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DAVE MARTIN
Secretary

BUTCH TONGATE
Deputy Secretary

JAMES H. DAVIS, Ph.D.
Director
Resource Protection Division

Certified Mail - Return Receipt Requested

June 25, 2012

Richard Vicens, President
Delta-Person GP, LLC
67 Park Place East
Morristown, New Jersey 07960

RE: Minor-Non-Municipal, SIC 4911, NPDES Compliance Evaluation, Delta Person GP, LLC / Delta Person
Generating Station, NM0030376, June 18, 2012

Dear Mr. Vicens,

Enclosed, please find a copy of the report for the referenced inspection that the New Mexico Environment Department (NMED) Surface Water Quality Bureau (SWQB) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

Problems noted during this inspection are discussed in the Further Explanations section of the inspection report. You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and to modify your operational and/or administrative procedures, as appropriate. Further, you are encouraged to notify in writing, both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Diana McDonald
US Environmental Protection Agency
Allied Bank Tower
Region VI Enforcement Branch (6EN-WM)
1445 Ross Avenue
Dallas, Texas 75202-2733

Program Manager
New Mexico Environment Department
Surface Water Quality Bureau
Point Source Regulation Section
P.O. Box 5469
Santa Fe, New Mexico 87502

I appreciate the cooperation of Daniel A. Western, Administrator, Delta Person Generating Station during the inspection. If you have any questions about this inspection report, please contact me at (505) 827-0418.

Sincerely,

/s/ Erin S. Trujillo
Erin S. Trujillo
Surface Water Quality Bureau

cc: Marcia Gail Adams, USEPA (6EN-AS) by e-mail
Samuel Tate, EPA (6EN-AS) by e-mail
Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail
Diana McDonald, USEPA (6EN-WM) by e-mail
Hannah Branning, USEPA (6EN-WC) by e-mail
Larry Giglio, USEPA (6WQ-PP) by e-mail
Bill Chavez, Acting NMED District I Manager by e-mail
Daniel A. Western, Administrator, Delta Person Generating Station by e-mail



Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

NPDES Compliance Inspection Report

Section A: National Data System Coding

| | | | | | |
|---|----------------------------|-----------|--------------|-----------|------------------------------------|
| Transaction Code | NPDES | yr/mo/day | Inspec. Type | Inspector | Fac Type |
| 1 N 2 5 3 N M 0 0 3 0 3 7 6 11 12 1 2 0 6 1 8 17 18 C 19 S 20 2 | | | | | |
| Remarks | | | | | |
| E L E C T R I C P O W E R G E N E R A T I O N | | | | | |
| Inspection Work Days | Facility Evaluation Rating | BI | QA | Reserved | |
| 67 69 | 70 2 | 71 N | 72 N | 73 | 74 75 M I N O R 80 |

Section B: Facility Data

| | | |
|---|--|---|
| Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number) Delta-Person Generating Station, 725 Electric Avenue SE, Albuquerque, New Mexico 87105. Bernalillo County | Entry Time /Date 1130 hours / 06/18/2012 | Permit Effective Date March 1, 2010 |
| | Exit Time/Date 1400 hours / 06/18/2012 | Permit Expiration Date February 28, 2015 |
| Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Daniel A. Western, Administrator, Delta Person Generating Station / 505-877-1774, fax 877-1829 | Other Facility Data Outfall 001 Location Latitude 35.029125° Longitude -106.643444° SIC 4911 (Electric Services) | |
| Name, Address of Responsible Official/Title/Phone and Fax Number Richard Vicens, President / Delta Person GP, LLC, 67 Park Place East, Morristown, New Jersey 07960 / 973-889-9100 and fax 973-889-0020 | Contacted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> * | |

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

| | | | | | | | |
|---|---------------------------|---|-------------------------|---|--------------------------|---|----------------------|
| M | Permit | U | Flow Measurement | S | Operations & Maintenance | N | CSO/SSO |
| U | Records/Reports | U | Self-Monitoring Program | N | Sludge Handling/Disposal | N | Pollution Prevention |
| S | Facility Site Review | N | Compliance Schedules | N | Pretreatment | N | Multimedia |
| N | Effluent/Receiving Waters | U | Laboratory | N | Storm Water | N | Other: |

