# NPDES PERMIT NO. NM0027987 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 Rio Rancho Utility Operation Division 3200 Civic Center Circle NE Rio Rancho, NM 87144
- ISSUING OFFICE: U.S. Environmental Protection Agency Region 6 1201 Elms Street, Suite 500 Dallas, TX 75270
- PREPARED BY: Tung Nguyen Environmental Engineer Permitting & Water Quality Branch (6WD-P) Water Division VOICE: 214-665-7153 EMAIL: nguyen.tung@epa.gov
- PERMIT ACTION: Final permit decision and response to comments received on the draft reissued NPDES permit publicly noticed on April 24, 2021.

DATE PREPARED: June 15, 2021

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

## RESPONSE TO PUBLIC COMMENT

## **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
USUS	United States Geological Service
WLA	wasteroad allocation
WOCC	whole enhuent toxicity New Mariae Water Quality Control Commission
WOMP	Weter Quality Management Plan
W QWIP	water Quality widilagement rian

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#### CHANGES FROM DRAFT PERMIT

There are changes from the draft NPDES permit publicly noticed on April 24, 2021:

- Measurement frequency for interim limit of total ammonia has been changed to Monthly from 5/week in Table 1.c.
- Typographical error has been corrected in Part 1.F.
- The virtual outfall has been renamed as "CC01" and revised its description.
- Coordinates at Outfall 001 have been corrected.

### 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 June 8, 2021

Letter from Jim Chiasson, City of Rio Rancho (Permittee), to Evelyn Rosborough, EPA dated May 21, 2021

#### **RESPONSE TO COMMENTS**

**Comment 1 (NMED)**: In Part I Section A Table 1.c Outfall V01 – Final Effluent Limits, the pollutant measurement frequency for Total Ammonia (as N), interim (\*7) has a value of 5/week. This value should be monthly and correspond with the measuring frequency in Tables 1.a and 1.b. The facility needs to receive sampling data from both outfall locations for appropriate loading calculations, so if sampled monthly then the virtual outfall load would be calculated monthly.

**Response 1**: EPA agrees and changes the measurement frequency in Table 1.c to "monthly" corresponding with those in Tables 1.a and 1.b in the final permit.

**Comment 2** (**NMED**): In Part 1 Section F, the first sentence should say "In addition to the required data in Form 2A…" The error in the original statement is the use of the word additional which should be changed to addition.

**Response 2**: It's a typographical error; correction has been made in the final permit.

**Comment 3** (**NMED**): Since the Virtual Outfall (V01) involves the sampling locations from the Outfall 001 and Outfall 601 and does not present a location itself, EPA should clarify within Part 1 Section B that V01 has no physical location or rename the outfall (such as combined discharge outfall CD01 or calculated combined discharge CC01). The goal of this detail is to convey that the Virtual Outfall V01 is calculated and dependent on the flow from the two physical outfalls.

**Response 3**: As suggested, EPA has renamed this outfall as CC01 and revised its description to reflect the calculated combined loadings from Outfalls 001 & 601.

**Comment 4 (Permittee)**: We request all references to "virtual outfall" and "V01" be changed to reflect the true nature of the discharge more accurately being regulated in this section, a "calculated combined discharge" or CC01.

**Response 4**: Please refer to Response 3 above.

**Comment 5 (Permittee)**: After requesting clarification about this section it was explained that this [Outfall V01] is actually a calculation of the combined discharges of Outfall 001 and Outfall 601.

**Response 5**: It is as described in the fact sheet and Response 3 above. No change is made in the final permit regarding this comment.

**Comment 6 (Permittee)**: As there are not actual "samples" from this discharge "Measurement Frequency" and "Sample Type" [in Table 1.c] should actually be eliminated or the columns filled with "NA" for "not applicable".

**Response 6**: There is no effluent sampling is required at this virtual outfall (Outfall CC01); compliance of the mass/loading limitations are required using appropriate calculations. The "Sample Type" is in place to indicate the required calculations, and "Measurement Frequency" is necessary to show how often the calculations are required corresponding to those in Tables 1.a and 1.b. EPA makes no changes regarding this comment.

**Comment 7 (Permittee)**: It is understood that calculations [in Table 1.c] are expected to be done as data is obtained for the two actual outfalls. Rather than giving the impression that an actual sample can be collected it would be more appropriate to specify that calculations to determine compliance with combined mass limits will be done whenever data is obtained for either or both discharges.

**Response 7**: Please refer to Responses 5 & 6 above. If there is no discharge at Outfall 601, the permittee must indicate so in DMR (i.e., zero for calculation purpose). The combined loading calculations still include applicable loadings from Outfall 601 at all times. No change is made in the final permit.

Comment 8 (Permittee): "In additional to" should be "addition to" in Part I.F.

**Response 8**: Please refer to Response 2 above.

**EPA Comment**: EPA has been notified that the coordinates at Outfall 001 are incorrect; they should be 35° 15' 34.97" North, 106° 35' 46.74" West. EPA corrects the outfall coordinates in the final permit.