

NPDES PERMIT NO. NM0023485

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: Town of Bernalillo
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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 May 29, 2021.

DATE PREPARED: July 27, 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 May 29, 2021:

- Quarterly monitoring of arsenic, ammonia and nitrate has been retained from the previous permit.
- Language requiring copy of applicable Toxicity Reduction Evaluation (TRE) to be sent to Pueblo of Isleta has been added.
- Sample type for DO has been changed to “Instantaneous Grab” from “3-hr Composite”.
- Sample type for the adjusted gross alpha has been changed to “Grab” from “3-hr Composite”.
- Footnotes *10, *11 and *12 have been added.

CWA §401 CONDITIONS OF CERTIFICATION RECEIVED ON THE DRAFT PERMIT

None

COMMENTS RECEIVED ON THE DRAFT PERMIT

Letters from Governor Stuart Paisano, Pueblo of Sandia (Pueblo), to Evelyn Rosborough, EPA date June 29, 2021

Letter from SWQB Chief Shelly Lemon, New Mexico Environment Department (NMED), to Charles Maguire, EPA dated June 24, 2021

Letter from Mayor Jack Torres, Town of Bernalillo (Permittee), to Evelyn Rosborough, EPA dated June 22, 2021

RESPONSE TO COMMENTS

Comment 1 (Pueblo): The Pueblo would like to see continued monitoring of arsenic, ammonia, and nitrate. The Pueblo understands reasoning for the removal of these pollutants for monitoring, but would like to see continued monitoring with quarterly reports. The Pueblo is beginning its triennial review of its water quality standards and continued monitoring of these pollutants in the Town of Bernalillo's WWTP discharge will assist the Pueblo in this evaluation.

Response 1: EPA agrees with the warranted requests and retains the quarterly monitoring of arsenic, ammonia and nitrate. Changes have been made the final permit.

Comment 2 (Pueblo): The Pueblo would require the Town of Bernalillo to send copies of their Toxicity Reduction Evaluation (TRE), quarterly TRE activity reports, and final report to the Pueblo at the following address: Pueblo of Sandia, Environment Department, Water Quality Program, 481 Sandia Loop, Bernalillo, New Mexico 87004.

Response 2: EPA has added language requiring copy of the applicable TRE to be sent to the Pueblo by mail. This additional language states: “... and Pueblo of Sandia, whose mailing address is shown in Part III.D.4.” in Part II.E.4.a of the final permit.

Comment 3 (NMED): In the Fact Sheet, Part III within the table the Parameters pH, minimum, standard units (su) should be corrected to pH, minimum, standard units (s.u.). This would be in accordance with the document abbreviation for s.u. corresponding to standard units.

Response 3: Typographical error in Fact Sheet noted. Because EPA does not change/revise the fact sheet, and s.u. was correctly used in the draft permit, there is no change in the final permit for this comment.

Comment 4 (NMED): In the Fact Sheet, Part V, Section C, subsection 5 there is mention of Outfall 601 which should be removed as the permit only discusses Outfall 001.

Response 4: Outfall 601 does not exist in this permitted facility; this outfall is stated by error in the fact sheet. It's noted for future and no change has been made in the final permit.

Comment 5 (Permittee): In Fact Sheet, Paragraph V.C.5. Permit Action - Water Quality-Based Limits: The EPA has listed that "Concentrations limits are monitored at Outfalls 001 & 601". This information is incorrect as the Town only has one outfall, Outfall 001, as listed in the NPDES Permit Application submitted by the Town and in the Draft NPDES Permit.

Response 5: Please refer to Response 4 above.

Comment 6 (Permittee): The Draft NPDES Permit, Part I, Paragraph A.1. table lists the DO sample type as a "3-hr Composite", whereas the previous permit listed the sample type as "Grab". The Town requests clarification as to why this sample type was changed from "Grab" to a "3-hr Composite". We believe that field measurement (grab) of the dissolved oxygen would be more appropriate.

