

**NPDES PERMIT NO. NM0029351**  
**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 Espanola  
405 N. Paseo de Onate  
Espanola, NM 87532

ISSUING OFFICE: U.S. Environmental Protection Agency  
Region 6  
1201 Elm Street, Suite 500  
Dallas, Texas 75270-2101

PREPARED BY: Quang Nguyen  
Environmental Engineer  
NPDES Permits & Technical Branch  
Water Division  
VOICE: 214-665-7238  
FAX: 214-665-2191  
EMAIL: Nguyen.Quang@epa.gov

PERMIT ACTION: Final permit decision and response to comments received on the proposed NPDES permit publicly noticed on October 29, 2022.

DATE PREPARED: January 3, 2023

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
CBOD	Carbonaceous biochemical oxygen demand (five-day unless noted otherwise)
CD	Critical dilution
CFR	Code of Federal Regulations
Cfs	Cubic feet per second
COD	Chemical oxygen demand
COE	United States Corp of Engineers
CWA	Clean Water Act
DMR	Discharge monitoring report
ELG	Effluent limitations 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
µg/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
PCB	Polychlorinated Biphenyl
POTW	Publicly owned treatment works
RP	Reasonable potential
SIC	Standard industrial classification
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
USGS	United States Geological Service
WLA	Wasteload allocation
WET	Whole effluent toxicity
WQCC	New Mexico Water Quality Control Commission
WQMP	Water Quality Management Plan
WWTP	Wastewater treatment plant

In this document, references to State WQS and/or rules shall collectively mean either or both the State of New Mexico and/or the Pueblo of Santa Clara.

## **SUBSTANTIAL CHANGES FROM DRAFT PERMIT**

None

## **TRIBAL CERTIFICATION**

Letter from J. Michael Chavarria, Governor, Santa Clara Pueblo, to Ms. Evelyn Rosborough, dated December 15, 2022.

## **CONDITIONS OF CERTIFICATION**

None

### **Comments that are not Conditions of Certification**

None

## **OTHER COMMENTS RECEIVED ON DRAFT PERMIT**

Letter from Larry “Boot” Pierce, RG, Glorieta Geoscience, Inc., to Ms. Evelyn Rosborough (EPA) on November 22, 2022.

### **Comment No. 1:**

1. The City requests clarification of the sampling requirements under Part I, Section A, (1), Final Effluent Requirements. Specifically, clarification is requested for the Expanded Effluent Testing requirement under the Effluent Characteristics. This requirement is foot noted with (\*6) and states that:

*“See NPDES Permit Application Form 2A; Tables A.12, B.6, and Part D for the list of pollutants to include in this testing. Samples are to be taken on the same day as the WET test event for that year. The permittee shall report the results as a separate attachment in tabular form sent to the Permits and Technical Assistance Section Chief of the Water Quality Protection Division within 60 days of receipt of the lab analysis.”*

However, discussions with EPA permit writers indicates that several parameters (both EPA and NMED required) are not listed in the three tables listed within the permit. Confusion over this exact same sampling requirements listed in the 2017 NPDES permit, specifically the unlisted and unreferenced requirements from the New Mexico Environment Department (NMED) led to multiple rounds of additional sampling in the like to avoid a repeat of this situation as it requires additional cost for sampling and draws out the NPDES permit renewal process.

The City requests that EPA clarify the annual expanded effluent sampling requirements within this permit either by listing those required parameters which do not appear on Form 2A, Table A, Table B and Table D or by referencing the documents requiring such sampling requirements within the NPDES permit. This clarification includes a reference to the required parameters of Table C of EPA NPDES Permit Renewal Application Form 2A and any documents with NMED sampling requirements

**Response:** Comment is noted. The 2022-2024 State of New Mexico CWA §303(d) / §305(b) Integrated Report indicates Polychlorinated Biphenyls (PCBs) is one the pollutants causing impairment to the Segment No. 20.6.4.114 of the Rio Grande. The City of Espanola wastewater treatment plant discharge is located upstream of the Segment No. 20.6.4.114 of the Rio Grande, and 40 CFR 122.4(d) prohibits issuance of a permit “[w]hen the imposition of conditions cannot ensure compliance with the applicable water quality requirements of all affected States”. The facility has not been required to monitor nor test their effluent for PCBs and pesticides. Since no data was available, EPA needed to determine if pollutants existing in the facility effluent could potentially contribute to the segment impairment and requested the facility to conduct expanded effluent testing for those pollutants in addition to pollutants listed in Tables A, B and C of Form 2A as a part of permit renewal application.

The data submitted on June 1, 2022, shows Pesticide and PCB pollutants were not detected in the facility effluent. Hence, the data indicated no reasonable potential to cause or contribute to in-stream excursion of the downstream State of New Mexico water quality standards. For the final permit, EPA is not requiring the facility to monitor those pollutants annually. The EPA will not require the facility to re-analyze for these parameters for the next application provided the facility feedstock chemicals have not changed and the MQL used previously by the facility is at least as low as the current MQL. The EPA made modifications to the “Expanded Effluent Testing” table and foot noted with (\*6) under Part I, Section A of the final permit. (See below)

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS	MEASUREMENT FREQUENCY	SAMPLE TYPE
Expanded Effluent Testing (*6)	Report	At least 3 samples within 4.5 years prior to the date of the permit application (*6)	24-Hr Composite

Footnotes:

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\*6 See NPDES Permit Application Form 2A; Tables A, B, and C for the list of pollutants to include in this testing. Samples are to be taken on the same day as the WET test event.