

NPDES PERMIT NO. NM0020681

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 Truth or Consequences
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City of Truth or Consequences, NM 87901

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 December 18, 2021.

DATE PREPARED: February 16, 2022

Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations, revised as of July 1st, 2021.

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 December 18, 2021:

- Monitoring of toxic pollutants have been removed.

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 February 15, 2022.

Letter from Jesse Cole, City of Truth or Consequences (Permittee) to EPA Permitting dated January 31, 2022. Followed-up email from Jesse Cole, Director of Water and Wastewater, dated February 1, 2022.

RESPONSE TO COMMENTS

Comment 1 (NMED): The City of Truth of Consequences commented on the monitoring requirements in the draft permit. The City of Truth or Consequences collected additional sampling to complete the pollutant scan. The following pollutants were tested using the EPA approved methods with sufficiently sensitive methods (SSM) with acceptable minimum detection limits (MDL). Based on the results of the additional pollutant scan sampling, NMED supports the removal of the following pollutants analytes from the monitoring requirements of the permit:

- a. Benzidine
- b. Benzo(a)anthracene
- c. Benzo(a)pyrene
- d. 3,4-benzofluoranthene
- e. Benzo(k)fluoranthene
- f. Bis(2-chloroethyl) ether
- g. Chrysene
- h. Diazinon
- i. Dibenzo(a,h)anthracene
- j. 1,2-diphenylhydrazine
- k. Heptachlor
- l. Ideno(1,2,3-cd)pyrene

Response 1: Please refer to Response 2 below.

Comment 2 (Permittee): “We received the draft permit and would like reconsideration of the analytes in question below, based on the tests being performed as recommended by the permit writer. Even though these tests that we performed are outdated versions, they are the suggested method by EPA. In regard to the terminology of "Suggested" test method, if we are being required to use these tests, it may be better to put on the permit "required" test method so that there is no confusion between operators and oversight.” Retests are included for reconsideration.

Response 2: The SSM requirement for testing analyses must be met per 40 CFR 122.21(e)(3). There may be multiple approved test methods for a pollutant according to 40 CFR 136.3. It's possible that more than one test methods satisfying the SSM requirement are available. It's the permittee's choice to pick a test method complying with the SSM requirement. EPA suggests a test method based on the NWWQS, the approved test methods and laboratory accommodations in the state/region. If a specific test method is required, EPA would state so.

Table below shows the retest results compared to those submitted in the application:

Pollutants	Test Result (Method), ug/L	Applicable WQS, ug/L	Suggested Method with SSM Complied MDL, ug/L	Retest Result (Method), ug/L
Methylmercury	<0.2 (EPA 245.1)	1.11 x 10 ⁻⁴ (or 0.3 mg/kg in fish tissue)	NMED suggests EPA Method 1630	0.44 x 10 ⁴ ng/L (EPA Method 1630)
Benzidine	<10 (EPA 625.1)	0.002	0.08 (EPA Method 605)	<1 (EPA 625.1)
Benzo(a)anthracene	<1 (EPA 625.1)	0.18	0.023 (EPA Method 610)	<0.5 (EPA 625.1)
Benzo(a)pyrene	<1 (EPA 625.1)	0.18	0.023 (EPA Method 610)	<0.5 (EPA 625.1)
3,4-benzofluoranthene	<1 (EPA 625.1)	0.18	0.023 (EPA Method 610)	<0.5 (EPA 625.1)
Benzo(k)fluoranthene	<1 (EPA 625.1)	0.18	0.023 (EPA Method 610)	<0.5 (EPA 625.1)
Bis(2-chloroethyl) ether	<10 (EPA 625.1)	5.3	0.3 (EPA Method 611)	<0.5 (EPA 625.1)
Chrysene	<1 (EPA 625.1)	0.18	0.023 (EPA Method 610)	<0.5 (EPA 625.1)
Diazinon	<0.5 (EPA 625.1)	0.17	0.13 (EPA Method 507)	<0.5 (EPA 625.1)
Dibenzo(a,h)anthracene	<1 (EPA 625.1)	0.18	0.03 (EPA Method 610)	<0.5 (EPA 625.1)
1,2-Diphenylhydrazine	<10 (EPA 625.1)	2	NA	<0.5 (EPA 625.1)
Heptachlor	<0.01 (EPA 608.3)	0.00079	0.0015 (EPA Method 508)	<0.01 (EPA 608.3)
Ideno(1,2,3-cd)pyrene	<1 (EPA 625.1)	0.18	0.043 (EPA Method 610)	<0.5 (EPA 625.1)

Retest result for methylmercury, below the WQS, met the SSM requirement; EPA removes the monitoring of methylmercury in the final permit. The test analyses are applicable from the NMWQS and EPA has removed the monitoring requirement for the other pollutants consistent with the NMED comment.