

**NPDES PERMIT NO. TX0092827
RESPONSE TO COMMENTS**

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

APPLICANT:

Paa-Ko Communities Sewer Association
Prodigy Builders Inc
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Albuquerque, NM 87105

ISSUING OFFICE:

U.S. Environmental Protection Agency
Region 6
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PREPARED BY:

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PERMIT ACTION: Final permit decision and response to comments received on the proposed NPDES permit publicly noticed on July 22, 2023.

DATE PREPARED: September 06, 2023

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), NMED (New Mexico Environment Department), and WQS (Water Quality Standards).

Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations, revised as of September 6, 2023.

CHANGES FROM DRAFT PERMIT

EPA made the following changes to the draft NPDES permit publicly noticed on July 22, 2023:

1. The sampling method for the pollutants PFAS Analytes, effluent, PFAS Analytes, influent, and PFAS Analytes, sludge, have been changed from composite to grab sample.
2. An email address: NMENV-PFAS-DATA@env.nm.gov has been added to footnote *9.
3. The reference to 40 CFR Part 122.44(d) in Part II, Section C: Permit Modification and Reopener is a typo and has been corrected to 40 CFR 122.44(c).

STATE CERTIFICATION

In a letter from Shelly Lemon, Bureau Chief, Surface Water Quality Bureau, to Mr Charles Maguire, Director, Water Quality Protection Division (EPA) dated September 5, 2023, the NMED certified that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law.

There are no conditions of certification.

COMMENTS FROM PAA-KO COMMUNITIES SEWER ASSOCIATION (PCSA) BOARD OF DIRECTORS

Comment No. 1: In an email dated July 26, 2023, from Derek (derek.wartman@gmail.com) to Abbott, Stephanie (Abbott.Stephanie@epa.gov), the Paa-Ko Communities Sewer Association (PCSA) Board of Directors noted that the Statement of Basis Document, Section 2, paragraph 2 states, “the facility uses the NPDES discharge permit only during winter months when the golf course is closed.” The PCSA clarified that it may choose to exercise the NPDES permit during any time of the year. PCSA stated that its priority is to discharge effluent to the golf course for land application via its NMED permit. However, in the event the golf course is unable to receive treated effluent (e.g. pump failure, full ponds closed for the winter months, etc) from the impoundment pond, PCSA will discharge via the NPDES permit and report accordingly.

PCSA requested that the Statement of Basis document be updated prior to release of the final permit to ensure the most accurate description of our operation is recorded.

Response No. 1: Noted for the Record. EPA notes that the final permit authorizes the permittee to discharge treated domestic wastewater from Outfall 001 and Outfall 002 to an unnamed ephemeral arroyo, 20.6.4.97 to San Pedro Creek, Segment No. 20.6.4.125 of the Rio Grande River Basin New Mexico Administrative Code (NMAC). This authorization is good for a period of 5 years. No change is made to the final permit.

NMED COMMENTS THAT ARE NOT CONDITIONS OF CERTIFICATION

Comment No. 1: The NMED noted in Part 1, Section A. Limitations and Monitoring Requirements, the pollutants PFAS Analytes, effluent; PFAS Analytes, influent; and PFAS Analytes, sludge have a sample type of composite. NMED requested that the sample type be a grab sample following the recommendation found in EPA draft method 1633, Section 8 Sample collection, preservation, storage and holding times.
(<https://www.epa.gov/cwa-methods/cwa-analytical-methods-and-polyfluorinated-alkylsubstances-pfas#draft-method-1633>).

Response No. 1: The EPA agrees. Limitations and Monitoring Requirements the Pollutants PFAS Analytes, effluent, PFAS Analytes, influent, and PFAS Analytes, sludge, as suggested, now have a sample type of grab in the final permit.

Comment No. 2: The NMED noted that in Part I, Section A: Limitations and Monitoring Requirements, footnote *9 need to add the email address NMENV-PFAS-DATA@env.nm.gov. The footnote should state: “PFAS Analysis data should be submitted annually to NMED (See Part III.D.IV) 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-waterquality/sop/>.”

Response No. 2: EPA has added to footnote *9 the email address: NMENV-PFAS-DATA@env.nm.gov. Footnote *9 has been replaced by: “PFAS Analysis data should be submitted annually to NMED (See Part III.D.IV) 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-waterquality/sop/>.”

Comment No. 3: NMED noted that in Part II, Section C. Permit Modification and Reopener, the reference to 40 CFR Part 122.44(d) needs to be corrected to 40 CFR 122.44(c).

Response No. 3: EPA notes that the reference to 40 CFR Part 122.44(d) in Part II, Section C. Permit Modification and Reopener is a typo and has been corrected to 40 CFR 122.44(c).

Comment No. 4: NMED noted in Part III, Section D. Reporting Requirements, 4. Discharge Monitoring Reports and Other Reports, the NMED reporting email address, psrs.program.manager@env.nm.gov, needs to be added to the contact information. NMED also noted that a statement that email is the preferred method for reporting should also be included.

Response No. 4: EPA notes that the email address psrs.program.manager@env.nm.gov and a statement that email is the preferred method for reporting was included in the draft permit. As a result, no change is made in the final permit.