
original listing as "northern right whale" -	1970	E		
whale, sei (*Balaenoptera borealis*)	1970	E	n/a	**final**
whale, Southern right (*Eubalaena australis*)	1970	E (F)	n/a	n/a

whale, sperm (*Physeter macrocephalus*)	1970	E	n/a	**final**
Pinnipeds				
sea lion, Steller (1 listed DPS) (*Eumetopias jubatus*)				
◦ Western *original listing -*	1997 1990	E T	**final**	**final**
seal, bearded (1 listed DPS) *(Erignathus barbatus)*				
◦ Okhotsk	2012	T (F)	no	no
seal, Guadalupe fur (*Arctocephalus townsendi*)	1985	T	n/a	n/a
seal, Hawaiian monk (*Neomonachus schauinslandi)*	1976	E	**final**	**final**
seal, ringed (5 listed subspecies) *(Phoca hispida)*				
◦ Arctic (*Phoca hispida hispida*)	2012	T	no	no
◦ Baltic (*Phoca hispida botnica*)	2012	T (F)	no	no
◦ Okhotsk (*Phoca hispida ochotensis*)	2012	T (F)	no	no
◦ Ladoga (*Phoca hispida ladogensis*)	2012	E (F)	no	no
◦ **Saimaa** (*Phoca hispida saimensis*)	1993	E (F)	n/a	n/a
seal, Mediterranean monk (*Monachus monachus)*	1970	E (F)	n/a	n/a
seal, spotted (1 listed DPS) *(Phoca largha)*				
◦ Southern	2010	T (F)	n/a	n/a

Sea Turtles (16 listed "species")

(E = **"endangered"**; T = **"threatened"**; F = **"foreign"**; n/a = not applicable)

Species	Year Listed	Status	Critical Habitat*	Recovery Plan*
green turtle (2 listed populations^) (*Chelonia mydas*)				
◦ Florida & Mexico's Pacific coast breeding colonies	1978	E	**final**	**final**
◦ all other areas	1978	T	**final**	**final**
hawksbill turtle (*Eretmochelys imbricata*)	1970	E	**final**	**final**
Kemp's ridley turtle (*Lepidochelys kempii*)	1970	E	n/a	**final**
leatherback turtle (*Dermochelys coriacea*)	1970	E	**final**	**final**
loggerhead turtle (9 listed DPSs) (*Caretta caretta*) » *original listing - 1978*			*no*	***final***
◦ Mediterranean Sea	2011	E (F)	n/a	n/a
◦ North Indian Ocean	2011	E (F)	n/a	n/a
◦ North Pacific Ocean	2011	E	no	**final**
◦ Northeast Atlantic Ocean	2011	E (F)	n/a	n/a

◦ Northwest Atlantic Ocean	2011	T	**final**	**final**
◦ South Atlantic Ocean	2011	T (F)	n/a	n/a
◦ South Pacific Ocean	2011	E (F)	n/a	n/a
◦ Southeast Indo-Pacific Ocean	2011	T (F)	n/a	n/a
◦ Southwest Indian Ocean	2011	T (F)	n/a	n/a
olive ridley turtle (2 listed populations^) (*Lepidochelys olivacea*)				
◦ Mexico's Pacific coast breeding colonies	1978	E	n/a	**final**
◦ all other areas	1978	T	n/a	**final**

^ These populations were listed before the 1978 ESA amendments that restricted population listings to "distinct population segments of vertebrate species."

Fish (Marine & Anadromous) (57 listed "species")

(E = **"endangered"**; T = **"threatened"**; F = **"foreign"**; XN = **"nonessential experimental population"**; n/a = not applicable)