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

1. SEE ATTACHED CHECKLIST REPORT WITH FURTHER EXPLANATIONS.

| | | |
|--|--|---------------------------|
| Name(s) and Signature(s) of Inspector(s) Erin S. Trujillo /s/ Erin S. Trujillo | Agency/Office/Telephone/Fax NMED/SWQB/505-827-0418 | Date 06/25/2012 |
| Signature of Management QA Reviewer Richard E. Powell /s/ Richard E. Powell | Agency/Office/Telephone/Fax NMED/SWQB/505-827-2798 | Date 06/25/2012 |

SECTION A - PERMIT VERIFICATION

PERMIT SATISFACTORILY ADDRESSES OBSERVATIONS S M U NA (FURTHER EXPLANATION ATTACHED *Yes*)
 DETAILS:

1. CORRECT NAME AND MAILING ADDRESS OF PERMITTEE. Y N NA

2. NOTIFICATION GIVEN TO EPA/STATE OF NEW DIFFERENT OR INCREASED DISCHARGES. Y N NA

3. NUMBER AND LOCATION OF DISCHARGE POINTS AS DESCRIBED IN PERMIT. Y N NA

4. ALL DISCHARGES ARE PERMITTED. Y N NA

SECTION B - RECORDKEEPING AND REPORTING EVALUATION

RECORDS AND REPORTS MAINTAINED AS REQUIRED BY PERMIT. S M U NA (FURTHER EXPLANATION ATTACHED *Yes*)

DETAILS: **Reviewed DMRs submitted since last inspection on 02/11/2009 thru 1st Qtr 2012. Since the effective date of this permit, discharges occurred in June 2010; and June, July, August, and September of 2011.**

1. ANALYTICAL RESULTS CONSISTENT WITH DATA REPORTED ON DMRs. **TSS reported on 6/2009 DMR** Y N NA

2. SAMPLING AND ANALYSES DATA ADEQUATE AND INCLUDE: S M U NA

a) DATES, TIME(S) AND LOCATION(S) OF SAMPLING. Y N NA

b) NAME OF INDIVIDUAL PERFORMING SAMPLING. Y N NA

c) ANALYTICAL METHODS AND TECHNIQUES. **pH** Y N NA

d) RESULTS OF ANALYSES AND CALIBRATIONS. **pH** Y N NA

e) DATES AND TIMES OF ANALYSES. **pH Time of Analysis** Y N NA

f) NAME OF PERSON(S) PERFORMING ANALYSES. **pH.** Y N NA

3. LABORATORY EQUIPMENT CALIBRATION AND MAINTENANCE RECORDS ADEQUATE. **pH** S M U NA

4. PLANT RECORDS INCLUDE SCHEDULES, DATES OF EQUIPMENT MAINTENANCE AND REPAIR. **Daily Logs** S M U NA

5. EFFLUENT LOADINGS CALCULATED USING DAILY EFFLUENT FLOW AND DAILY ANALYTICAL DATA. **TSS, Zinc** Y N NA

SECTION C - OPERATIONS AND MAINTENANCE

TREATMENT FACILITY PROPERLY OPERATED AND MAINTAINED. S M U NA (FURTHER EXPLANATION ATTACHED *No*)

DETAILS: **Raw groundwater enters evaporative cooler, then is discharged to outfall. No treatment unit and no chemicals added according to on site representative.**

1. TREATMENT UNITS PROPERLY OPERATED. S M U NA

2. TREATMENT UNITS PROPERLY MAINTAINED. S M U NA

3. STANDBY POWER OR OTHER EQUIVALENT PROVIDED. S M U NA

4. ADEQUATE ALARM SYSTEM FOR POWER OR EQUIPMENT FAILURES AVAILABLE. S M U NA

5. ALL NEEDED TREATMENT UNITS IN SERVICE. S M U NA

6. ADEQUATE NUMBER OF QUALIFIED OPERATORS PROVIDED. S M U NA

7. SPARE PARTS AND SUPPLIES INVENTORY MAINTAINED. **No Treatment Units** S M U NA

8. OPERATION AND MAINTENANCE MANUAL AVAILABLE. Y N NA

STANDARD OPERATING PROCEDURES AND SCHEDULES ESTABLISHED. **Written Outfall Sampling & Reports SOPs** Y N NA

