

NPDES PERMIT NO. NM0029238
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: CDS Rainmakers Utilities, LLC
Rancho Ruidoso Valley Estates WWTP
P.O. Box 1128
Alto, NM 88312

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

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Water Division
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PERMIT ACTION: Final permit decision and response to comments received on the proposed
NPDES permit publicly noticed on June 24, 2023.

DATE PREPARED: August 29, 2023

Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40,
Code of Federal Regulations, revised as of August 29, 2023.

STATE CERTIFICATION

In a letter from Shelly Lemon, Bureau Chief, SWQB, to Charles Maguire - Director, Water Division (EPA) dated August 8, 2023, the NMED conditionally certified that the discharge will comply with the applicable provisions of Section 208(e), 301, 301, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law.

The NMED stated that in order to meet the requirements of State law, including water quality standards and appropriate basin plan as may be amended by the water quality management plan, the final permit must include the conditions of certification and each of the conditions cited in the draft permit shall not be made less stringent.

The State also stated that it reserves the right to amend or revoke this certification if such action is necessary to ensure compliance with the State's water quality standards and water quality management plan.

CONDITIONS OF CERTIFICATION

None

COMMENTS THAT ARE NOT CONDITIONS OF CERTIFICATION

Comments from New Mexico Environment Department:

Comment No. 1: In Part 1. Section A. Table 1. *Effluent Limit*, a footnote needs to be added to specify the E. Coli 30-day average is a geometric mean. The footnote should state “*The geometric mean of E. coli bacteria shall be used for reporting the 30-day average values*”.

EPA Response No. 1: EPA had added the Part I. Section A. Table 1 geometric mean footnote for *E. coli* bacteria 30-day average values.

Comment No. 2: NMED requests Part 1, Section D. *Overflow Reporting* state NMED receive a report via email within 24 hours to the contact information in Part III.D.7. The current description allows the permittee to contact NMED via email or phone.

EPA Response No. 2: EPA has modified the NPDES permit to reflect the correct contact information language.

Comment No. 3: NMED requests Part 1, Section F. *Additional Pollutant Scans* footnote 5 include submitting PFAS to the NMED PFAS Data Review Team at NMENV-PFAS-DATA@env.nm.gov. Footnote should state: “*PFAS Analysis data should be submitted annually to NMED at psrs.program.manager@env.nm.gov (See Part III.D.4) and NMENV-PFAS-DATA@env.nm.gov. The data submittal should include the electronic data deliverable and sampling narrative report provided by the analytical laboratory used to complete the analysis. NMED PFAS sampling standard operating procedures (SOPs) can be found at <https://www.env.nm.gov/surface-water-quality/sop/>.*”

EPA Response No. 3: EPA agrees and added the e-mail addresses in the PFAS footnote in Part I Section F.

Comment No. 4: NMED requests verification the reporting information in Part III.D.7 has incorporated the psrs.program.manager@env.nm.gov email address and the contact phone number is 505-827-0187.

EPA Response No. 4: Comment noted for the Record. The e-mail address and contact phone number are correct in Part III. No change is necessary in the final permit.