Species	Year Listed	Status	Critical Habitat*	Recovery Plan*
bocaccio (1 listed DPS) (*Sebastes paucispinis*)				
◦ Puget Sound/ Georgia Basin	2010	E	**final**	no
eulachon, Pacific / smelt (1 listed DPS) (*Thaleichthys pacificus*)				
◦ Southern DPS	2010	T	**final**	no
rockfish, canary (1 listed DPS) (*Sebastes pinniger*)				
◦ Puget Sound/ Georgia Basin	2010	T	**final**	no
rockfish, yelloweye (1 listed DPS) (*Sebastes ruberrimus*)				
◦ Puget Sound/ Georgia Basin	2010	T	**final**	no
salmon, Atlantic (1 listed DPS) (*Salmo salar*)				
◦ Gulf of Maine *original listing -*	2009 (expanded) 2000	E	**final**	**final**
salmon, Chinook (9 listed ESUs & 1 XN) (*Oncorhynchus tshawytscha*)				
◦ California coastal	1999**	T	**final**	**in process**
◦ Central Valley spring-run	1999**	T	**final**	**final**
◦ Central Valley spring-run in the San Joaquin River, CA	2013	XN	n/a	-
◦ Lower Columbia River	1999**	T	**final**	**final**
◦ Upper Columbia River spring-run	1999**	E	**final**	**final**
◦ Puget Sound	1999**	T	**final**	**final**
◦ Sacramento River winter-run	1994**	E	**final**	**final**
◦ Snake River fall-run	1992**	T	**final**	**in process**
◦ Snake River spring/ summer-run	1992**	T	**final**	**in process**
◦ Upper Willamette River	1999**	T	**final**	**final**
salmon, chum (2 listed ESUs) (*Oncorhynchus keta*)				
◦ Columbia River	1999**	T	**final**	**final**
◦ Hood Canal summer-run	1999**	T	**final**	**final**
salmon, coho (4 listed ESUs) (*Oncorhynchus kisutch*)				
◦ Central California coast *original listing -*	2005** 1996**	E T	**final**	**final**

◦ Lower Columbia River	2005**	T	**proposed**	**final**
◦ Oregon coast	2008	T	**final**	**in process**
◦ Southern Oregon & Northern California coasts (SONCC)	1997**	T	**final**	**final**
salmon, sockeye (2 listed ESUs) (*Oncorhynchus nerka*)				
◦ Ozette Lake	1999**	T	**final**	**final**
◦ Snake River	1991**	E	**final**	**final**
sawfish, dwarf *(Pristis clavata)*	2014	E (F)	no	no
sawfish, green *(Pristis zijsron)*	2014	E (F)	no	no
sawfish, largetooth *(Pristis pristis)* (formerly *P. perotteti, P. pristis*, and *P. microdon*)	2014	E	no	no
sawfish, narrow *(Anoxypristis cuspidata)*	2014	E (F)	no	no
sawfish, smalltooth (2 listed DPSs) (*Pristis pectinata*)				
◦ U.S. portion of range	2003	E	**final**	**final**
◦ Non-U.S. portion of range	2014	E (F)	no	no
shark, scalloped hammerhead (4 listed DPSs) *(Sphyrna lewini)*				
◦ Central & Southwest Atlantic	2014	T	no	no
◦ Eastern Atlantic	2014	E (F)	no	no
◦ Eastern Pacific	2014	E	no	no
◦ Indo-West Pacific	2014	T	no	no
sturgeon, Adriatic *(Acipenser naccarii)*	2014	E (F)	n/a	no
sturgeon, Atlantic (5 listed DPSs) *(Acipenser oxyrinchus oxyrinchus)*				
◦ Gulf of Maine	2012	T	no	no
◦ New York Bight	2012	E	no	no
◦ Chesapeake Bay	2012	E	no	no
◦ Carolina	2012	E	no	no
◦ South Atlantic	2012	E	no	no
sturgeon, Chinese *(Acipenser sinensis)*	2014	E (F)	n/a	no
sturgeon, European *(Acipenser sturio)*	2014	E (F)	n/a	no
sturgeon, green (1 listed DPS) *(Acipenser medirostris)*				
◦ Southern DPS	2006	T	**final**	in process
sturgeon, Gulf (*Acipenser oxyrinchus desotoi*)	1991	T	**final**	**final**
sturgeon, Kaluga *(Huso dauricus)*	2014	E (F)	n/a	no
sturgeon, Sakhalin *(Acipenser mikadoi)*	2014	E (F)	n/a	no
sturgeon, shortnose (*Acipenser brevirostrum*)	1967	E	n/a	**final**
totoaba (*Totoaba macdonaldi*)	1979	E (F)	n/a	n/a
trout, steelhead (11 listed DPSs & 1 XN) *(Oncorhynchus mykiss)*				
◦ Puget Sound	2007	T	**proposed**	no
◦ Central California coast	1997**	T	**final**	**in process**
◦ Snake River Basin	1997**	T	**final**	**in process**
			final	**final**

