

NPDES PERMIT NO. NM0020583
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 Farmington
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Farmington, NM 87401-2663

ISSUING OFFICE: U.S. Environmental Protection Agency
Region 6
1201 Elm Street
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PERMIT ACTION: Final permit decision and response to comments received on the proposed NPDES permit publicly noticed on August 26, 2021.

DATE PREPARED: October 13, 2021

Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations, revised as of September 28, 2015.

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
CaCO ₃	Calcium carbonate
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 units
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
ICIS	Integrated Compliance Information System
mg/l	Milligrams per liter
ug/l	Micrograms per liter
MGD	Million gallons per day
MPN	Most probable number
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
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

SUBSTANTIAL CHANGES FROM DRAFT PERMIT

1. Changed cyanide monitoring requirement to 2/month from 5/week;
2. Added a compliance schedule for Total Dissolved Solids, and;
3. Changed the effective date of the proposed TDS net increase effluent concentration limit of 449 mg/L.

STATE CERTIFICATION

In a letter from Shelly Lemon, Bureau Chief, SWQB, to Mr. Charles Maguire, Director, dated October 12, 2021, the NMED 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.

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.

Comments that are not Conditions of Certification

Comment No. 1: NMED suggests the following footnote be added to the permit in Part I Section A Limitations and Monitoring Requirements:

Total Residual Chlorine (TRC) shall be monitored any time chlorine is used within the treatment plant for disinfection, equipment cleaning, maintenance, or any other purpose.

Response: The facility is using UV disinfection instead of chlorine disinfection and only uses chlorine for disinfection in the event of a catastrophic loss of the new UV disinfection system. EPA agrees with NMED. The suggested language has been included in the final permit. The footnote now reads as follows:

This facility uses Ultraviolet disinfection. Total Residual Chlorine (TRC) shall be monitored any time chlorine is used within the treatment plant for disinfection, equipment cleaning, maintenance, or any other purpose. The effluent limitation for TRC is the instantaneous maximum grab sample taken during periods of chlorine use and cannot be averaged for reporting purposes. Instantaneous maximum is defined in 40 CFR Part 136 as being measured within 15 minutes of sampling.

Comment No. 2: NMED agrees with the EPA's decision to reduce the total dissolved solids (TDS) net increase effluent concentration limit from 495 mg/L to 449 mg/L, and to reduce the

loading limit from 27,664 lbs/day to 24,992 lbs/day in the discharge from this facility, as described and explained in the Statement of Basis / Fact Sheet. NMED recommends issuing a compliance schedule to allow time for the permittee to modify operations to meet the new effluent limits. If EPA issues a compliance schedule, NMED suggests that the effluent limits of 495 mg/L and 27,664 lbs/day remain in place during the initial timeframe of the compliance schedule.

Response:

The City of Farmington has 2 drinking water treatment plants (e.g., #1 and #2). The water treatment plant one (WPT#1), which is a workhorse, supplies drinking water to the City daily year-round, while water treatment plant two is utilized on a seasonal basis. The City indicated in their comment letter to EPA dated September 26, 2021, that the backwash waste of their two drinking water treatment facilities is being discharged directly into the City's sewer system where it then enters the City of Farmington WWTP system. This concentrated brine is conceivably to be the main contributor of total dissolved solids (TDS) to the WWTP. Its removal from the waste stream would likely resolve the high TDS concentrations in the permitted discharge. During a video conference call with EPA and NMED on October 6, 2021, the permittee indicated they are planning to do multi-million dollars upgrades to their two drinking water treatment plants in phases beginning mid December 2021. Upon completion of the water treatment plants upgrade, the backwash waste of their two drinking water treatment facilities will not likely be discharged directly to the City's WWTP. The target upgrades completion dates for WTP #1 and WTP #2 are August 2024 and December 2027, respectively. The permittee shall make diligent efforts to ensure progress is being made by the target completion date. EPA agrees with NMED recommendation. EPA will retain the TDS net increase effluent concentration limit of 495 mg/L and the loading limit of 27,664 lbs/day in the final permit during the WTP #1 upgrade. The term to achieve the TDS net increase effluent concentration limit of 449 mg/L is approximately 3 years. EPA included the following compliance schedule in the final permit:

- The permittee shall achieve compliance with the TDS net increase effluent concentration limit of 449 mg/L 3 years after the permit effective date. The following activities to support compliance shall be done in accordance with the following schedule:

