

NPDES PERMIT NO. NM0030147 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: State of New Mexico Department of Game & Fish
Red River State Fish Hatchery
1 Wildlife Way
Santa Fe, NM 87507

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

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PERMIT ACTION: Final permit decision and response to comments received on the draft
reissued NPDES permit publicly noticed on April 29, 2023.

DATE PREPARED: July 18, 2023

Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40,
Code of Federal Regulations, revised as of July 14, 2023.

SUBSTANTIAL CHANGES FROM DRAFT PERMIT

There are changes from the draft NPDES permit publicly noticed on April 29, 2023: None

STATE CERTIFICATION

In a letter from Shelly Lemon, Bureau Chief, SWQB, to Dr. Earthea Nance, Regional
Administrator, United States Environmental Protection Agency, Region 6 (EPA), dated June 12,
2023, the NMED certified that the discharge would 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.

The NMED stated that to meet the requirements of State law, including water quality standards
and appropriate basin plans as may be amended by the water quality management plan, each of
the conditions cited in the draft permit and the State certification 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: There are no conditions of the State certification.

COMMENTS THAT ARE NOT CONDITIONS OF CERTIFICATION:**Comment 1 received from NMED:**

Part 1 Requirements for NPDES Permits, Section A. Limitations and Monitoring Requirements, Paragraph 1. Final Effluent Limits Based on the Highest Monthly Average Flow of 12.4 MGD – Outfall 001 includes monitoring requirements for pollutants added to the New Mexico water quality standards (NMWQS) in 20.6.4 NMAC since the last permit. The incoming artesian spring water is subjected to hatchery processes; therefore, this process water is subject to sampling of pollutants listed in the NMWQS. NMED supports NMDGF spreading out pollutant monitoring throughout the permit cycle. NMED requests that footnote #8 be revised to read “8. One-time sample for the new approved NMWQS during the first four years of the effective permit. Submit the results to both EPA and NMED.”

Response 1: Footnote 8 changed to indicate that newly approved NMWQS will be monitored only once during the first four years of the effective permit.

Comment 2 received from NMED:

NMDGF conducted additional pollutant sampling in October 2022 based on the new NMWQS, including Dichlorodiphenyltrichloroethane (DDT), Dichlorodiphenyldichloroethylene (DDE), Dichlorodiphenyldichloroethane (DDD), Bis(chloromethyl) ether, and Gamma-BHC (Lindane). NMED requests that EPA confirm that October 2022 monitoring was conducted using sufficiently sensitive methods (SSM) and these pollutants were non-detects. If the pollutants were non-detects, NMED supports removing these pollutants from the Part 1 Requirements for NPDES Permits, Section A. Limitations and Monitoring Requirements, Paragraph 1. Final Effluent Limits Based on the Highest Monthly Average Flow of 12.4 MGD – Outfall 001. Note, these pollutants may still be required as part of the pollutant scan required for permit renewal.

Response 2:

EPA has acknowledged the sensitivity of the pollutant data, which is sufficient for this permitting action. In addition, the lab results submitted by NMDGF in October 2022 reveal that DDT, DDE, DDD, and Lindane were not detected. Based on NMED's recommendation, these four pollutants have been removed from Part I, Section A (1). It should be noted that during permit renewal, the newly adopted NMWQS will still be required for the pollutant scan.

Comment 3 received from NMED:

Part 1 Requirements for NPDES Permits, Section I. Application, DMR, and Compliance Status Report states “A duplicate copy of application for permit renewal, monthly DMR, and compliance status report, if there are any, shall be sent to NMED at the mailing address listed in Part III of this permit. “The monthly DMR reports are available to NMED through the EPA database meet the requirement for NMED to have access to DMR data. NMED requests that the requirement be updated to read “A duplicate copy of application for permit renewal and compliance status report, if there are any, shall be sent to NMED at the address listed in Part III of this permit. DMR data should be available to NMED upon their request.”

Response 3: As requested, the language in Section I of part I has been revised.

RESPONSE TO COMMENTS FROM NM DEPARTMENT OF GAME AND FISH:**Comment 1:**

Part II, Page 3 of Fact Sheet: Applicant Location and Activity and cover page of permit
The fact sheet and the first page of the permit states that the facility is located at the end of Highway 515, about 10 miles northwest of the intersection with State Highway 522. The correct location is approximately 2 miles from State Highway 522.

Response 1: Comment noted for the Record. The facility location in the final permit has been corrected.

Comment 2:

Page 1 of Part I of Permit- Pollutants

The Department understands that there are new WQS, but we believe that the additional sampling included in the new permit is an unnecessary burden to the Department. The Department did extensive sampling to proceed with the renewal application and believe it is burdensome to conduct additional sampling when all volatile compounds, acid compounds, base/neutral pollutants, and pesticides and PCBS listed in the previous permit (Appendix A Part II) were not detected. The incoming water for the hatchery is artesian springs, and if the hatchery were not present the springs would flow into Red River. Should those pollutants be of concern to the EPA and NMED, they could be monitored by one of the respective agencies. The Department would provide access for sampling. If the sampling requirements are kept in the permit, the Department asks that Dichlorodiphenyltrichloroethane (DDT), Dichlorodiphenyldichloroethylene (ODE), Dichlorodiphenyldichloroethane (DDD), Bis(chloromethyl) ether, and Gamma-BHC (Lindane) be removed as they were sampled October of 2022 and not detected.

Response 2:

Please see the EPA response to NMED comment #2 above.

Comment 3:

Page 4 of Part I F. Monitoring and Reporting

The facility only completes DMRs. The other items in the table do not apply to the facility and should be removed.

Response 3: As requested, updated the monitoring and reporting table in Section F (2) of Part I of the final permit with the comment that if the reporting program is applicable then submit the report.