PROCEDURES FOR EMERGENCY TREATMENT CONTROL ESTABLISHED. Y N NA

SECTION C - OPERATIONS AND MAINTENANCE (CONT'D)

9. HAVE BYPASSES/OVERFLOWS OCCURRED AT THE PLANT OR IN THE COLLECTION SYSTEM IN THE LAST YEAR? Y N NA
 IF SO, HAS THE REGULATORY AGENCY BEEN NOTIFIED? Y N NA
 HAS CORRECTIVE ACTION BEEN TAKEN TO PREVENT ADDITIONAL BYPASSES/OVERFLOWS? Y N NA
10. HAVE ANY HYDRAULIC OVERLOADS OCCURRED AT THE TREATMENT PLANT? Y N NA
 IF SO, DID PERMIT VIOLATIONS OCCUR AS A RESULT? Y N NA

SECTION D - SELF-MONITORING

PERMITTEE SELF-MONITORING MEETS PERMIT REQUIREMENTS. S M U NA (FURTHER EXPLANATION ATTACHED Yes).

DETAIL: **1st Discharge monitoring not conducted.**

1. SAMPLES TAKEN AT SITE(S) SPECIFIED IN PERMIT. Y N NA
2. LOCATIONS ADEQUATE FOR REPRESENTATIVE SAMPLES. Y N NA
3. FLOW PROPORTIONED SAMPLES OBTAINED WHEN REQUIRED BY PERMIT. **No WET 24 hr composite testing** Y N NA
4. SAMPLING AND ANALYSES COMPLETED ON PARAMETERS SPECIFIED IN PERMIT. **WET and 1st Discharge** Y N NA
5. SAMPLING AND ANALYSES PERFORMED AT FREQUENCY SPECIFIED IN PERMIT. **WET** Y N NA
6. SAMPLE COLLECTION PROCEDURES ADEQUATE. Y N NA
- a) SAMPLES REFRIGERATED DURING COMPOSITING. **No WET testing conducted** Y N NA
- b) PROPER PRESERVATION TECHNIQUES USED. **Cooling preservation for TSS** Y N NA
- c) CONTAINERS AND SAMPLE HOLDING TIMES CONFORM TO 40 CFR 136.3. **Not documented for pH** Y N NA
7. IF MONITORING AND ANALYSES ARE PERFORMED MORE OFTEN THAN REQUIRED BY PERMIT, ARE THE RESULTS REPORTED IN PERMITTEE'S SELF-MONITORING REPORT? **Chromium monitoring not required by permit.** Y N NA

SECTION E - FLOW MEASUREMENT

PERMITTEE FLOW MEASUREMENT MEETS PERMIT REQUIREMENTS. S M U NA (FURTHER EXPLANATION ATTACHED Yes)

DETAILS: **Flow is calculated/estimated. Permit requires daily measurement frequency and totalizing meter sample type.**

1. PRIMARY FLOW MEASUREMENT DEVICE PROPERLY INSTALLED AND MAINTAINED. Y N NA
 TYPE OF DEVICE: **no flow measurement device**
2. FLOW MEASURED AT EACH OUTFALL AS REQUIRED. Y N NA
3. SECONDARY INSTRUMENTS (TOTALIZERS, RECORDERS, ETC.) PROPERLY OPERATED AND MAINTAINED. Y N NA
4. CALIBRATION FREQUENCY ADEQUATE. Y N NA
 RECORDS MAINTAINED OF CALIBRATION PROCEDURES. Y N NA
 CALIBRATION CHECKS DONE TO ASSURE CONTINUED COMPLIANCE. Y N NA
5. FLOW ENTERING DEVICE WELL DISTRIBUTED ACROSS THE CHANNEL AND FREE OF TURBULENCE. Y N NA
6. HEAD MEASURED AT PROPER LOCATION. Y N NA
7. FLOW MEASUREMENT EQUIPMENT ADEQUATE TO HANDLE EXPECTED RANGE OF FLOW RATES. Y N NA