Response 6: The previous permit states sample type of "Instantaneous Grab" for DO; this sample type is required under 40 CFR 136.3 with maximum holding time of 15 minutes. EPA retains this required sample type for DO; the "3-hr Composite" is changed to "Instantaneous Grab" in the final permit.

Comment 7 (Permittee): Fact Sheet, Paragraph V.C.5.c. Toxics: The EPA has listed that the adjusted gross alpha monitoring requirement was "reduced to annually", whereas all other instances in the Fact Sheet and Draft NPDES Permit lists the sampling frequency as quarterly. The Town requests clarification on whether the sampling frequency for adjusted gross alpha is annually or quarterly.

Response 7: The "reduced to annually" was an error as EPA intentionally retains the previous quarterly monitoring for the adjusted gross alpha for the TMDL future purpose. No change is made in the final permit.

Comment 8 (Permittee): The Draft NPDES Permit, Part I, Paragraph A.1. table lists the adjusted gross alpha sample type as a "3 hr Composite", whereas the previous permit listed the sample type as "Grab". The Town requests clarification as to why this sample type was changed from "Grab" to a "3-hr Composite".

Response 8: Similarly, as mentioned in Response 7 above, the previous monitoring is retained. EPA changes this sample type to "Grab" and also adds footnote *10 for this pollutant in the final permit. The footnote was in the previous permit and in accordance with 40 CFR 136.

Comment 9 (Permittee): The addition of oil and grease to the monitoring requirements for this permit renewal indicates that the Town will have to sample and report this every quarter for the 5-year duration of the permit. The oil and grease effluent sampling completed for the permit application was non-detect (ND), but the method limit was too high at 11.1 mg/L (versus the 10.0 mg/L guideline listed in the Pueblo of Sandia Water Quality Standards). The Town respectfully requests that the EPA consider adding a footnote to the NPDES Permit, Part I, Paragraph A.1. table that allows for the sampling to stop after 1 year (four quarterly samples) if all samples come back as ND using a sufficiently sensitive method.

Response 9: According to EPA Method 1664B, the minimum level (ML) is 5 mg/L. In the last 6 months, submitted data from some other POTW facilities (information available upon request) in New Mexico indicate the lowest ML was 5.35 mg/L using the same test method, and results were from 1.99 to 7 mg/L for average values. The submitted data for this WWTP is not in compliance of the SSM requirement. Any further O&G testing using a test ML of 11.1 mg/L and resulted “ND” will not meet the SSM requirement in 40 CFR 136. As the analytical testing meeting the requirement in the region is feasible, EPA expects the testing for O&G to comply with acceptable detection levels. The expected ML is at 10 mg/L or less for O&G. Pueblo of Sandia, the CWA§401 certifying agency for the permit, was consulted on reducing the monitoring frequency on July 27, 2021, but expressed concerned about pollution sources, domestic and commercial, flowing onto the Pueblo and asked that the monitoring frequency be retained at quarterly. To clarify the SSM requirement for O&G, EPA adds Footnote *11 stating “Must be analyzed with an approved test method with ML sensitive to 10 mg/L or less. Qualitative test result (e.g., Non detect) shall be reported with the ML ..” EPA retains the quarterly test frequency in the final permit, but adds Footnote *12 “Frequency reduction to no less than once per year may be requested of EPA after completing 4 quarterly samples, with all results of “ND” (non-detect) or actual values at 10 mg/L or less using a 40 CFR 136 test method with a ML of 10 mg/l or less. EPA will consult with the Pueblo of Sandia on this reduction request, if applicable.” to allow the permittee to request a reduction in monitoring frequency after completing 4 quarterly samples- provided all results are “ND” (non-detect) or actual values at 10 mg/L or less. If a monitoring frequency reduction is requested, EPA will consult with the Pueblo of Sandia prior to making a decision on the request.