<u>ACTIVITY</u>	<u>DATE OF COMPLETION</u>
A. Upgrading City's WTP #1 and removing its discharge to the City's WWTP	
1. Design phase, bid phase, award construction contract and start constructions.	June 2022
2. Complete constructions and cease discharging backwash waste of WTP#1 to the City's WWTP.	November 2024

B. Upgrading City's WTP #2 and removing its discharge to the City's WWTP.

1. Design phase, bid phase, award construction contract and start constructions. September 2025
 2. Complete constructions and cease discharging backwash waste of WTP #2 to the City's WWTP. December 2027
- a. The permittee shall submit a progress report to both EPA and NMED outlining the status of the phase activities during the months of January, April, July, and October, of each year.
 - b. The report of progress shall also include an explanation for delays, if applicable, and proposed remedial actions.

Comment No. 3: Monitoring data from the facility shows cyanide is present in the wastewater being treated at the facility. EPA's reasonable potential (RP) analysis determined that cyanide has the potential to exceed State water quality standards, therefore NMED agrees with the inclusion of concentration and loading effluent limits for cyanide in the permit.

During a video conference call with EPA and NMED on October 6, 2021, the permittee indicated that over the last 2 years the facility has undergone significant upgrades, including the addition of a second raceway activated sludge treatment basin and the discontinuation of the use of the trickling filters. The permittee provided effluent monitoring data from January 2016 through August 2021. In this data set, cyanide was detected above the method detection limit (MDL) (EPA Method 335.4) six times and exceeded the proposed monthly average effluent limit of 14.67 ug/L three times. The most recent detection was in December 2020 (21.1 ug/L) whereas the other detections occurred in 2017 and 2016. The permittee claims the datapoint from December 2020 is an "outlier" sampling result; however, the permittee did not provide any statistical explanation for the high value.

During the video conference call, the permittee stated that the new sampling requirement for cyanide will be cost prohibitive and difficult for laboratory personnel to manage the additional sampling and delivery requirements to a contract laboratory for analysis. NMED is cognizant of the challenges for permittees, including additional work and costs for sampling, and considers the potential for improved treatment to have reduced the likelihood of cyanide exceedances.

NMED recommends a reduced sampling frequency for the entire permit cycle of one (1) sample per week or two (2) samples per month for cyanide to be protective of State water quality standards and designated uses of the San Juan River. Although EPA's New Mexico Procedure for Implementing National Pollutant Discharge Elimination System Permits in New Mexico - NMIP1 identifies a sampling frequency of five (5) samples per week for facilities with a design flow between 5.0 and 10.0 MGD, the NMIP also allows permit writers to use of best professional judgment on a case-by-case basis to develop an alternate monitoring frequency. NMED encourages EPA to consider a reduced sampling frequency for cyanide in the final permit

Response:

Recognizing the costs and difficulties of managing additional samples due to proposed sampling requirements, EPA agrees and has no objection to NMED recommendations. Considering the variability of cyanide effluent concentrations and ensuring the State of New Mexico and Navajo Nation water quality standards and designated uses of the San Juan River are protected, EPA changed the sampling frequency to 2 per month from 5 per week in the final permit for cyanide.

OTHER COMMENTS RECEIVED ON DRAFT PERMIT

Letter from David Sypher, PE, Community Works Director, City of Farmington, New Mexico, emailed to Evelyn Rosborough (EPA) on September 26, 2021.

Letter from Patrick Antonio, Principal Hydrologist (Program Manager), Navajo Nation Environmental Protection Agency, Window Rock, Arizona emailed to Quang Nguyen (EPA) on September 27, 2021.

RESPONSE TO COMMENTS**City of Farmington**

Comment No. 1: Page 2 of Part 1; Final Effluent limits table: Cyanide Measurement Frequency 5/Week (image below)