SECTION F - LABORATORY

PERMITTEE LABORATORY PROCEDURES MEET PERMIT REQUIREMENTS. S M U NA (FURTHER EXPLANATION ATTACHED Yes)

DETAILS: **Contract laboratory not inspected. pH analyzed on site. Free, not Total Residual Chlorine, conducted on site**

1. EPA APPROVED ANALYTICAL PROCEDURES USED (40 CFR 136.3 FOR LIQUIDS, 503.8(b) FOR SLUDGES) **pH not documented** Y N NA

SECTION F - LABORATORY (CONT'D)

2. IF ALTERNATIVE ANALYTICAL PROCEDURES ARE USED, PROPER APPROVAL HAS BEEN OBTAINED. **pH not documented** Y N NA
3. SATISFACTORY CALIBRATION AND MAINTENANCE OF INSTRUMENTS AND EQUIPMENT. **Not documented** S M U NA
4. QUALITY CONTROL PROCEDURES ADEQUATE. S M U NA
5. DUPLICATE SAMPLES ARE ANALYZED **0 (2010 and 2011)** % OF THE TIME. Y N NA
6. SPIKED SAMPLES ARE ANALYZED. ____ % OF THE TIME. Y N NA
7. COMMERCIAL LABORATORY USED. Y N NA

LAB NAME **1) Hall Environmental, 505-345-3975** **2) Not contracted**
 LAB ADDRESS **4901 Hawkins NE, Suite D, Albuquerque, NM 87109**
 PARAMETERS PERFORMED **TSS, Zinc, Hardness** **1st Discharge, WET**

SECTION G - EFFLUENT/RECEIVING WATERS OBSERVATIONS.

 S M U NA (FURTHER EXPLANATION ATTACHED **No**).

| OUTFALL NO. | OIL SHEEN | GREASE | TURBIDITY | VISIBLE FOAM | FLOAT SOL. | COLOR | OTHER |
|-------------|--------------|--------------|--------------|---------------|--------------|--------------|--------------|
| 001 | No Discharge | No Discharge | No Discharge | Not Discharge | No Discharge | No Discharge | No Discharge |

 RECEIVING WATER OBSERVATIONS: **No flow on the day of this inspection**.

SECTION H - SLUDGE DISPOSAL

 SLUDGE DISPOSAL MEETS PERMIT REQUIREMENTS. S M U NA (FURTHER EXPLANATION ATTACHED **No**).

 DETAILS: **No sewage sludge**

1. SLUDGE MANAGEMENT ADEQUATE TO MAINTAIN EFFLUENT QUALITY. S M U NA
2. SLUDGE RECORDS MAINTAINED AS REQUIRED BY 40 CFR 503. S M U NA
3. FOR LAND APPLIED SLUDGE, TYPE OF LAND APPLIED TO: **Not Applicable** (e.g., FOREST, AGRICULTURAL, PUBLIC CONTACT SITE)

SECTION I - SAMPLING INSPECTION PROCEDURES (FURTHER EXPLANATION ATTACHED **No**).

1. SAMPLES OBTAINED THIS INSPECTION. Y N NA
2. TYPE OF SAMPLE OBTAINED
 GRAB _____ COMPOSITE SAMPLE _ METHOD _____ FREQUENCY _____
3. SAMPLES PRESERVED. Y N NA
4. FLOW PROPORTIONED SAMPLES OBTAINED. Y N NA
5. SAMPLE OBTAINED FROM FACILITY'S SAMPLING DEVICE. Y N NA
6. SAMPLE REPRESENTATIVE OF VOLUME AND MATURE OF DISCHARGE. Y N NA
7. SAMPLE SPLIT WITH PERMITTEE. Y N NA
8. CHAIN-OF-CUSTODY PROCEDURES EMPLOYED. Y N NA
9. SAMPLES COLLECTED IN ACCORDANCE WITH PERMIT. Y N NA

Delta Person GP, LLC / Delta Person Generating Station
Compliance Evaluation Inspection
NPDES Permit No. NM0030376
June 18, 2012

