

NPDES PERMIT NO. NM0030864
RESPONSE TO COMMENTS

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

APPLICANT: Sierra County Regional WWTP-North Area
P.O. Box 1080
Elephant Butte, NM 87935

ISSUING OFFICE: U.S. Environmental Protection Agency
Region 6
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PERMIT ACTION: Final permit decision and response to comments received on the proposed
NPDES permit publicly noticed on January 26, 2024.

DATE PREPARED: March 12, 2024

Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40,
Code of Federal Regulations, revised as of January 10, 2023.

SUBSTANTIAL CHANGES FROM DRAFT PERMIT

There are changes from the draft NPDES permit publicly noticed on January 26, 2024:

- Biochemical Oxygen Demand (BOD₅) and Carbonaceous BOD (CBOD₅) typographical errors has been updated in the final permit.
- Approved PFAS permit language has been updated in the final permit.
- NMED Surface Water Quality Bureau's email has been added to the Overflow/bypass reporting in the final permit.
- PFAS abbreviation has been defined in Part I, Section F of the final permit as per- and polyfluoroalkyl substances.
- PFAS monitoring frequency of three times per term (Three/Term) has been updated in the final permit.
- PFAS additional Pollutant Scan table has been updated in the final permit.
- PFAS additional Pollutant Scan Footnotes formatting has been updated in the final permit.
- Total residual Chlorine (TRC) has been added to 24-Hour oral reporting in the final permit.
- Updated Part III, D. has been included in the final permit.

STATE CERTIFICATION

In a letter from Shelly Lemon, Bureau Chief, Surface Water Quality Bureau, to Kim Ngo, Acting Director, Water Division (EPA) dated March 10, 2024, the NMED certifies 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 upon inclusion of the specific conditions in the permit.

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.

CONDITIONS OF CERTIFICATION

None.

COMMENTS THAT ARE NOT CONDITIONS OF CERTIFICATION

Comment 1. NMED requests that EPA update the description of the two methods for PFAS

analysis, Method 1621 and Method 1633, in all parts of the draft NPDES permit no. NM0030864 and Fact Sheet from “draft” to “approved.” The draft methods are cited in Part I and Part II.

Response 1. Approved PFAS permit language has been updated in the final permit.

Comment 2. In Part I, Section C. Monitoring and E-Reporting (Minor Dischargers), item 6, NMED requests that EPA update the Biochemical Oxygen Demand from BOD₅ to BOD₅.

Response 2. Biochemical Oxygen Demand (BOD₅) and Carbonaceous BOD (CBOD₅) typographical errors has been updated in the final permit.

Comment 3. In Part I, Section D. 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:

Overflow/bypass that endanger health or the environment shall be orally reported to EPA (Part III.D.7), 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. Overflow/bypass reporting has been updated to include preferred email (SWQ.Reporting@env.nm.gov) in the final permit.

Comment 4. In Part I, Section F. Additional Pollutant Scan, NMED requests that EPA define the abbreviation PFAS. Please update the first sentence to read:

The permittee shall submit test results of per- and polyfluoroalkyl substances (PFAS) during the permit term as follows:

Response 4. PFAS abbreviation has been defined in Part I, Section F of the final permit.

Comment 5. In Part I. Section F. Additional Pollutant Scan, PFAS table, the measurement frequency is once/ permit term. NMED requests verification of the monitoring frequency. The facility has a design capacity of 0.6 MGD, which would correspond to a monitoring frequency of three/permit term per the USEPA Region VI PFAS Sample Language for New Mexico (email from EPA Region VI, dated February 8, 2024). NMED requests that EPA change the monitoring frequency to three/permit term to be in agreement with the USEPA Region VI PFAS Sample Language for New Mexico and to be consistent with other NPDES permits issued in the State of NM.

If EPA changes the PFAS monitoring frequency to three/permit term, NMED requests that EPA add a footnote that states:

PFAS samples must be collected and analyzed in three separate calendar years.

