

NPDES PERMIT NO. NM0020303

RESPONSE TO COMMENTS

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

APPLICANT: Village of Los Lunas
660 Main Street NW
Los Lunas New Mexico 87031

ISSUING OFFICE: U.S. Environmental Protection Agency
Region 6
1202 Elm, Suite 500
Dallas, Texas 75270

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PERMIT ACTION: Final permit decision and response to comments received on the
draft reissued NPDES permit publicly noticed on March 30,
2024.

DATE PREPARED: May 29, 2024

Unless otherwise stated, citations to 40CFR refer to promulgated regulations listed at Title 40,
Code of Federal Regulations, revised as of May 29, 2024.

CHANGES FROM DRAFT PERMIT

There are changes from the draft NPDES permit publicly noticed on March 30, 2024.

1. Updated mailing address
2. PFAS sample type for influent and biosolids has been corrected to grab.
3. Footnote 6 for total residual chlorine has been updated to reflect effluent limitation of 11 ug/L.
4. Human health testing requirements have been corrected.
5. Footnote 13 has been added to clarify PCB testing for human health.
6. Typographical error corrections.

STATE CERTIFICATION:

In a letter from Shelly Lemon, Bureau Chief, SWQB, to Troy Hill, Director, Water Division (EPA) dated May 14, 2024, the NMED conditionally 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, the final permit must include the conditions of certification and each of the conditions cited in the draft permit 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

There are no conditions of certification.

COMMENTS RECEIVED ON DRAFT PERMIT

Email from Craig Byers, Los Lunas, to Evelyn Rosborough, EPA, April 23, 2024. Email from Shelly Lemon to Troy Hill, EPA, May 14, 2024.

RESPONSE TO COMMENTS

Comment 1 (NMED): In Part I. Requirements for NPDES Permits, Section A. Limitations and Monitoring Requirements, 1. Outfall 001 – Final Effluent Limits – 2.7 MGD, NMED requests that EPA correct the sample type for PFAS Analytes Influent and Biosolids to grab samples. The draft permit requires the permittee to use Method 1633 or Method 1621 in conjunction with Method 1633. EPA Methods 1633/1621 support grab samples for CWA compliance monitoring in sections 8.0 Sample Collection, Preservation, Storage and Holding Times and 8.2 Aqueous samples.

Response 1: Change has been made to the final permit.

Comment 2 (NMED): In Part I. Requirements for NPDES Permits, Section A. Limitations and Monitoring Requirements, 1. Outfall 001 – Final Effluent Limits – 2.7 MGD, NMED requests that EPA update footnote (*6) for total residual chlorine (TRC) to reflect effluent limitation of 11 ug/L consistent with applicable state water quality standards. The footnote currently references 19 ug/L.

Response 2: Change has been made to the final permit.

Comment 3 (NMED): In Part I. Requirements for NPDES Permits, Section A. Limitations and Monitoring Requirements, 1. Outfall 001 – Final Effluent Limits – 2.7 MGD, Human Health Testing Requirements, NMED requests that EPA revise the effluent characteristics of Nickel and Thallium from “dissolves” to “dissolved”.

Response 3: Change has been made to the final permit.

Comment 4 (NMED): In Part I. Requirements for NPDES Permits, Section A. Limitations and Monitoring Requirements, 1. Outfall 001 – Final Effluent Limits – 2.7 MGD, Human Health Testing Requirements, NMED requests that EPA revise the effluent characteristics of Heptachlor be updated from Heptachlor 90 to Heptachlor. Heptachlor 90 is not defined in 20.6.4 NMAC.

Response 4: Change has been made to the final permit.

Comment 5 (NMED): NMED requests EPA include clarification to the PCB monitoring requirement in Part I, Requirements for NPDES Permits, Section A. Limitations and Monitoring Requirements, 1. Outfall 001 – Final Effluent Limits – 2.7 MGD, Human Health Testing Requirements. The State criteria for PCBs are applied to the sum of all congeners, to the sum of all homologs, or the sum of all aroclors per 20.6.4.900.J(2)(h) NMAC. 40 CFR 136 states PCBs may be analyzed with Method 1668C for determination of PCBs as individual chlorinated biphenyl congeners. The permittee should report the result as the total sum of all congeners with analytical results that meet EPA required sufficiently sensitive requirements that were reported at or above the detection limit.