◦ Southern California	1997**	E	final	final
◦ Middle Columbia River	1999**	T	final	final
◦ Middle Columbia River	2013	XN	n/a	
◦ Lower Columbia River	1998**	T	final	final
◦ Upper Willamette River	1999**	T	final	final
◦ Northern California	2000**	T	final	in process
◦ South-Central California coast	1997**	T	final	final
◦ California Central Valley	1998**	T	final	final

** All Pacific salmonid listings were revisited in 2005 and 2006. Only the salmonids whose status changed as a result of the review will show the revised date; for all others, only the original listing date is shown. For more information on the listing history, please click on the link for each ESU/DPS.

Marine Invertebrates (24 listed "species")

(E = "endangered"; T = "threatened"; F = "foreign"; n/a = not applicable)

Species	Year Listed	Status	Critical Habitat*	Recovery Plan*
Abalone				
abalone, black (*Haliotis cracherodii*)	2009	E	final	no
abalone, white (*Haliotis sorenseni*)	2001	E	not prudent [pdf]	final
Corals				
coral, [no common name] (*Acropora globiceps*)	2014	T	no	no
coral, [no common name] (*Acropora jacquelineae*)	2014	T	no	no
coral, [no common name] (*Acropora lokani*)	2014	T (F)	n/a	no
coral, [no common name] (*Acropora pharaonis*)	2014	T (F)	n/a	no
coral, [no common name] (*Acropora retusa*)	2014	T	no	no
coral, [no common name] (*Acropora rudis*)	2014	T (F)	no	no
coral, [no common name] (*Acropora speciosa*)	2014	T	no	no
coral, [no common name] (*Acropora tenella*)	2014	T (F)	n/a	no
coral, [no common name] (*Acropora spinosa*)	2014	T (F)	n/a	no
coral, [no common name] (*Euphyllia paradivisa*)	2014	T	no	no
coral, [no common name] (*Isopora crateriformis*)	2014	T	no	no
coral, [no common name] (*Montipora australiensis*)	2014	T (F)	n/a	no
coral, [no common name] (*Pavona diffluens*)	2014	T (F)	no	no
coral, [no common name] (*Porites napopora*)	2014	T (F)	n/a	no
coral, [no common name] (*Seriatopora aculeata*)	2014	T	no	no
	2014	T	no	no

coral, boulder star (*Orbicella franksi*)				
coral, elkhorn (*Acropora palmata*)	2006	T	final	final
coral, lobed star (*Orbicella annularis*)	2014	T	no	no
coral, mountainous star (*Orbicella faveolata*)	2014	T	no	no
coral, pillar (*Dendrogyra cylindrus*)	2014	T	no	no
coral, rough cactus (*Mycetophyllia ferox*)	2014	T	no	no
coral, staghorn (*Acropora cervicornis*)	2006	T	final	final

Marine Plants (1 listed "species")

(E = "endangered"; T = "threatened"; F = "foreign"; n/a = not applicable)

Species	Year Listed	Status	Critical Habitat*	Recovery Plan*
Johnson's seagrass (*Halophila johnsonii*)	1999	T	final	final

*** NOTE:** Critical habitat cannot be designated in foreign waters; critical habitat is also not required for species listed prior to the 1978 ESA amendments that added critical habitat provisions. Recovery plans for sea turtles are developed and implemented by NMFS and USFWS; the plans have been written separately for turtles in the Atlantic and Pacific oceans (and East Pacific for the green turtle) rather than for each listed species. Bowhead whales are exempt from recovery planning.

Endangered and Threatened Species Under NMFS' Jurisdiction:

- All Endangered and Threatened Species under NMFS Jurisdiction
  - » Marine Mammals
  - » Sea Turtles
  - » Fish (Marine & Anadromous)
  - » Marine Invertebrates & Plants

Additional Species:

- Species Petitioned for Listing under the ESA (awaiting 90-day findings)
- Candidates for ESA Listing
- Species Proposed for ESA Listing
- Species with "Not Warranted" 12-month findings (we reviewed the status, but determined that listing was not warranted)
- Delisted Species and Species Under Review or Proposed for Delisting

Updated: April 27, 2015

Attachment E – Inspection Forms

Cunningham MSGP Quarterly Visual Assessment Form

(Complete a separate form for each outfall you assess)

Name of Facility: Cunningham Station

NPDES Tracking No. NMR05GC73

Outfall Name: 001

"Substantially Identical Discharge Point"?

