

NPDES PERMIT NO. NM0026395
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 Carlsbad
Wastewater Treatment Plant
45 Tell Tale Lane
Carlsbad, NM 88220

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

PREPARED BY: Quang Nguyen
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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 April 12, 2025.

DATE PREPARED: June 6, 2025

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
CBOD	Carbonaceous biochemical oxygen demand (five-day unless noted otherwise)
CD	Critical dilution
CFR	Code of Federal Regulations
Cfs	Cubic feet per second
COD	Chemical oxygen demand
COE	United States Corp of Engineers
CWA	Clean Water Act
DMR	Discharge monitoring report
ELG	Effluent limitations guidelines
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
FCB	Fecal coliform bacteria
F&WS	United States Fish and Wildlife Service
mg/L	Milligrams per liter
µg/L	Micrograms per liter
MGD	million gallons per day
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
PCB	Polychlorinated Biphenyl
PFAS	Per- and Polyfluoroalkyl Substances
POTW	Publically owned treatment works
RP	Reasonable potential
SIC	Standard industrial classification
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
USGS	United States Geological Service
WLA	Wasteload allocation
WET	Whole effluent toxicity
WQCC	New Mexico Water Quality Control Commission
WQMP	Water Quality Management Plan
WWTP	Wastewater treatment plant

SUBSTANTIAL CHANGES FROM DRAFT PERMIT

None

STATE CERTIFICATION

In a letter from Ms. Shelly Lemon, Bureau Chief, SWQB, to Mr. Scott Mason IV, Regional Administrator dated May 20, 2025, 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 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:

The permit states the coordinates for Outfall 001 as Latitude 32° 25' 28.12" North and Longitude 104° 10' 43.33" West, while Section II (Application Location and Activity) of the Fact Sheet lists the coordinates as Latitude 32° 24' 28.12" North and Longitude 104° 10' 43.33" West. EPA should revise the documents to reflect a consistent and accurate location. Based on NMED's GIS review, the coordinates 32° 24' 28.12" N / 104° 10' 43.33" W correctly identify the location of Outfall 001.

Response: The EPA agrees and corrected coordinates for Outfall 001 in the final permit.

Comment No. 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.

Response: The EPA agrees and added the following paragraph to the Part I (Requirements for NPDES Permits, Section D. Overflow Reporting) of the final permit.

The permittee shall coordinate with downstream users and stakeholders to develop a communication procedure/plan to notify the public of any sewer overflows and bypass events. Permittees shall provide a copy of the developed communication procedure/plan to NMED.

Comment No. 3:

Part II. Other Conditions, Section B. 24-hour Oral Reporting: Daily Maximum Limitation Violations

The permittee is required to submit oral reports of daily maximum limitations to NMED and EPA. NMED requests to receive notifications via email to SWQ.Reporting@env.nm.gov.

Response: The EPA agrees and added the NMED email address to Part II (Other Conditions, Section B) of the final permit.

Comment No. 4:

Part II. Other Conditions, Section F. Whole Effluent Toxicity Testing.

There is a typographical/formatting error in Part II. Section F – there are two (2) Subsections 1. NMED requests the Subsection titled “1. Monitoring Frequency and Reduction” be corrected to “4. Monitoring Frequency Reduction” to be in numerical order.

Response: The EPA agrees and made a correction to the Part II (Other Conditions, Section F. Whole Effluent Toxicity Testing) of the final permit.

Comment No. 5:

Part II. Other Conditions, Section F. Whole Effluent Toxicity Testing, Subsection 5. Persistent Toxicity, Paragraph a. Requirement to initiate a Toxicity Reduction Evaluation

NMED requests to be notified in conjunction with EPA of the failure of any retest and other toxicity reduction evaluation reports.

Response: The EPA agrees and revised the Part II (Other Conditions, Section F. Whole Effluent Toxicity Testing, Subsection 5) of the final permit to include NMED as another contact to be notified in conjunction with EPA of the failure of any retest and other toxicity reduction evaluation.

Comment No. 6:

Fact Sheet

The Fact Sheet included pre-draft comments and edits internal to EPA. NMED suggests these be removed from the final Fact Sheet.

Response: Comment is noted. No changes were made to the final permit.