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Page 2 of PART 1

POLLUTANT	30-DAY AVG	DAILY MAX	7-DAY AVG	30-DAY AVG	DAILY MAX	7-DAY AVG	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow	Report MGD	Report MGD	Report MGD	***	***	***	Continuous	Totalizing Meter
Biochemical Oxygen Demand, 5-day (BOD ₅)	1669 lbs/day	N/A	2504 lbs/day	30 mg/L	N/A	45 mg/L	5/Week (*1)	12-Hour Composite
BOD ₅ Percent Removal (minimum)	≥ 85	***	***	***	***	***	1/Week	Calculation (*4)
Total Suspended Solids (TSS)	1669 lbs/day	N/A	2504 lbs/day	30 mg/L	N/A	45 mg/L	5/Week (*1)	12-Hour Composite
TSS Percent Removal (minimum)	≥ 85	N/A	N/A	N/A	N/A	N/A	1/Week	Calculation (*4)
E. Coli Bacteria	31.9 (*3)	31.9 (*3)	N/A	126 (*2)	235 (*2)	N/A	5/Week (*1)	Grab
Total Residual Chlorine	N/A	N/A	N/A	N/A	19 ug/L	N/A	Daily	Instantaneous Grab (*5)
Total Dissolved Solids, Discharge (*6)	Report	Report	N/A	Report	Report	N/A	1/Week	12-Hour Composite
Total Dissolved Solids, Water Plants Intake (*7)	Report	Report	N/A	Report	Report	N/A	1/Week	12-Hour Composite
Cyanide	0.817 lbs/day	1.225 lbs/day	N/A	14.67 ug/L	22 ug/L	N/A	5/Week	Grab
Cadmium (*10)	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
2,3,7,8-TCDD Dioxin (*10)	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Pentachlorophenol (*10)	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Aldrin (*10)	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Chlordane (*10)	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab
Toxaphene (*10)	N/A	N/A	N/A	N/A	N/A	Report	1/Quarter	Grab

- **Request** – EPA requires 1/Month monitoring of cyanide for one year, if after the one year there are no results that support the concern for reasonable potential to exceed water quality standards, the monitoring frequency be reduced to quarterly with other toxics and metals monitoring.
- **Comment 1-** The statement of basis/fact sheet states the new limit is based on one data point out of all the data that was submitted with the permit application. Review of 5

years of data for cyanide indicates that this datapoint is an outlier. In fact, review of historic data indicates that measures being taken at the facility to reduce other pollutants of concern have already reduce the potential for exceedances of WQS for cyanide.

Year	2021		2020		2019		2018		2017		2016	
Month	Cyanide	PQL	Cyanide	PQL	Cyanide	PQL	Cyanide	PQL	Cyanide	PQL	Cyanide	PQL
December			21.1 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L
November			<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L	6.41 ug/L	5.0 mg/L	<10.0 ug/L	10.0 ug/L
October			<10.0 ug/L	10.0 ug/L	<5.0 ug/L	5.0 ug/L	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L
September			<5.00 ug/L	5.0 ug/L	<5.0 ug/L	5.0 ug/L	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L
August	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L	<5.0 ug/L	5.0 ug/L	<10.0 ug/L	10.0 ug/L
July	<5.0 ug/L	5.0 ug/L	<10.0 ug/L	10.0 ug/L	<5.0 ug/L	5.0 ug/L	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L
June	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L
May	<5.0 ug/L	5.0 ug/L	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L	14.3 ug/L	10.0 mg/L	29.6 ug/L	10.0 mg/L
April	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L	17.3 ug/L	10.0 mg/L
March	<5.0 ug/L	5.0 ug/L	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L	<5.0 ug/L	5.0 ug/L	<10.0 ug/L	10.0 ug/L	11.4 ug/L	10.0 mg/L
February	<5.0 ug/L	5.0 ug/L	<5.0 ug/L	5.0 ug/L	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L
January	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L	<10.0 ug/L	10.0 ug/L

- **Comment 2-** Analysis of cyanide cannot be completed on site like other parameters measured on frequent basis. Every time samples must be shipped or transported to an offsite lab there are opportunities for things to go wrong. There are also numerous additional expenses associated with analyzing any sample that must be shipped daily to an outside lab.

Response:

Please see response to NMED comment No. 3 above.

Comment No. 2: Page 4 & 11 of the Fact Sheet reference chlorine disinfection.

II. APPLICANT ACTIVITY

Under the Standard Industrial Classification Code 4952, the applicant operates a municipal wastewater treatment plant with a design capacity of 6.67 million gallons per day (MGD) serving a population of approximately 50,000.

As described in the application, treatment consists of pretreatment, primary sedimentation, biological treatment, trickling filter, activated sludge, followed by secondary clarification, disinfection and dechlorination.

Sludge is treated by Primary anaerobic digestion of raw primary sludge where it is heated and mixed, then sent to secondary digestion, which is not heated or mixed. The sludge is dewatered by a belt press, stockpiled in concrete drying beds and further air dried to 70 - 80% solids. The sludge is disposed of at the San Juan County Regional Landfill, 78 County Road 3140, Aztec, NM.

