

# **NPDES PERMIT NO. NM0030503**

## **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: Village of Angel Fire  
P.O. Box 610  
Angel Fire, NM 87710

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

PREPARED BY: Nichole Young  
Life Scientist  
Permitting & Wetlands Section (WDPE)  
Water Division  
Voice: 214-665-6447  
Fax: 214-665-2191  
Email: [young.nichole@epa.gov](mailto:young.nichole@epa.gov)

PERMIT ACTION: Final permit decision and response to comments received on the proposed NPDES permit publicly noticed on March 25, 2023

DATE PREPARED: May 30, 2023

Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations, revised as of May 30, 2023.

### **CHANGES FROM THE DRAFT PERMIT**

- Addition of footnote 10: Total Nitrogen is defined as the sum of Total Kjeldahl Nitrogen (as N) and Nitrate-Nitrite (as N), See EPA methods 351 and 353.
- Revised requirement in Part I, Section B. Schedule of Compliance, for the permittee to develop (by 180 days prior to the expiration date of the final permit) a Total Phosphorus/Total Nitrogen Reduction Plan that details how the permittee plans to continue to reduce Total Phosphorus/Total Nitrogen with Phase “n” limits as the ultimate goal.

### **STATE CERTIFICATION**

In a letter from Shelly Lemon, Bureau Chief, Surface Water Quality Bureau, to Charles W Maguire, Director, Water Division (EPA) dated May 9, 2023 NMED certified that the discharge

will comply with the applicable provisions of Section 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law.

## **CONDITIONS OF CERTIFICATION**

None

## **RESPONSE TO COMMENTS**

EPA received comments from two individual/entities:

### **1. NMED**

**NMED Comment 1:** In Part I, Section A. Effluent Limitations and Monitoring Requirements NMED requests the addition of a footnote related to total nitrogen. The footnote 10 should state Total Nitrogen is defined as the sum of Total Kjeldahl Nitrogen (as N) and Nitrate-Nitrite (as N), See EPA methods 351 and 353.

**EPA Response 1:** Change has been made. Footnote 10 has been added to the final permit.

**NMED Comment 2:** NMED supports the requirement, found in *Part I, Section B. Schedule of Compliance*, for the Village of Angel Fire to develop within eighteen (18) months of the effective date of the final permit a Total Phosphorus/Total Nitrogen Reduction Plan that details how the permittee plans to meet the target limits for Phase I of the TMDL for Cimarron River Watershed - Cieneguilla Creek (Eagle Nest Lake to headwaters): Total Phosphorus 0.42 lbs/day Total Nitrogen 12.50 lbs/day

**EPA Response 2:** Comment noted for the record.

**NMED Comment 3:** NMED recommends removing the requirement in Part I, Section B. Schedule of Compliance, for the permittee to develop (by 180 days prior to the expiration date of the final permit) a Total Phosphorus/Total Nitrogen Reduction Plan that details how the permittee plans to meet the target limits for Phase “n” Wasteload Allocation as shown below: Total Phosphorus 0.25 lbs/day, Total Nitrogen 2.30 lbs/day. The phase “n” wasteload allocations are unachievable and beyond the limits of current treatment technologies.

**EPA Response 3:** Comment noted for the record. Although EPA recognizes that Phase “n” wasteload allocations may be currently unachievable, nutrient levels at Angel Fire WWTP should continue to be reduced to lowest achievable total nitrogen and phosphorous levels in order to address stream impairments. As a result, EPA will retain this permit requirement, but revise language to direct the permittee to develop (by 180 days prior to the expiration date of the final permit) a Total Phosphorus/Total Nitrogen Reduction Plan that details how the permittee plans to continue to reduce Total Phosphorus/Total Nitrogen, with the Phase “n” Wasteload Allocation as the ultimate goal.

**NMED Comment 4:** In *Part I, Section C. Monitoring and Reporting (Minor Dischargers), 11. Overflow Reporting*, NMED requests the addition of the reference to Part III.D.7 for reporting to NMED.

**EPA Response 4:** Part I.C.11 references Part III.D.7 of the permit. As a result, no further changes have been made in response to this comment.