

NPDES PERMIT NO. NM0028011
RESPONSE TO COMMENTS

RECEIVED ON THE SUBJECT DRAFT
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
PERMIT IN ACCORDANCE WITH REGULATIONS LISTED AT 40CFR124.17

APPLICANT:

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ISSUING OFFICE:

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PERMIT ACTION: Final permit decision and response to comments received on the proposed NPDES permit publicly noticed on February 27, 2021 and the public comment period ended March 26, 2021.

DATE PREPARED: April 15, 2021

Introduction. For brevity, Region 6 used acronyms and abbreviated terminology in this response to comments document whenever possible. The following acronyms were used frequently in this document: Act (Clean Water Act), CD (Critical Dilution), EPA (Environmental Protection Agency), NPDES (National Pollutant Discharge Elimination System), RRC (Railroad Commission of Texas), SOB (Statement of Basis), WET (Whole Effluent Toxicity), WQS (Water Quality Standards) and TCEQ (Texas Commission on Environmental Quality) PMSD (Percent Minimum Significant Difference)

Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations, revised as of April 6, 2021.

CHANGES FROM DRAFT PERMIT

EPA made the following changes to the draft NPDES permit publicly noticed on February 27, 2021:

1. Loading limitation for E. coli added,
2. Footnote regarding TRC limit and monitoring added.
3. Requirement for Boron sewer system survey study added to Part I.B Schedules of Compliance, which was also reorganized for clarity.

STATE CERTIFICATION

In a letter from Shelly Lemon, Chief, Surface Water Quality Bureau, to Charles Maguire, Director, Water Division (EPA) dated April 13, 2021, the NMED conditionally certified that the discharge will comply with the applicable provisions of Section 208(e), 301, 301, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law.

The NMED stated that in order to meet the requirements of State law, including water quality standards and appropriate basin plan as may be amended by the water quality management plan, each of the conditions cited in the draft permit and the State certification shall not be made less stringent and included one Condition for Certification under CWA §401.

The State also stated that it reserves the right to amend or revoke this certification if such action is necessary to ensure compliance with the State's water quality standards and water quality management plan.

Condition No. 1

The draft permit did not contain the loading limitation from the TMDL in Part 1.A.1 Final Effluent Limits. The final permit must be corrected to add the loading limitation (as a 30-day loading average) for E. coli of 3.58×10^8 cfu/day.

Response to Condition No. 1

As required by 40 CFR 124.55(a)(2), the E. Coli loading limit has been included in the final permit consistent with the Condition for Certification.

COMMENTS FROM NMED NOT CONDITIONS OF CERTIFICATION

NMED Comment No. 1

The permit requirement in Table 1, Final Effluent Limits includes a daily maximum for total residual chlorine (TRC) of 19 µg/L. The facility uses ultraviolet disinfection as the primary disinfectant and does not use chlorine except in intermittent circumstances. NMED suggests this effluent limit have a footnote that states: “*TRC shall be monitored when chlorine is used in any part of the treatment works.*”

Response No. 1

New Footnote #9 consistent with footnote used for other New Mexico POTWs using UV disinfection has been added to the limitations table: “The effluent limitation for TRC is the instantaneous maximum and cannot be averaged for reporting purposes. Required when chlorine is used as either backup bacteria control or when disinfection of plant treatment equipment is required.”

NMED Comment No. 1

Boron – The permittee has frequently exceeded the boron discharge limitation concentration during the previous permit cycle. NMED suggests that a requirement be included in the permit stipulating a sanitary sewer survey to identify sources of boron being contributed to the collection system. A survey should also include sample collection throughout the sewer system and analysis of the samples for boron. NMED suggests this sewer survey occur within the first 6 months of the renewed permit with the results being reported to NMED and EPA. This may be incorporated into a compliance schedule in the final permit by EPA

Response No. 2

Requirement for a Boron sanitary sewer study to determine sources of boron in the discharge included in Part I.B of the permit.

COMMENTS FROM PUBLIC SUBMITTED BY END OF COMMENT PERIOD

None