

**NPDES PERMIT NO. NM0030848
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: City of Santa Fe
Buckman Direct Diversion
341 Caja del Rio Road
Santa Fe, NM 87506

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

PREPARED BY: Quang Nguyen
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PERMIT ACTION: Final permit decision and response to comments received on the proposed
NPDES permit publicly noticed on July 27, 2024.

DATE PREPARED: September 11, 2024

Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40,
Code of Federal Regulations, revised as of September 28, 2015.

DOCUMENT ABBREVIATIONS

In the document that follows, various abbreviations are used. They are as follows:

4Q3	Lowest four-day average flow rate expected to occur once every three-years
BAT	Best available technology economically achievable
BCT	Best conventional pollutant control technology
BPT	Best practicable control technology currently available
BMP	Best management plan
BOD	Biochemical oxygen demand (five-day unless noted otherwise)
BPJ	Best professional judgment
CaCO ₃	Calcium carbonate
CBOD	Carbonaceous biochemical oxygen demand (five-day unless noted otherwise)
CD	Critical dilution
CFR	Code of Federal Regulations
cfs	Cubic feet per second
CFU	Colony forming units
COD	Chemical oxygen demand
COE	United States Corp of Engineers
CWA	Clean Water Act
DMR	Discharge monitoring report
ELG	Effluent limitation guidelines
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
FCB	Fecal coliform bacteria
F&WS	United States Fish and Wildlife Service
ICIS	Integrated Compliance Information System
mg/l	Milligrams per liter
ug/l	Micrograms per liter
MGD	Million gallons per day
MPN	Most probable number
NMAC	New Mexico Administrative Code
NMED	New Mexico Environment Department
NMIP	New Mexico NPDES Permit Implementation Procedures
NMWQS	New Mexico State Standards for Interstate and Intrastate Surface Waters
NPDES	National Pollutant Discharge Elimination System
MQL	Minimum quantification level
O&G	Oil and grease
POTW	Publicly owned treatment works
RP	Reasonable potential
s.u.	Standard units (for parameter pH)
SWQB	Surface Water Quality Bureau
TDS	Total dissolved solids
TMDL	Total maximum daily load
TRC	Total residual chlorine
TSS	Total suspended solids
UAA	Use attainability analysis
USFWS	United States Fish & Wildlife Service
USGS	United States Geological Service
WLA	Wasteload allocation
WET	Whole effluent toxicity
WQCC	New Mexico Water Quality Control Commission
WQMP	Water Quality Management Plan

SUBSTANTIAL CHANGES FROM DRAFT PERMIT

None

STATE CERTIFICATION

In a letter from Shelly Lemon, Bureau Chief, SWQB, to Mr. Troy Hill, Director, dated September 10, 2024, the NMED 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, 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.

Condition of Certification

None

Comments that are not Conditions of Certification

Comment No. 1:

In Part I – Requirements for NPDES Permitting, Section C – Monitoring and E-Reporting, Paragraph 2, please include the Pueblo of Cochiti in the notification list. NMED requests the last sentence in Paragraph 2 be changed to state (changes in italics below):

If paper reporting is granted, the permittee shall submit reports on paper in accordance with signature and certification as required by Part III.D.11, and all other reports required by Part III.D. to the EPA and copies to NMED (under Part III.D.4 of the permit) *and Pueblo of Cochiti (under Part III.D.4 of the permit).*

Response No. 1:

The EPA agrees and includes the Pueblo of Cochiti in the notification list in the final permit, under Section C of Part I (Monitoring and E-Reporting).

Comment No. 2:

In Part III – Standard Conditions for NPDES Permits, Section D – Reporting Requirements, Paragraph 4 – Discharge Monitoring, please include contact information for the Pueblo of Cochiti in the notification list. NMED requests the last two (2) sentences in Paragraph 4 be changed to state (changes in italics):

If paper reporting is granted temporarily, the permittee shall submit the original DMR signed and certified as required by Part III.D.11 and all other reports required by Part III.D. to the EPA and copies to NMED and the *Pueblo of Cochiti* as required. Duplicate copies of all other reports shall be submitted to NMED and *the Pueblo of Cochiti* at the following address(es):

Pueblo of Cochiti
Department of Natural Resources and Conservation
PO Box 70
Cochiti, NM 87072
ATTN: Jayson Romero
Jayson.Romero@cochiti.org
505-264-5678

Response No. 2:

The EPA agrees. The NMED suggested language has been included in the final permit, under Section D.4 of Part III (DISCHARGE MONITORING REPORTS AND OTHER REPORTS).

Comment No. 3:

In Part III – Standard Conditions for NPDES Permits, Section D – Reporting Requirements, Paragraph 7 – Twenty-Four Hour Reporting, Subparagraph a, please remove the reference to the Texas Council of Environmental Quality and include the Pueblo of Cochiti. NMED requests the last sentences in Subparagraph a be changed to state (changes in italics):

Notification shall also be made to the New Mexico Environment Department at (505) 827-0187 or swq.reporting@env.nm.gov (email preferred), and *Pueblo of Cochiti* contacts listed in the Part III.D.4 of the permit as soon as possible, but within 24 hours from the time the permittee becomes aware of the circumstance.

Response No. 3:

The EPA agrees. The NMED suggested language has been included in the final permit, under Section D.7 of Part III (TWENTY-FOUR HOUR REPORTING).