Response 5. EPA Region 6 Recommended PFAS analytes Monitoring Frequencies Based on

Facility's design flow. Sierra County Regional WWTP is a minor facility with a design flow of 0.6 MGD. Recommended PFAS monitoring frequency is three times per term (Three/Term). Measurement frequency has been corrected in the final permit to three/Term as described in the table below:

R6 Recommended PFAS Monitoring Frequencies Based on Facility ^{1,2}	
Facility Type	Frequency
Minor (< 0.1 MGD)	Once/Term
Minor (0.1 < 1.0 MGD)	Three/Term ³
Major (if NOT in an applicable category) ²	Once/6 Months
Major (if IS in an applicable category) ²	Quarterly
Major (with required pretreatment OR discharge is $\geq$ 5 MGD)	Quarterly

Footnotes:

1. These recommended frequencies are only for facilities where an applicable ELG for PFAS does not apply. These frequencies may be altered if an industry category is known or suspected to discharge PFAS or based on the permit writer's BPJ.
2. The December 5, 2022, USEPA memo from Radhika Fox recommends PFAS monitoring for all POTWs, including POTWs that do not receive industrial discharges, and industrial users in these industrial categories: organic chemicals, plastics & synthetic fibers (OCPSF); metal finishing; electroplating; electric and electronic components; landfills; pulp, paper & paperboard; leather tanning & finishing; plastics molding & forming; textile mills; paint formulating, and airports. The memo is available at <https://www.epa.gov/newsreleases/epa-issues-guidance-states-reduce-harmful-pfas-pollution>.
3. PFAS samples must be collected and analyzed in three separate calendar years.

Comment 6. In Part I, Section F. Additional Pollutant Scan, NMED requests that EPA revise and update the PFAS table. The row titled "PFAS Analytes, Sewage Sludge" should have the "Test Result" field to ng/g, which corresponds with footnote 3.

Response 6. PFAS additional Pollutant Scan table has been updated in the final permit.

Comment 7. In Part I, Section F. Additional Pollutant Scan, footnote 2, NMED requests that EPA revise formatting to correspond with the other footnote formatting.

Response 7. Footnote formatting has been updated in the final permit.

Comment 8. In Part I, Section F. Additional Pollutant Scan, footnote 5, NMED requests that EPA update the footnote to include both emails SWQ.Reporting@env.nm.gov and NMENV-PFAS-DATA@env.nm.gov. Please update the footnote to read:

PFAS analysis data should be submitted annually to NMED at SWQ.Reporting@env.nm.gov 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.

Footnote 5 should be added to each column in the PFAS monitoring table.

Response 8. Footnote has been updated in the final permit.

Comment 9. In Part II, Section C. 24-Hour Oral reporting: Daily Maximum Limitation Violations, NMED requests that EPA add Total Residual Chlorine (TRC).

Response 9. Total residual Chlorine (TRC) has been added to 24-Hour oral reporting in the final permit.

Comment 10. In Part III, D. Reporting Requirements, Reporting requirements, 4. Discharge Monitoring Reports and Other reports, NMED requests that EPA update the email address to SWQ.Reporting@env.nm.gov (email preferred) instead of psrs.program.manager@env.nm.gov.

Response 10. Updated Part III, D. has been included in the final permit.

Comment 11. In Part III, D. Reporting Requirements, Reporting requirements, 7. Twenty-Four Hour Reporting, NMED requests that EPA update the email address to SWQ.Reporting@env.nm.gov (email preferred) instead of psrs.program.manager@env.nm.gov.

Response 11. Response No.10 above.

Comment 12.

NMED requests that EPA add the abbreviation “PFAS” to the Document Abbreviations list in Fact Sheet as:

PFAS Per- and Polyfluoroalkyl Substances

Response 12. Comment is noted for future reference, no change to the final permit required

Comment 13. NMED requests that EPA add the PFAS monitoring requirements to the Fact Sheet Paragraph 5. Monitoring Frequency for Limited Parameters

Response 13. Comment is noted for future reference, no change to the final permit required.