

NPDES PERMIT NO. NM0028436 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: Mr. Bryce Conto
Pojoaque Terraces Manufactured Housing Community, LLC
1625 Barrett Drive
Placerville, CA 95667

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

PREPARED BY: Jim Afghani
Environmental Engineer
NPDES Permitting and Wetlands Section (6WD-PE)
Phone: (214) 665-6615
Email: afghani.jim@epa.gov

PERMIT ACTION: Final permit decision and response to comments received on the draft reissued NPDES permit publicly noticed on January 27, 2024.

DATE PREPARED: July 19, 2024

Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations, revised as of May 3, 2024.

SUBSTANTIAL CHANGES FROM DRAFT PERMIT

There have been no changes from the draft NPDES permit publicly noticed on January 27, 2024.

TRIBAL CERTIFICATION

In a letter dated April 23, 2024, from Adam L. Duran, Environment Director with the Pueblo of Pojoaque Environment Department, to Earthea Nance, PhD, PE, Regional Administrator, EPA, Region 6, the Pueblo of Pojoaque 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 Tribal and State laws.

The Pueblo of Pojoaque stated that to meet the requirements of Tribal and State laws, 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 Tribal certification shall not be made less stringent. The Pueblo of Pojoaque also stated that it reserves the right to amend or revoke this certification if necessary to ensure compliance with the Tribe's water quality standards and management plan.

CONDITIONS OF CERTIFICATION:

There are no conditions of the Tribal certification.

COMMENTS THAT ARE NOT CONDITIONS OF CERTIFICATION: None

COMMENTS FROM NEIGHBORING JURISDICTIONS AND THE PUBLIC:

The state of New Mexico Environment Department provided the following comments as a downstream state.

Comment 1:

The New Mexico Environment Department (NMED) requests that EPA add the abbreviation “PFAS” to the Document Abbreviations list as:

PFAS - Per- and Polyfluoroalkyl Substances

Response 1

Revised as requested.

Comment 2:

In Part I. Section A. Limitations and Monitoring Requirements, Table 1. FINAL Effluent Limits: NMED requests that EPA update the table to contain units regarding the total residual chlorine (TRC) Daily Maximum. The water quality standards contained in Section IV.E.4 of the Pueblo of Pojoaque Water Quality Standards (PPWQS) have units in mg/L.

Response 2

Revised as requested.

Comment 3:

In Part 1. Section E. Overflow Reporting: NMED requests that EPA include the NMED Surface Water Quality Bureau Reporting email for 24-hour notification and 5-day reporting. Please update the first sentence of the second paragraph to read:

Overflows that endanger health or the environment shall be orally reported to EPA at (214) 665-7179, and the NMED Surface Water Quality Bureau at (505) 827-0187 or SWQ.Reporting@env.nm.gov (email preferred), within 24 hours from the time the permittee becomes aware of the circumstance.

Response 3

Revised as requested.

Comment 4

In Part 1. Section E. Overflow Reporting: NMED requests EPA include the Pueblo of Pojoaque in overflow reporting that endangers health or the environment.

Adam Duran, Director
Pueblo of Pojoaque Environment Department
78 Cities of Gold Road, Santa Fe, NM 87506
aduran@pojoaque.org; (505) 699-7146

Response 4

Revised as requested.

Comment 5

Part 1. Section H. Additional Pollutant Scans lists Method 1621 and Method 1633 as draft. Both Methods are now final. NMED requests that EPA revise Section H to include the following table and footnotes.

The permittee shall submit test results of PFAS during the permit term as follows:

PARAMETER	TEST RESULT	FREQUENCY	TYPE
PFAS Analytes ¹ , effluent	Report ng/L	Once/permit term ^{4,5}	Grab
PFAS Analytes ¹ , influent	Report ng/L	Once/permit term ^{4,5}	Grab
PFAS Analytes ² , sewage sludge	Report ng/g	Once/permit term ^{4,5}	Grab ³

1. This reporting requirement takes effect on the effective date of the authorization to discharge under the permit. Until there is an analytical method approved in 40 CFR Part 136 for PFAS in wastewater, monitoring shall be conducted using Method 1633. The Adsorbable Organic Fluorine CWA wastewater method 1621 can be used in conjunction with Method 1633, if appropriate. Report results in Net-DMR for all 40 PFAS analytes required to be tested as part of the method, as shown in Appendix B of Part II.

2. This reporting requirement takes effect on the effective date of the authorization to discharge under the permit. Until there is an analytical method approved in 40 CFR Part 136 for PFAS in sludge, monitoring shall be conducted using Method 1633. The Adsorbable Organic Fluorine CWA wastewater method 1621 can be used in conjunction with Method 1633, if appropriate. Report results in Net-DMR for all 40 PFAS analytes required to be tested as part of the method, as shown in Appendix B of Part II.

3. Sludge sampling shall be as representative as possible based on guidance found at <https://www.epa.gov/sites/production/files/2018-11/documents/potw-sludge-sampling-guidancedocument.pdf>.

4. PFAS data results should be submitted to Pueblo of Pojoaque Environment Department.

5. PFAS data results should be submitted to NMED at SWQ.Reporting@env.nm.gov and NMENV-PFASDATA@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.

Response 5

Revised as requested.

Comment 6.

Part III. Standard Conditions for Tribal NPDES Permits, Section D. Reporting Requirements, Paragraph 4. Discharge Monitoring and Other Reports and Paragraph 7. Twenty-Four Hour Reporting identifies the Pueblo of Santa Ana as the Tribal government. NMED requests that EPA correct this to identify the Pueblo of Pojoaque.

Adam Duran, Director
Pueblo of Pojoaque Environment Department
78 Cities of Gold Road
Santa Fe, NM 87506
aduran@pojoaque.org
505-699-7146

Response 6

Revised as requested.

Comment 7.

In Part III. Standard Conditions for Tribal NPDES Permits, Section D. Reporting Requirements, Paragraph 4. Discharge Monitoring and Other Reports: NMED requests that EPA include the NMED Surface Water Quality Bureau Reporting email for New Mexico contact information.

New Mexico:
Program Manager
Surface Water Quality Bureau
New Mexico Environment Department

P.O. Box 5469
1190 Saint Francis Drive
Santa Fe, NM 87502-5469
SWQ.Reporting@env.nm.gov (email preferred)

Response 7
Revised as requested.

Comment 8.
In Part III. Standard Conditions for Tribal NPDES Permits, Section D. Reporting Requirements, Paragraph 7. Twenty-Four Hour Reporting: NMED requests that EPA include the NMED Surface Water Quality Bureau Reporting email for 24-hour notification and 5-day reporting. NMED requests that EPA update the second sentence in item a to read:

Oral notification shall also be to the Pueblo of Pojoaque Environment Department at 505-699-7146, and the New Mexico Environment Department at (505) 827-0187 or SWQ.Reporting@env.nm.gov (email preferred) as soon as possible, but within 24 hours from the time the permittee becomes aware of the circumstance.

Response 8
Revised as requested.

Comment 9
NMED requests that EPA add a description of the PFAS monitoring requirements to the Fact Sheet Section V. DRAFT Permit Rationale and Proposed Permit Conditions, Paragraph D. Monitoring Frequency for Limited Parameters.

Response 9
Noted for the Record. No change to the permit required.