Further Explanations

Introduction

On June 18, 2012, Erin Trujillo of the New Mexico Environment Department (NMED), Surface Water Quality Bureau (SWQB) conducted a Compliance Evaluation Inspection (CEI) at the Delta Person GP, LLC, Delta-Person Generating Station, 725 Electric Avenue SE, Albuquerque, New Mexico 87105 in Bernalillo County, New Mexico. The Delta-Person Generating Station is classified as a minor industrial discharger under the federal Clean Water Act, Section 402, of the National Pollutant Discharge Elimination System (NPDES) permit program. It is assigned NPDES permit number NM0030376.

This permit authorizes discharges from Outfall 001 to an unnamed unlined tributary, thence to Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA) South Diversion Channel, thence to the Rio Grande in Segment 20.6.5.105 *State of New Mexico Standards for Interstate and Intrastate Surface Waters, 20.6.4 New Mexico Administrative Code (NMAC)*. This segment includes the designated uses of irrigation, marginal warmwater aquatic life, livestock watering, public water supply, wildlife habitat and primary contact.

The NMED performs a certain number of CEIs each year for the U.S. Environmental Protection Agency (USEPA), Region VI. The purpose of this inspection is to provide the USEPA with information to evaluate the Permittee's compliance with the NPDES permit. This inspection report is based on information provided by the Permittee's representative, observations made by the NMED inspector, and records and reports kept by the Permittee and/or NMED.

Upon arrival at the facility at approximately 1130 hours on the day of this inspection, the inspector made introductions, presented credentials and explained the purpose of the inspection to Daniel A. Western, Administrator, Delta Person Generating Station. The inspector and Mr. Western toured the facility. An exit interview to discuss preliminary findings was conducted with Mr. Western on site. The inspector left the facility at approximately 1400 hours on the day of this inspection.

Treatment Scheme

Delta Person Generating Station is owned by Delta-Person GP, LLC on land owned by Public Service Company of New Mexico or PNM. The station generates electricity through direct combustion during periods of peak demand. The contracted 132 or peak demand 140 megawatt (MW) generating station draws ambient air through adjustable inlet guide vanes then through an evaporative filtration structure. Well water stored in a holding tank is pumped through the filtration unit to cool and compress the intake air as it passes through the saturated media. The cooled, compressed air is then mixed with natural gas (or fuel type #2 as a backup source) and burned in 14 individual combustors that funnel into one larger combustor tank. This process creates hot gases that spin three sets of turbines as the gases exhaust through the system. The rotating turbines drive the shaft of the generator and the shaft spinning action within the generator produce electric power for distribution to the Public Service Company of New Mexico.

Automated controls monitor power production and if the load increases above 115 MW (generally when ambient air temperatures are greater than 70°F and the intake guide vanes are open at an angle of more than 70 to 75 degrees), the circulation of cooling water is triggered. Cooling water is bled off the system and discharged to Outfall 001 at a rate of approximately 50 gallons per minute. This blowdown only occurs when the evaporative cooling system is in operation and a valve must be manually opened before cooling water can be pumped to the system. Chemical feed and metering pump for pH control is shown on diagrams in the Permittee NPDES application in NMED SWQB files. However, no sulfuric acid or chlorine chemicals are added to the raw inlet air evaporative cooler water to control scaling and biological growth according to the Permittee on-site representative.

Section A – Permit Verification – Overall Rating of “M = Marginal”

Permit Requirements for Permit Verification

Part III.D.9 (Standard Conditions, Other Information) of the permit states:

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

Findings for Permit Verification

The following items on the NPDES permit appear to need update, correction and/or clarification:

- Outfall location on permit title page
- Sample type monitoring requirements for pH grab (totalizer) in Part I.A of the permit

The discharge location (latitude and longitude) on the Permittee application and on the title page of the permit is approximately 1,200 feet south-southeast of the location of the outfall based on readily-available on-line mapping tools (see Figure 1):

Permitted Outfall Location

| | | |
|-----------|---------------|--------------|
| Latitude | 35° 1' 34"N | 35.026111° |
| Longitude | 106° 38' 30"W | -106.641667° |

