

NPDES PERMIT NO. NM0028487 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: Gadsden Independent School District #16
P.O. Drawer 70
Anthony, NM 88021

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

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

PERMIT ACTION: Final permit decision and response to comments received on the proposed NPDES permit publicly noticed on April 12, 2025.

DATE PREPARED: May 21, 2025

Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations, revised as of May 21, 2025.

CHANGES FROM THE DRAFT PERMIT

- Added 3-year compliance period for Dissolved Oxygen limit (minimum).
- Added a requirement for the permittee to notify downstream state in the event of an overflow that endangers health or the environment.
- Added a requirement to notify Texas Commission on Environmental Quality in the event of an overflow that reaches the Rio Grande and endangers health or the environment.

STATE CERTIFICATION

In a letter from Shelly Lemon, Bureau Chief, Surface Water Quality Bureau, to Troy C. Hill, P.E., Director, Water Division (EPA) dated May 20, 2025, 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 one individual/entities:

1. NMED

NMED Comment 1: Part I. Requirements for NPDES Permits, Section B. Compliance Schedule NMED requests EPA consider the addition of a compliance schedule for Gadsden Independent School District (ISD) #16 to meet the new dissolved oxygen (DO) effluent limitation of 5 mg/L. Compliance with the DO effluent limitation will require Gadsden ISD 16 to augment their treatment process to focus on maintaining aeration through the facility and outfall. NMED recommends EPA to consider a 3-year compliance schedule which would outline how to achieve compliance by considering funding sources, design, proposal and implementation of aeration to address the DO effluent limit.

EPA Response 1: 3-year compliance period for the new DO limit has been added to the final permit.

NMED Comment 2: Part I. Requirements for NPDES Permits, Section D. Overflow Reporting Overflows that endanger health or the environment are required to be reported to EPA and NMED. There is no public notification requirement for overflows that reach a water body and endanger human health of downstream users. NMED requests that EPA add a paragraph that requires permittees to coordinate with downstream users and stakeholders to develop a communications procedure or communication plan to notify the public of any overflows that reach a water body. Permittees should provide a copy of the public notification to NMED.

EPA Response 2: Language implementing this request by NMED has been added to Part I.D of the final permit.

NMED Comment 3: Part I. Requirements for NPDES Permits, Section D. Overflow Reporting Texas is a downstream State on the Rio Grande. NMED requests EPA include notification to the Texas Commission on Environmental Quality (TCEQ) for any overflows that reach the Rio Grande. The TCEQ points of contact that should be notified are:

Ryan Slocum, TCEQ El Paso Regional Director, via email at ryan.slocum@tceq.texas.gov

Kent Waggoner, TCEQ El Paso Air/Water/Waste Section Manager, via email at

kent.waggoner@tceq.texas.gov.

EPA Response 3: Language implementing this request by NMED has been added to Part I.D of the final permit.

NMED Comment 4: NMED requests that EPA use the most recent version of Part III. Standard Conditions for NPDES Permits (revision date April 2024).

EPA Response 4: EPA has confirmed that the most up to date Part III has been used. No changes have been made to the final permit.

NMED Comment 5: Fact Sheet: The approval date for the most recent EPA-approved New Mexico water quality standards (NMWQS) in 20.6.4 NMAC is incorrect. NMED requests EPA update the Fact Sheet to reflect the most recent EPA-approval date of April 10, 2025, for NMWQS in 20.6.4 NMAC. For reference, see: <https://www.env.nm.gov/surface-water-quality/wqs-amendments/>.

EPA Response 5: Noted for the record. No changes will be made to the permit