

NPDES PERMIT NO. NM0030686
RESPONSE TO COMMENTS

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

APPLICANT:

Rio Puerco WWTP
14500 Central Ave SW
Albuquerque, NM 87121

ISSUING OFFICE:

U.S. Environmental Protection Agency
Region 6
1201 Elm Street, Suite 500
Dallas, Texas 75270

PREPARED BY:

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PERMIT ACTION: Final permit decision and response to comments received on the proposed NPDES permit publicly noticed on August 30th, 2021.

DATE PREPARED: October 12th, 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), EPA (Environmental Protection Agency), NPDES (National Pollutant Discharge Elimination System), RRC (Railroad Commission of Texas), SOB (Statement of Basis), WQS (Water Quality Standards) and TCEQ (Texas Commission on Environmental Quality), BMP (Best Management Practice), BAT (Best Available Technology), MQL (Minimum Quantification Level), MAL (Minimum Analytical Level).

Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations, revised as of May 30, 2014.

CHANGES FROM DRAFT PERMIT

EPA made the following changes to the draft NPDES permit publicly noticed on August 30th, 2021:

1. *Permit Part 1, Section A:* Reduced Total Mercury monitoring frequency from 1/week to 2/month
2. *Permit Part 1, Section A, Footnote 6:* Added NMED and Pueblo of Laguna to the list of WET failure contacts.
3. *Permit Part 1, Section A:* Changed the pH monitoring requirement from 5/week to 1/week.
4. *Permit Part 1, Section A, Footnote 8:* Clarified compliance schedule language.
5. *Permit Part 1, Section A, Footnote 9:* Added a 6-month compliance schedule for the TRC limit.
6. *Permit Part 1, Section B:* Added TRC to ‘Schedule of Compliance’ section to account for newly added 6-month compliance schedule

TRIBAL CERTIFICATION

In a letter from Gregory Jojola, Acting Director for the Pueblo of Laguna Environmental & Natural Resources Department, to Charles W. Maguire, Director, Water Quality Protection Division (EPA) dated October 6th, 2021, the Pueblo of Laguna certified that the permitted activities will be conducted in a manner which will not violate any applicable water quality requirements.

COMMENT RESPONSES

During the public notice for NPDES permit NM0030686 begun on August 30th, 2021, the EPA received comments from the State of New Mexico and the Laguna Development Corp. (permittee). Their comments and the EPA’s responses are as follows:

State of New Mexico

Comment No. 1 – Permit Part 1, Section A, Footnote 6:

PART I, Section A, Final Effluent Limits Footnote *6, requires notification to EPA of a WET test failure. NMED suggests that the Pueblo of Laguna and NMED be added to the WET test failure notification.

Response No. 1:

Footnote 6 of Permit Part 1, Section A has been modified to require the permittee to additionally notify Pueblo of Laguna, Pueblo of Isleta, and NMED in the event of a WET test failure.

Laguna Development Corp.**Comment No. 1 – Permit Part 1, Section A:**

The permittee states that mercury monitoring during the previous permit cycle used testing method EPA 245.1, which is unable to detect mercury at the new permit limit requirement level. They do not believe mercury is present in their discharge and request a monitoring frequency reduction due to cost. They request 2/month monitoring for the first six months, with a reduction to 1/quarter afterward if no mercury is found or maintained at 2/month if otherwise.

Response No. 1:

The DMR data collected during the previous permit cycle indicate an average Total Mercury value of 0.0003 mg/L, with a maximum value of 0.0014 mg/L. Testing method EPA 245.1 has a standard applicable range of 0.2 – 10 ug/L (0.0002 – 0.01 mg/L). While the average Total Mercury DMR value for Rio Puerco WWTP is only just above the lower bound for the method, the maximum value is seven times higher. The detection of mercury within this range already indicates its presence in the discharge above the stricter limits of the new permit, regardless of the method's ability to detect at those new lower levels. Considering the smaller scale of the facility, the monitoring frequency has been reduced from 1/week to 2/month.

Comment No. 2 – Permit Part 1, Section A:

The permittee comments that the facility monitored pH daily without limit violations during the previous permit cycle. They state that the remote facility does not normally otherwise require daily personnel visits and that the monitoring requirement for pH in the draft permit is therefore burdensome. They request a reduction in pH monitoring from 5/week to 1/week.

Response No. 2:

Considering the smaller scale of the facility and its past track record in pH, the monitoring requirement for pH has been modified from 5/week to 1/week.

Comment No. 3 – Permit Part 1, Section A, Footnote 9:

The permittee comments that the facility needs time to implement the infrastructure needed to meet the new TRC limits in the permit and requests a 6-month compliance schedule.

Response No. 3:

A 6-month compliance schedule for the TRC limit has been added to the permit to give the permittee sufficient time to implement the necessary infrastructure.