☐ Yes (identify substantially identical outfalls):
X No

Person(s)/Title(s) collecting sample: Tyler Wittman, Environmental Analyst IV

Person(s)/Title(s) examining sample: Tyler Wittman, Environmental Analyst IV

Date & Time Discharge Began:
Enter date and time

Date & Time Sample Collected:
Enter date and time. If sample not taken within first 30 minutes, explain why.

Date & Time Sample Examined:
Enter date and time

Substitute Sample? ☐ No ☐ Yes (identify quarter/year when sample was originally scheduled to be collected):

Nature of Discharge: ☐ Rainfall ☐ Snowmelt

If rainfall: Rainfall Amount: No of inches

Previous Storm Ended > 72 hours Before Start of This Storm? ☐ Yes ☐ No* (explain):

Pollutants Observed

Color ☐ None ☐ Other (describe): _____

Odor ☐ None ☐ Musty ☐ Sewage ☐ Sulfur ☐ Sour ☐ Petroleum/Gas ☐ Solvents ☐ Other (describe): _____

Clarity ☐ Clear ☐ Slightly Cloudy ☐ Cloudy ☐ Opaque ☐ Other

Floating Solids ☐ No ☐ Yes (describe): _____

Settled Solids** ☐ No ☐ Yes (describe): _____

Suspended Solids ☐ No ☐ Yes (describe): _____

Foam (gently shake sample) ☐ No ☐ Yes (describe): _____

Oil Sheen ☐ None ☐ Flecks ☐ Globs ☐ Sheen ☐ Slick ☐ Other (describe): _____

Other Obvious Indicators of Stormwater Pollution ☐ No ☐ Yes (describe): _____

* The 72-hour interval can be waived when the previous storm did not yield a measurable discharge or if you are able to document (attach applicable documentation) that less than a 72-hour interval is representative of local storm events during the sampling period.

** Observe for settled solids after allowing the sample to sit for approximately one-half hour.

Identify probable sources of any observed stormwater contamination. Also, include any additional comments, descriptions of pictures taken, and any corrective actions necessary below (attach additional sheets as necessary). Insert details

Certification Statement (Refer to MSGP Subpart 11 Appendix B for Signatory Requirements)

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.

A. Name: Tyler Wittman

B. Title: Plant Environmental Analyst IV

C. Signature:

D. Date Signed:

Cunningham MSGP Routine Monthly Facility Inspection Report

General Information			
Facility Name	Cunningham Station		
NPDES Tracking No.	NMR05GC73		
Date of Inspection		**Start/End Time**	
Inspector's Name(s)	Tyler Wittman		
Inspector's Title(s)	Environmental Analyst IV		
Inspector's Contact Information	(575) 391 3705		
Inspector's Qualifications	Company Provided Training		

Weather Information

Weather at time of this inspection?
❑ Clear ❑Cloudy ❑ Rain ❑ Sleet ❑ Fog ❑ Snow ❑ High Winds
❑ Other: Temperature:

Have any previously unidentified discharges of pollutants occurred since the last inspection? ❑Yes ❑No
If yes, describe:

Are there any discharges occurring at the time of inspection? ❑Yes ❑No
If yes, describe:

Control Measures

- *Number the structural stormwater control measures identified in your SWPPP on your site map and list them below (add as many control measures as are implemented on-site). Carry a copy of the numbered site map with you during your inspections. This list will ensure that you are inspecting all required control measures at your facility.*
- *Identify if maintenance or corrective action is needed.*
  - *If maintenance is needed, fill out section B of this template*
  - *If corrective action is needed, fill out section G of this template*