As described in the application, the wastewater treatment plant is located at 1395 South Lake Street, Farmington, San Juan County, New Mexico. The discharges are to the San Juan River, State of New Mexico Segment No. 20.6-4.401 of the San Juan Basin. The discharge from Outfall 001 is on that water at Latitude 36° 43' 02" North, Longitude 108° 13' 15" West.

e. Chlorine

The facility uses chlorine to control bacteria. The NMWQS for total residual chlorine (TRC) are 11 ug/l for chronic and 19 ug/l for acute conditions. The NWQS for TRC are 4000 ug/L for domestic water supply, and primary/secondary human contact, 19 ug/L for aquatic & wildlife habitat-acute, and, 11 ug/L for aquatic & wildlife habitat-chronic and livestock watering.

Since acute conditions do not allow dilution, the limit must be met at end-of-pipe but chronic standards do allow dilution; the permit shall use the most stringent WQS for the permit limit. The following shows the calculations:

The critical dilution (CD) is calculated as follows:

$$CD = Q_e - [(FQ_a) + Q_e]$$

where:

Q_e = facility effluent or design flow; 6.67 MGD

Q_a = 4Q3; 278.6 MGD

F = fraction of stream allowed for mixing; 1.0

$$CD = 6.67 - [(1.0 \cdot 278.6) + 6.67]$$

$$CD = 0.0234 \text{ or } 2.34\%$$

The in-stream TRC concentration after allowing for dilution is: $11 \text{ ug/l} \div 0.0234 = 470 \text{ ug/l}$. Since this value is greater than the 19 ug/l end-of-pipe acute standard, the 19 ug/l is more stringent and will be more protective. The draft permit maintains the 19 ug/l end-of-pipe acute limit since it is more stringent and will be more protective than the 11 ug/l dilution based chronic limit. In addition to the 19 ug/l chemical specific limitation, the draft permit also maintains the narrative limit for total residual chlorine shall be "No Measurable". TRC shall be limited as follows: "After dechlorination and prior to final disposal, the effluent shall contain NO MEASURABLE (TRC) at any time. NO MEASURABLE will be defined as no detectable concentration of TRC as determined by any approved method established in 40 CFR Part 136. The effluent limitation for TRC is the instantaneous maximum and cannot be averaged for reporting purposes. The maximum dechlorinated TRC shall be monitored daily by grab sample. TRC shall be measured within fifteen (15) minutes of sampling."

- **Comment 1**- The Fact Sheet is in error, the facility no longer uses chlorine disinfection, and is instead using UV disinfection. The facility has maintained the ability to use chlorine disinfection in the event of a catastrophic loss of the new UV disinfection system.
- **Request** – We request that chlorine monitoring be removed from Final Effluent limits table with the caveat that if in an emergency chlorine disinfection is used, monitoring will be performed in accordance with the proposed frequency.
- **Request** – The fact sheet be corrected to reflect UV disinfection is now in use as the primary method of disinfection.

Response:

The comment that the facility is using UV disinfection instead of chlorine disinfection is noted in the administrative record. The EPA cannot grant permittee's request to remove Total Residual Chlorine limits in the final permit since facility might use chlorine disinfection in the event of a catastrophic loss of the new UV disinfection system or major cleaning of treatment equipment. However, EPA revises the footnote #5 under Section A of PART I in the final permit and now reads:

This facility uses Ultraviolet disinfection. Total Residual Chlorine (TRC) shall be monitored any time chlorine is used within the treatment plant for disinfection, equipment cleaning, maintenance, or any other purpose. The effluent limitation for TRC is the instantaneous maximum grab sample taken during periods of chlorine use and cannot be averaged for reporting purposes. Instantaneous maximum is defined in 40 CFR Part 136 as being measured within 15 minutes of sampling.

Comment No. 3: Part 3 of Part I Final Effluent limits table, Total Dissolved Solids, Net Increase, 449 mg/L limit. Pages 12 & 13 of the Fact Sheet reference Total Dissolved Solids.

- **Request** – Maintain the current discharge permit level of 497 mg/L.
- **Comment 1** – While the WWTP has been successful in discharging TDS levels lower than the permit limit for the last three years, the city's drinking water treatment facilities have had to change the primary coagulant from ferric chloride to ACH (aluminum chloride) due to the force majeure caused by COVID-19 in the chemical supply chain. The two drinking water treatment facilities discharge backwash waste directly into the City's sewer system.
- **Comment 2** – It is unknown at this time if the WWTP will continue to perform consistently at the same levels with the new coagulant in use. It is also unknown how long the nationwide shortage of ferric chloride caused by the COVID-19 pandemic will last. It is possible that similar shortages could be experienced for all chemicals including the new coagulant.