Approximate Outfall Location

| | | |
|-----------|----------------|--------------|
| Latitude | 35° 1'44.85"N | 35.029125° |
| Longitude | 106°38'36.40"W | -106.643444° |

Figure 1 Outfall Location



Section B - Recordkeeping and Reporting Evaluation – Overall Rating of “U = Unsatisfactory”

Permit Requirements and Findings for Recordkeeping and Reporting

Incomplete/Missing DMRs

Part III.D.4 (Standard Conditions, Discharge Monitoring Reports and Other Reports) of the permit states:

Monitoring results must be reported on Discharge Monitoring Report (DMR) Form EPA No. 3320-1 in accordance with the “General Instructions” provided on the form. The permittee shall submit the original DMR signed and certified as required by Part III.D.11 and all other reports required by Part III.D to the EPA at the address below. Duplicate copies of DMRs and all other reports shall be submitted to the appropriate State agency(ies)...Surface Water Quality Bureau, New Mexico Environment Department.”

NMED SWQB files are missing the following monthly 001A DMRs:

- 09/2011 Re-Submittal Rec'd by EPA 03/02/2012
- 08/2011 Re-Submittal Rec'd by EPA 03/02/2012
- 07/2011 Re-Submittal Rec'd by EPA 03/02/2012
- 06/2011 Re-Submittal Rec'd by EPA 03/02/2012
- 05/2011 Re-Submittal Rec'd by EPA 03/02/2012
- 04/2011
- 06/2010 Re-Submittal Rec'd by EPA 03/02/2012

NMED SWQB files are missing the following yearly biological monitoring TX1Y DMRs (no samples were taken -- see Section D Self Monitoring):

- 1st year monitoring periods from 03/01/2010 to 02/28/2011
- 2nd year monitoring periods from 03/01/2011 to 02/28/2012

The following information was not complete in accordance with the “General Instructions” provided on the DMR form for 001A DMRs in NMED SWQB files:

- signature was not on all pages of the 5 page DMR for December, November October 2011.
- box for “No discharge” was not checked on the September 2010 DMR.
- actual units, number of exceedances or excursions, frequency of analysis and sample type were not completed on DMRs.

In this case, units are important, because flow values were in gallons not MGD as required on the form.

Results Not Consistent with Reports

One TSS result on the analytical laboratory report submitted with the DMR was not consistent with data reported on the June 2009 DMR. For a sample recorded to be collected on 06/01/2009, the TSS analytical result was non detect at a detection limit of 10 mg/L. However, the TSS concentration was reported as 83 mg/L on the June 2009 DMR contained in NMED SWQB files. Also, this analytical result was flagged “*holding times for preparation or analysis exceeded.*” The analytical report dated June 23, 2009 (Lab Order 0906019) stated, “*Prep Comments for TSS, Sample 0906019-01A: The prep Hold Time was exceeded by 10.8 days to a prep error.*” There was no comment on the June 2009 DMR to indicate that the sample collected did not meet procedures in the approved analytical method.

Part I.A of the permit requires monitoring for Total Residual Chlorine (TRC). Footnote 1 of Part I.A, “*The effluent limitation for TRC is the instantaneous maximum grab sample taken during periods of chlorine use and can not be averaged for reporting purposes. Regulations at 40 CFR Part 136 define "instantaneous grab" as analyzed within 15 minutes of collection. Samples shall be representative of period of chlorination.*”

Free chlorine results were incorrectly reported as Total Residual Chlorine (TRC) on DMRs (see additional comments at the end of this report). According to the Permittee on-site representative, no chlorination of the raw evaporative cooler water occurs. If chlorination were to occur, then monitoring for TRC, not free would be required.