	Structural Control Measure	Control Measure is Operating Effectively?	If No, In Need of Maintenance, Repair, or Replacement?	Maintenance or Corrective Action Needed and Notes
1	Sulfuric Acid Tank Containment	❑Yes ❑No	❑ Maintenance ❑ Repair ❑ Replacement	
2	Diesel/Gasoline Secondary Containment	❑Yes ❑No	❑ Maintenance ❑ Repair ❑ Replacement	
3	Drum Storage Area	❑Yes ❑No	❑ Maintenance ❑ Repair ❑ Replacement	
4	Paved areas, flyash areas, gravel covered areas	❑Yes ❑No	❑ Maintenance ❑ Repair ❑ Replacement	
5	Substation	❑Yes ❑No	❑ Maintenance ❑ Repair ❑ Replacement	
6	Cooling towers, aux. cooling piping & tanks	❑Yes ❑No	❑ Maintenance ❑ Repair ❑ Replacement	
7	Chemical unloading, receiving, scrap laydown areas, trash containers	❑Yes ❑No	❑ Maintenance ❑ Repair ❑ Replacement	Describe Maintenance and/or Corrective Actions Needed

Areas of Industrial Materials or Activities Exposed to Stormwater

Below are some general areas that should be assessed during routine inspections. Customize this list as needed for the specific types of industrial materials or activities at your facility that are potential pollutant sources. Identify if maintenance or corrective action is needed. If maintenance is needed, fill out section B of this template. If corrective action is needed, fill out section G of this template.

	Area/Activity	Inspected?	Controls Adequate (appropriate, effective and operating)?	Maintenance or Corrective Action Needed and Notes
1	**Material loading/unloading and storage areas**	❑Yes ❑No ❑ N/A	❑Yes ❑No	Describe Maintenance and/or Corrective Actions Needed
2	**Equipment operations and maintenance areas**	❑Yes ❑No ❑ N/A	❑Yes ❑No	Describe Maintenance and/or Corrective Actions Needed
3	**Fueling areas**	❑Yes ❑No ❑ N/A	❑Yes ❑No	Describe Maintenance and/or Corrective Actions Needed
4	**Outdoor vehicle and equipment washing areas**	❑Yes ❑No ❑ N/A	❑Yes ❑No	Describe Maintenance and/or Corrective Actions Needed
5	**Waste handling and disposal areas**	❑Yes ❑No ❑ N/A	❑Yes ❑No	Describe Maintenance and/or Corrective Actions Needed
6	**Erodible areas/construction**	❑Yes ❑No ❑ N/A	❑Yes ❑No	Describe Maintenance and/or Corrective Actions Needed
7	**Non-stormwater/ illicit connections**	❑Yes ❑No ❑ N/A	❑Yes ❑No	Describe Maintenance and/or Corrective Actions Needed
8	**Salt storage piles or pile containing salt**	❑Yes ❑No ❑ N/A	❑Yes ❑No	Describe Maintenance and/or Corrective Actions Needed
9	**Dust generation and vehicle tracking**	❑Yes ❑No ❑ N/A	❑Yes ❑No	Describe Maintenance and/or Corrective Actions Needed
10	**Processing areas**	❑Yes ❑No ❑ N/A	❑Yes ❑No	Describe Maintenance and/or Corrective Actions Needed
11	**Areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water**	❑Yes ❑No ❑ N/A	❑Yes ❑No	Describe Maintenance and/or Corrective Actions Needed
12	**Immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility**	❑Yes ❑No ❑ N/A	❑Yes ❑No	Describe Maintenance and/or Corrective Actions Needed
13	**(Other)**	❑Yes ❑No ❑ N/A	❑Yes ❑No	Describe Maintenance and/or Corrective Actions Needed
14	**(Other)**	❑Yes ❑No ❑ N/A	❑Yes ❑No	Describe Maintenance and/or Corrective Actions Needed

Discharge Points

At discharge points, describe any evidence of, or the potential for, pollutants entering the drainage system. Also describe observations regarding the physical condition of and around all outfalls, including any flow dissipation devices, and evidence of pollutants in discharges and/or the receiving water. Identify if any corrective action is needed.
Describe Discharge Points Observations

Non-Compliance

Describe any incidents of non-compliance observed and not described above:
Describe Non-compliance

Additional Control Measures

Describe any additional control measures needed to comply with the permit requirements:
Describe Additional Controls Needed

Notes

Use this space for any additional notes or observations from the inspection:
Additional Notes

CERTIFICATION STATEMENT

"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."