Response:

Please see response to NMED comment No. 2 above.

Comment No. 4: Page 3 of Part I Final Effluent limits table, Whole Effluent Toxicity Testing both species and Page 3 through 10 Part II D. monitoring frequency of 1/quarter for first year of permit.

- **Request** – The current monitoring frequencies of annual (*Pimephales promelas*) and semi-annual (*Daphnia pulex*) be continued. Sections of Part II D. describing quarterly monitoring and conditions to request reduced frequency would then be inapplicable and should be removed.
- **Comment** – The Fact Sheet does not provide an explanation for monitoring is being increased. In fact, the Fact Sheet states: "The results show no reasonable potential." Based on historic data during the previous permit cycle, there is no technical justification to increase monitoring frequency for one year and then request a reduction in frequency.

Response:

For consistency with NMIP, March 2012, EPA cannot grant permittee's request to keep the monitoring frequency requirements for *Pimephales promelas* and *Daphnia pulex* in the proposed permit the same as the ones in the 2016 permit. EPA notes that the fact sheet did not include a more detailed rationale for the changing monitoring frequencies of *Pimephales promelas* and semi-annual *Daphnia pulex* to quarterly. As required in the March 2012, NMIP, all major dischargers (\geq 1MGD) should monitor quarterly for both species for at least the first year of the permit. At the end of the first year, a reduction in monitoring frequency may be granted to the facility based on the completion of one year with no toxicity failures for a species. There are no changes made to the final permit based on this comment.

Navajo Nation Environmental Protection Agency

Comment No. 1: The preliminary toxic analysis shows potential for reasonable potential to exist, based on insufficiently sensitive test methods used for Cadmium, 2,3,7,8-TCDD Dioxin, Pentachlorophenol, Aldrin, Chlordane, and Toxaphene pollutants. Because the permittee has not met the sufficient sensitive test requirement per 40 CFR 122.21(e)(3), EPA proposes monitoring for these parameters quarterly in the draft permit. During the public comment period, the permittee may submit the analysis results using EPA approved methods. EPA would consider this monitoring requirement for the final permit if the result(s) indicate no reasonable potential exist. This monitoring requirement should be in the final permit for some (e.g., Cadmium and Pentachlorophenol) if not for all six of these parameters.

Response:

The permittee did not submit any analysis results using EPA approved methods for Cadmium, 2,3,7,8-TCDD Dioxin, Pentachlorophenol, Aldrin, Chlordane, and Toxaphene pollutants. The monitoring requirement for six of these pollutants will remain in the final permit, which requires the use of sufficiently sensitive test methods approved under 40 CFR 136. The final permit, which does not include limits for six of these pollutants at this time, requires monitoring to gather information for future permitting decisions consistent with 40 CFR 122.41(h).

Comment No. 2: The permit reopener clause applies if the State adopts a State water quality standard, and/or developed or amended a TMDL where there is a need to establish effluent limitations for the parameter(s) to be consistent with the approved State standard. The permit reopener clause should also apply if the Navajo Nation adopts a water quality standard.

Response:

The comment is noted in the administrative record. EPA notes that the Permit Reopener Section XVII of fact sheet did not reference Navajo Nation water quality standards. While the proposed permit language did reference Navajo Nation water quality standards, the languages in the Permit Modification and Reopener in the final permit have been revised to be clearer and do apply to both State and Navajo Nation water quality standards (see below).

C. PERMIT MODIFICATION AND REOPENER

The permit may be reopened and modified during the life of the permit if relevant portions of “New Mexico's Water Quality Standards for Interstate and Intrastate Streams” and/or Navajo Nation’s Surface Water Quality Standards are revised or remanded by the New Mexico Water Quality Control Commission and/or Navajo Nation or if changes are made to the “Water Quality Standards for Salinity - Colorado River System” by the Colorado River Basin Salinity Control Forum. In addition, the permit may be reopened and modified during the life of the permit if relevant procedures implementing the Water Quality Standards are either revised or promulgated by the New Mexico Environment Department and/or Navajo Nation. Should the State and/or Navajo Nation adopt a water quality standard, and/or develop or amend a TMDL, this permit may be reopened to establish effluent limitations for the parameter(s) to be consistent with that approved State/Navajo Nation standards and/or water quality management plan, in accordance with 40 CFR §122.44(d). Modification of the permit is subject to the provisions of 40 CFR §124.5.