



# PUEBLO OF SANTA ANA

## OFFICE OF THE GOVERNOR

11 December 2020

Kelly E. Allen  
Chief, Regulatory Division  
Albuquerque District  
U.S. Army Corps of Engineers  
4101 Jefferson Plaza, NE  
Albuquerque, NM 87109

**Re: General Clean Water Act Section 401 Water Quality Certification; Nationwide Permit published in the Federal Registry, September 15, 2020**

Dear Mr. Allen,

The U.S. Environmental Protection Agency (“EPA”) has published a final rule update to the Clean Water Act (the “CWA”) water quality regulations in 40 CFR 121 to regulate discharges to U.S. waterways under the above-referenced NPDES general permit. A water quality certification by the Pueblo of Santa Ana (“Pueblo”) is required under CWA section 401 to ensure that the action complies with Pueblo’s Water Quality Standards.

The Pueblo appreciates the opportunity to review the CWA section 401 Nationwide Permit and grants certification subject to the enclosed conditions. These conditions are necessary to ensure compliance with the Pueblo’s Water Quality Standards.

If you have any questions, please contact Tammy Montoya, Water Resources Division Hydrologist at (505) 771-6739.

Sincerely,

  
Pueblo of Santa Ana  
Lawrence A. Montoya, Governor

Enclosure

cc:

Andrew Sweetman, Water Resources Division Manager  
Tammy Montoya, Water Resources Division Hydrologist

02 DOVE ROAD ♦ SANTA ANA ♦ NM 87004

TEL: 505-771-6700 ♦ FAX: 505-771-6745 ♦ EMAIL: GOV@SANTAANA-NSN.GOV

## **The Pueblo's Clean Water Act, Section 401, Nationwide Permit Certification Conditions**

1. The permittee shall provide a copy of the Notice of Intent (NOI) to the Pueblo of Santa Ana (the Pueblo), at the same time it is submitted to the U.S. Environmental Protection Agency (EPA), for projects with discharges onto the lands of the Pueblo as defined in the Pueblo's antidegradation policy within the Pueblo of Santa Ana Water Quality Standards.
2. The permittee shall provide a final copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Pueblo that is associated with any project identified in the NOI, at the same time that an NOI is submitted to the EPA. The SWPP should include any projects with discharges onto the lands of the Pueblo as defined in the antidegradation policy within the Pueblo of Santa Ana Water Quality Standards.
3. The permittee shall provide copies of inspections reports and of corrective action reports to the Pueblo at the address below for review, upon request.
4. Upon completion of the project identified in the NOI, the permittee will submit a Notice of Termination (NOT) to the Pueblo.
5. All required or requested permittee specific information identified above shall be submitted to the following address:  
  
Pueblo of Santa Ana Department of Natural Resources,  
Attention: Water Resources Division  
2 Dove Road  
Santa Ana Pueblo, NM, 87004
6. Discharges are not authorized by the permittee unless an accurate and complete NOI and SWPPP have been submitted to the Pueblo. Failure to provide an accurate and complete NOI and SWPPP may result in a denial of the discharge permit, or a delay in groundbreaking or construction.
7. The permittee will not proceed with site work until authorized by the Pueblo. The Pueblo requires review of the complete and final SWPP before authorization to proceed. The Pueblo will provide and "Authorization to Process" notice after review and approval of the SWPPP.
8. The permittee could be required to perform water quality monitoring, sampling, or analysis during the active permit dates for constituents determined by the Pueblo.
9. Before submitting a NOT, permittees must certify to the Pueblo's Department of Natural Resources in writing that requirements for site stabilization have been met, and any temporary erosion control structures have been removed.

Documentation of the Pueblo's review that such requirements have been reviewed and met will be provided for the permittee to add to the permittee's NOT submission to EPA. Copies of all NOT submitted to the EPA must also be sent to the Pueblo at the address provided above.

Copies of all Notifications (Notice of Intent, Notice of Termination, or other communications) associated analytical data, and written reports for actions covered under this permit occurring on Pueblo of Santa Ana lands or within five river miles of the northern exterior boundary of Pueblo of Santa Ana lands shall be provided to the Pueblo of Santa Ana Department of Natural Resources at same time they are provided to the U.S. Environmental Protection Agency.

Any correspondence between the applicant and EPA related to corrective action, enforcement, monitoring, or adverse incident written reports should likewise be routed to the Pueblo of Santa Ana Department of Natural Resources. The Pueblo of Santa Ana reserves the right to request additional information or study and may delay or deny a permit for cause. All requested materials shall be sent to: Pueblo of Santa Ana Department of Natural Resources, 2 Dove Road, Santa Ana Pueblo, NM, 87004.