

NPDES PERMIT NO. NM0023311

RESPONSE TO COMMENTS

RECEIVED ON THE SUBJECT DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT IN ACCORDANCE WITH REGULATIONS LISTED AT 40 CFR §124.17

APPLICANT: City of Las Cruces
Utilities Department
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ISSUING OFFICE: U.S. Environmental Protection Agency
Region 6
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PERMIT ACTION: Final permit decision and response to comments received on the draft reissued NPDES permit publicly noticed on March 27, 2021.

DATE PREPARED: May 19, 2021

Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations, revised as of July 1st, 2020.

DOCUMENT ABBREVIATIONS

In the document that follows, various abbreviations are used. They are as follows:

4Q3	Lowest four-day average flow rate expected to occur once every three-years
BAT	Best available technology economically achievable
BCT	Best conventional pollutant control technology
BPT	Best practicable control technology currently available
BMP	Best management plan
BOD	Biochemical oxygen demand (five-day unless noted otherwise)
BPJ	Best professional judgment
CBOD	Carbonaceous biochemical oxygen demand (five-day unless noted otherwise)
CD	Critical dilution
CFR	Code of Federal Regulations
cfs	Cubic feet per second
cfu	Colony forming unit
COD	Chemical oxygen demand
COE	United States Corp of Engineers
CWA	Clean Water Act
DMR	Discharge monitoring report
ELG	Effluent limitation guidelines
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
FCB	Fecal coliform bacteria
F&WS	United States Fish and Wildlife Service
mg/l	Milligrams per liter
ug/l	Micrograms per liter
MGD	Million gallons per day
NMAC	New Mexico Administrative Code
NMED	New Mexico Environment Department
NMIP	New Mexico NPDES Permit Implementation Procedures
NMWQS	New Mexico State Standards for Interstate and Intrastate Surface Waters
NPDES	National Pollutant Discharge Elimination System
MQL	Minimum quantification level
O&G	Oil and grease
POTW	Publicly owned treatment works
RP	Reasonable potential
SSM	Sufficiently Sensitive Method
s.u.	Standard units (for parameter pH)
SWQB	Surface Water Quality Bureau
TDS	Total dissolved solids
TMDL	Total maximum daily load
TRC	Total residual chlorine
TSS	Total suspended solids
UAA	Use attainability analysis
USFWS	United States Fish & Wildlife Service
USGS	United States Geological Service
WLA	Wasteload allocation
WET	Whole effluent toxicity
WQCC	New Mexico Water Quality Control Commission
WQMP	Water Quality Management Plan

CHANGES FROM DRAFT PERMIT

There are changes from the draft NPDES permit publicly noticed on March 27, 2021:

- Footnote “*6” of Part I.A has been revised to 3.79×10^7 from 3.79×10^7 .
- Language in footnote “*6” of Part I.A has been revised.
- Loading interim limits for PCBs have been corrected corresponding the limited concentrations.

CONDITION RECEIVED ON THE DRAFT PERMIT

None

COMMENTS RECEIVED ON THE DRAFT PERMIT

Letter from Shelly Lemon, New Mexico Environment Department (NMED) to Charles Maguire, EPA dated May 11, 2021

RESPONSE TO COMMENTS

Comment 1 (NMED): Regarding footnote “*6” in Part I.A.1, the bacteria loading calculation should be corrected to show the conversion factor is 3.79×10^7 , not 3.79×10^7 .

Response 1: It’s typographical error; EPA agrees and corrects the conversion factor to 3.79×10^7 .

Comment 2 (NMED): Footnote “a” in Part I.A.1 should be changed to “Samples should be analyzed using Method 1630 consistent with the Procedures for Implementing NPDES Permits in New Mexico (NMIP).”

Response 2: EPA agrees with NMED to incorporate the suggested language in the final permit.

Comment 3 (NMED): Regarding WET testing in Part I.A.1, the measurement frequency is quarterly, yet the reporting frequency is monthly. NMED reasons that the measurement and reporting frequencies should correspond.

Response 3: Part II.E.3 provides information of the required reporting for the WET testing. There is no change in the final permit regarding this comment.

EPA Comment: During the public comment period, EPA found that loading interim limits for PCBs (in Part I.A.1) are not correctly calculated due to a conversion factor, $10^3 \text{ ug/l} = 1 \text{ mg/l}$. EPA has corrected the loading limits, consistent with the proposed interim-concentration limits that would also have controlled PCB discharge, as follows:

Loading in lbs/day = pollutant concentration in mg/l * 8.345 (lbs)(l)/(mg)(MG) * design flow in MGD

30-day average loading = $(0.00102 \text{ ug/l} \div 10^3 \text{ ug/l}) \text{ mg/l} * 8.345 \text{ (lbs)(l)/(mg)(MG)} * 13.5 \text{ MGD} = 1.1490\text{E-}04 \text{ lbs/day}$

Daily maximum loading = $(0.0011 \text{ ug/l} \div 10^3 \text{ ug/l}) \text{ mg/l} * 8.345 \text{ (lbs)(l)/(mg)(MG)} * 13.5 \text{ MGD} = 1.2390\text{E-}04 \text{ lbs/day}$