

NPDES PERMIT NO. NM0028827
RESPONSE TO COMMENTS

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

APPLICANT:

City of Las Vegas WWTP
905 12th Street
Las Vegas, NM 87701

ISSUING OFFICE:

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

PREPARED BY:

Matias Fernandez
Life Scientist
Water Division - Permitting Section (6WD-PE)
Telephone: (214) 665-2754
Email: fernandez.matias@epa.gov

PERMIT ACTION: Final permit decision and response to comments received on the proposed
NPDES permit publicly noticed on April 30th, 2022.

DATE PREPARED: August 31st, 2022

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), SOB (Statement of Basis), WQS (Water Quality Standards) and NMED (New Mexico Environmental Department), 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

The U.S. Environmental Protection Agency made the following changes to the draft NPDES permit publicly noticed on April 30th, 2022:

1. *Permit Cover Page*: Corrected out-of-date EPA office address
2. *Permit Part 1, Section C.2*: Corrected out-of-date NetDMR link
3. *Permit Part 1, Section A.1*: Added TN and TP effluent limits
4. *Permit Part 1, Section A.1*: Added 5-year compliance schedule for TN and TP limits
5. *Permit Part 1, Section A.1*: BOD, TSS, TN, and TP monitoring changed to 24-hour composite sampling
6. *Permit Part 1, Section C.6*: Clarified that documents should be sent to both the NMED mailing and email addresses
7. *Permit Part 3, Section D.4*: NMED Program Manager's email added
8. *Permit Part 3, Section D.7*: NMED Program Manager's email added
9. *Permit Part 1, Section A.1*: Footnote defining Total Nitrogen added

COMMENT RESPONSES

The public notice for NPDES permit NM0028827 began on April 30th, 2022, ending on July 30th, 2022. During the public notice period, the permittee submitted comments to NMED in response to discussions with NMED on expected CWA Section 401 conditions for the permit. The EPA received CWA Section 401 conditions and comments from the State of New Mexico on August 17th, 2022. The comments received and the EPA's responses are as follows:

State of New Mexico CWA Section 401 Certification: Conditions

Condition No. 1 – Permit Part 1.A.1:

The State of New Mexico finds that a discharge limitation on Total Phosphorous and Total Nitrogen are necessary to protect and maintain the existing downstream water quality of the Gallinas River. Discharge limitation calculations have been provided.

Response to Condition No. 1:

Permit Part 1, Section A.1 has been modified to include the nutrient effluent limitations provided by New Mexico as part of their 401 Certification condition. For Total Nitrogen this consists of a 30-Day Avg. of 145 lbs/day and 13 mg/L, and for Total Phosphorous this consists of a 30-Day Avg. of 23.9 lbs/day and 2.14 mg/L.

State of New Mexico CWA Section 401 Certification: Comments**Comment No. 1 – Permit Part 1.A.1:**

The City of Las Vegas requested a 5-year compliance schedule for the WWTP to implement the 401 Certification condition nutrient limits. The State of New Mexico supports the implementation of a compliance schedule.

Response to Comment No. 1:

Given the recent fire damage in the area and its potential impact on the facility's approach and ability in meeting the new effluent limits, Permit Part 1, Section A.1 has been modified to include a compliance schedule for the Total Nitrogen and Total Phosphorous effluent limits. The compliance schedule will be for 5-years, as requested by the City of Las Vegas and supported by NMED.

Comment No. 2 – Permit Part 1.A.1:

The State of New Mexico requests that the Biological Oxygen Demand (BOD), Total Suspended Solids (TSS), Total Nitrogen (TN), and Total Phosphorous (TP) monitoring requirements be increased to 24-Hour Composite sampling to bring them in line with the sampling requirements of other major WWTP in New Mexico.

Response to Comment No. 2:

The monitoring requirements for BOD, TSS, TN, and TP in Permit Part 1.A.1 have been changed to "24-Hour Composite" so that they are consistent with other major WWTPs in New Mexico.

Comment No. 3 – Permit Part 1.C.6:

The State of New Mexico requests that documents to NMED be sent to both their mailing and email addresses.

Response to Comment No. 3:

Permit Part 1.C.6 has been modified to specify that documents should be sent to both the mailing and email addresses for NMED.

Comment No. 4 – Permit Part 3.D.4:

The State of New Mexico requests that the NMED Program Manager's email be included in the NMED address.

Response to Comment No. 4:

Part 3.D.4 has been modified to include the NMED Program Manager's email.

Comment No. 5 – Permit Part 3.D.7:

The State of New Mexico request that notifications also be sent to the NMED Program Manager's email.

Response to Comment No. 5:

Part 3.D.7 has been modified to include the NMED Program Manager's email.

Comment No. 6 – Permit Part 1.A.1:

The State of New Mexico requests that a footnote be added stating, "Total Nitrogen (TN) is defined as the sum of Total Kjeldahl Nitrogen (as N) and Nitrate-Nitrite (as N)."

Response to Comment No. 6:

Part 1.A.1 has been modified to include the footnote for Total Nitrogen.