Part III.F of the permit states, “*MONTHLY AVERAGE (also known as DAILY AVERAGE) discharge limitations means the highest allowable average of "daily discharge(s)" over a calendar month, calculated as the sum of all "daily discharge(s)" measured during a calendar month divided by the number of "daily discharge(s)" measured during that month.*”

A sample was collected and analyzed for TSS, Hardness, and Zinc monitoring on 09/01/2011, but the results were reported on the August 2011 DMR. A sample collected for Zinc was collected on 09/30/2011, but the Zinc 30-Day Avg was not correctly calculated and reported on the September 2011 DMR. In this case, the 30-Day Avg Zinc concentration was 0.0115 mg/L $[0.010 \text{ mg/L (09/01/2011)} + 0.013 \text{ mg/L (09/30/2011)} / 2]$, not 0.013 mg/L reported on the DMR.

Calibration and Monitoring Records

Part III.C.3 (Standard Conditions, Retention of Records) of the permit states, “*The permittee shall retain records of all monitoring information, including all calibration and maintenance records...for a period of at least 3 years from the date of the sample, measurement, report, or application.*” Part III.C.5.b (Standard Conditions, Monitoring Procedures) of the permit states, “*The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to insure accuracy of measurements and shall maintain appropriate records of such activities.*”

Records of pH instrument calibration were not maintained. According to the Permittee on-site representative, calibrations of the pH meter is conducted prior to sample analysis, but the calibration results were not recorded.

Part III.C.4 (Standard Conditions, Record Contents) of the permit states:

Records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements;*
- b. The individual(s) who performed the sampling or measurements;*
- c. The date(s) and time(s) analyses were performed;*
- d. The individual(s) who performed the analyses;*
- e. The analytical techniques or methods used; and*
- f. The results of such analyses.*

Record keeping for on-site pH sampling and analyses did not include: name of individual performing sampling, analytical methods and techniques, results of calibrations, times of analyses, and name of person(s) performing analyses. For samples sent off-site to a commercial laboratory for analysis, the name of the individual performing sampling, in this case “sampler” on Chain of Custody forms, was not recorded for TSS, Hardness and Zinc samples collected on 07/29/2011, 09/01/2011, 09/30/2011, and 06/30/2010.

Signature Authorization

Part III.D.11 (Standard Conditions, Signatory Requirements) of the permit states: “*All applications, reports, or information submitted to the Director shall be signed and certified. a. ALL PERMIT APPLICATIONS shall be signed as follows: (1) FOR A CORPORATION - by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (a) 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, (b) 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....b. ALL REPORTS required by the permit and other information requested by the Director shall be signed by a person described 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 above; (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, or 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 an individual occupying a named position; and, (3) The written authorization is submitted to the Director.*”

NMED SWQB files do not have an updated authorization for a duly authorized representative to sign DMRs. The last authorization letter from Delta Person to USEPA in NMED SWQB files is dated January 29, 2003 (signed by Mike Carstens) gives authority to the Plant Manager or Acting Plant Manager to sign reports. According to Mr. Western, his title changed from plant manager to administrator in October of 2011.

Effluent Loadings for TSS and Zinc Not Calculated/Incorrectly Reported

Part 1.A of the permit requires reporting of 30 Day Avg and Daily Max for TSS and Zinc. Actual effluent loadings using effluent flow and daily analytical data are not calculated, but limits from the previous permit were reported in the loading fields on DMRs according to the Permittee on-site representative. The following equation is used to calculate mass loading: Flow on day of sampling (MGD) x concentration (mg/L) x 8.34 = Loading (lbs/day).

Section D - Self-Monitoring – Overall Rating of “U = Unsatisfactory”

Permit Requirements and Findings for Self-Monitoring

Whole Effluent Toxicity (WET) Testing

Part I.A of the permit requires composite samples for 48-Hour Static Renewal WET testing using *Daphnia pulex* species at a frequency of 1/year. Footnote 2 of Part I.A of the permit states, “*Monitoring and reporting requirements begin on the effective date of this permit. Samples should be taken in upon first discharge. See PART II, Whole Effluent Toxicity testing requirements for additional WET monitoring and reporting conditions.*”

Bio-monitoring requirements of the permit have not been conducted. Since the effective date of this permit, reported discharges occurred in the 1st year (June 2010), and 2nd year (June, July, August, and September of 2011) of this permit.