Print name and title: __Tyler Wittman, Environmental Analyst IV_____

Signature: _____Date:_____

Attachment F – Delegation of Signatories

U.S. EPA Region 6
NPDES Stormwater Program (WQ-PP)
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Program Manager
Point source Regulation Section
Surface Water Quality Section
New Mexico Environment Department
PO Box 26110
Santa Fe, NM 87502

Subject: Delegation of Signatories to Reports

Facility/Company/Site Name: **Maddox Station**
NPDES Permit Number: **NMR053119**

This letter serves to designate the following people or positions as authorized personnel for signing reports, storm water pollution prevention plans, certifications or other information requested by the Administrator or required by the NPDES permit NMR050000 in Appendix B Section 11.B.

Name or Position	Tyler Wittman, Plant Environmentalist
Name or Position	Austin Ray, Plant Engineer
Name or Position	Gale Henslee, Principal Environmental Analyst
Name or Position	Jeff Bryant, Plant Director
Name or Position	
Name or Position	
Name or Position	
Name or Position	
Name or Position	
Name or Position	

I understand that this authorization does not extend to the signing of a Notice of Intent for obtaining coverage under a storm water general permit, Notice of Termination, or No Exposure NOE.

By signing this authorization, I confirm that I meet the requirements to make such a designation as set forth in NPDES Permit NMR050000 Appendix B Section 11.A.

Sincerely,

Name | Title | Date

3-28-2016

NEW MEXICO RELEVANT PROVISIONS, Permit NMR050000

Appendix B - Standard Permit Conditions

B.11 Signatory Requirements.

A. NOIs, NOTs, and NOEs must be signed as follows:

1. **For a corporation: By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.**

2. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

3. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

B. Your SWPPP, including changes to your SWPPP to document any corrective actions taken as required by Part 3.1, and any other compliance documentation required under this permit, including the Annual Report, DMRs, inspection reports, and corrective action reports, must be signed by a person described in Appendix B, Subsection 11.A above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described in Appendix B, Subsection 11.A;

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

3. The signed and dated written authorization is included in the SWPPP. A copy must be submitted to EPA, if requested.

C. All other changes to your SWPPP, and other compliance documentation required under Part 5.4, must be signed and dated by the person preparing the change or documentation.

D. Changes to Authorization. If an authorization under Part 1.3.1.3 is no longer accurate because the industrial facility has been purchased by a different entity, a new NOI satisfying the requirements of Part 1.3 must be submitted to EPA. See Table 1-2 in Part 1.3.1.1 of the permit. However, if the only change that is occurring is a change in contact information or a change in the facility's address, the operator need only make a modification to the existing NOI submitted for authorization.

E. Any person signing documents in accordance with Appendix B, Subsections 11.A or 11.B above must include the following certification:

“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 contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained 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.”

F. For persons signing documents electronically, in addition to meeting other applicable requirements in Appendix I, Subsection B.11, such signatures must be legally dependable with no less evidentiary value than their paper equivalent.

G. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

David Hudson
President and CEO
Southwestern Public Service Company

P.O. Box 1261
Amarillo, TX 79105-1261
Phone: 806.378.2824
Fax: 806.378.2995

Xcel Energy®
RESPONSIBLE BY NATURE™

Date: January 27, 2015

To: Corporate Secretary

From: David Hudson, President, Southwestern Public Service Co

Subject: Delegation of Authority to act as AGENT – Dean Metcalf

In keeping with the need to conduct normal business in an expeditious manner, the following delegation of authority is provided:

1. This delegation of authority constitutes my authorization as required by Company resolutions or bylaws to act on my behalf and on behalf of Southwestern Public Service Company for matters set forth below relating to Environmental Services.

2. Dean Metcalf, Manager, Environmental Services and Media Compliance, is authorized to execute and sign agreements, contracts, deeds, licenses or permit applications related to environmental statutes and regulations, and other similar documents ("Agreements"). For Agreements not of a routine nature, the signature of the President is still required.

3. Provisions of this memo will expire January 27, 2016.

David Hudson
President
Southwestern Public Service Company

cc:
Frank Prager
File