1st Discharge Monitoring

Part I.A requires effluent monitoring for the following pollutants:

Biochemical Oxygen Demand 5-day (BOD5); Chemical Oxygen Demand (COD); Total Organic Oxygen (TOC); Ammonia (as N); Nitrate-Nitrite (as N); Antimony (Dissolved); Arsenic (Dissolved); Beryllium (Dissolved); Cadmium (Dissolved); Copper (Dissolved); Lead (Dissolved); Mercury; Nickel (Dissolved); Selenium; Silver (Dissolved); Thallium (Dissolved); Cyanide (weak acid dissociable) (Dissolved); Phenols; Aldrin; Chlordane; 4,4'-DDT and derivatives; Dieldrin; 2,3,7,8-TCDD dioxin; Hexachlorobenzene; PCBs; Tetrachloroethylene.

Monitoring requirements, measurement frequency in Part I.A of the permit for the above pollutants states, “*At 1st Discharge (*4).*” Footnote 4 of Part I.A of the permit states, “*Monitoring and reporting requirements begin on the effective date of this permit. Samples should be taken upon first discharge.*”

Monitoring and reporting for the above-listed pollutants has not been conducted since the effective date of this permit.

Sample Collection Procedures

Part III.C.5.a (Standard Conditions, Monitoring Procedures) of the permit states, “*Monitoring must be conducted according to test procedures approved under 40 CFR Part 136.*”

The time of analysis was not reported for pH monitoring; therefore, it was not documented that the analyses met the required holding time, in this case, “analyze within 15 minutes” required in 40 CFR 136.3 Table II.

COC forms for samples collected on collected on 07/29/2011, 09/01/2011 and 06/30/2010 indicate that TSS samples are not on ice upon arrival at the laboratory. Required preservation for TSS samples in 40 CFR 136.3 Table II is Cool, ≤ 6 °C.

Section E - Flow Measurement – Overall Rating of “U = Unsatisfactory”

Permit Requirements and Findings for Flow Measurement

Permittee’s flow measurement did not meet permit requirements. Flow measurement sample type in Part I.A of the permit is “*Totalizing Meter.*” A totalizing meter is not installed. Dates and times used to estimate flow are not logged and/or otherwise recorded. According to the Permittee on-site representative, generator watts are continuously recorded. Date and times when load increases above 115 MW can be obtained directly from electronic logs. Evaporative cooler time in hours can also be used to determine the amount of time that the cooler has been operating with a discharge rate of 50 gallons per minute. It does not appear that the estimated flow technique would meet accuracy requirements in Part III, Section C.6 of the permit which states, “*Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes.*”

Section F – Laboratory – Overall Rating of “U = Unsatisfactory”

Permit Requirements for Laboratory

Part III.C.5 (Standard Conditions, Monitoring Procedures) of the permit states:

- a. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit or approved by the Regional Administrator.*
- b. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to insure accuracy of measurements and shall maintain appropriate records of such activities.*
- c. An adequate analytical quality control program, including the analyses of sufficient standards, spikes and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory.*

Findings for Laboratory

Quality Assurance Quality Control Procedures

No duplicate samples were collected for quality assurance/quality control (QA/QC) checks in 2010 and 2011. According to EPA's NPDES Inspection Manual, "*10 percent of the samples should be duplicated.*" A duplicate sample should be collected at least every tenth sample for each parameter.

On-site written SOPs did not include quality control procedures (e.g., duplicates or spikes). Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; Analysis and Sampling Procedures, including 40 CFR 136, were modified by Federal Register, Vol. 77, No. 97 on Friday, May 18, 2012 effective June 18, 2012. Among other additions and modifications to the regulations, USEPA added new quality assurance and quality control language at 40 CFR 136.7 to specify twelve essential quality control elements that must be in the laboratory's documented quality system unless a written rationale is provided to explain why these quality control elements are inappropriate for a specific analytical method or application.

pH

On-site pH buffers, in this case Tri-check Buffer Capsule Set, had expired starting September 30, 2010. Buffer 4 expired April 15, 2011, Buffer 7 expired November 30, 2011 and Buffer 10 expired September 30, 2010. Approved methods in 40 CFR 136.3 require a bracket calibration and three buffer standardization prior to sample analysis. The purpose of standardization is to adjust the response of the glass electrode to the instrument.