Response 5: Change has been made to the final permit. See footnote 13.

Comment 6 (NMED): In Part II, Section E. Whole Effluent Toxicity Testing (7-Day Chronic NOEC Freshwater), Table Applicable to Final Outfall(s) 001, NMED requests that EPA correct the dilution spelling from “DILTION” to “DILUTION”.

Response 6: Change has been made to the final permit.

Comment 7 (NMED): NMED requests EPA update the mailing address of the facility to:
Village of Los Lunas
660 Main Street NW
Los Lunas New Mexico 87031

Response 7: Change has been made to the final permit

Los Lunas

Comment 8 (Los Lunas): E. Coli Bacteria and Footnote (*3): The mass loading for E. Coli bacteria is confusing as presented. The Table on Page 1 of Part I shows a 30-day average mass of 1.29 with reference to footnote (*3). Footnote (*3) on Page 2 of Part I lists units of Billion however, has 1.0 x

10¹⁰ as the conversion. The Village respectfully requests that the 30-day average mass quantity in the Table on Page 1 of Part I be changed to 1.29 x 10¹⁰ cfu/day and that footnote (*3) have the text changed to “Units: Colony forming units per day cfu/day.”

PFAS Analytes:

On Page 2 of Part I, Effluent Characteristic is shown to require grab sampling while the Influent Characteristic is shown to require a composite sample. Please clarify if this is correct or if they should both use the same sample type (grab or composite). If composite sampling is required, please also clarify the duration (3-hr, 6-hr, 12-hr, 24-hr, other?).

Footnote (*6):

Based on the daily max effluent limitation identified in the Table on Page 1 of Part I and the description in the Fact Sheet, we believe the TRC value in Footnote (*6) on Page 2 of Part I should be changed from 19 ug/L to 11 ug/L.

Human Health Testing Requirements:

- Nickel and Thallium: We believe there are typos for Nickel (Page 3 of Part I) and Thallium (table on Page 3 and Page 4 of Part I) in reference to “dissolves” versus “dissolved.”
- Heptachlor versus Heptachlor 90: On Page 3 of Part I (third pollutant on the third column of the table), the pollutant Heptachlor 90 is included. However, on Page 2 of Part II, the Minimum Quantification Level is for Heptachlor. We respectfully request clarification about the pollutant Heptachlor 90 and the CAS Number.
- PCBs: On Page 4 of Part I (first pollutant on the third column of the table), PCBs are included. We respectfully request clarification about the extent of the analysis (PCBs congeners or aroclors) and the analytical method to be used.

Response 8: Billion (1.0 x 10¹⁰) colony forming units per day cfu/day is the unit used for measuring mass loading for E.Coli, as included in the footnote. The footnote provides a formula to calculate this number. No change has been made to the mass loading limitation for E.Coli. See response to NMED comments 1-5 regarding footnote 6, PFAS, and Human Health testing.

Comment 9 (Los Lunas): PART II, E. Whole Effluent Toxicity Testing: Table Page 3 Part II: We believe there is a typo in the bottom left cell of the Table on Page 3 or Part II, “DILUTION” instead of “DILTION.”

Response 9: See response to NMED comment 6.

Comment 10 (Los Lunas): Sufficiently Sensitive Methods: We respectfully request clarification regarding the following statement included in the Fact Sheet (VII. Facility Operational Practices, D. Operation and Reporting, Page 15 of 19): “If no analytical laboratory is able to perform a test satisfying the SSM in the region, the most SSM with the lowest MDL must be used after adequate demonstrations by the permittee and EPA approval.”

The Village has experienced some challenges finding laboratories in the State of New Mexico and has in fact contacted laboratories in Colorado, Oklahoma, and Texas for the analyses of some pollutants to comply with the analytical methods and/or the SSMs. We respectfully request clarification about the implications of the terms “*no analytical laboratory... in the region*” and “*... after adequate demonstrations...*”. Furthermore, it would be very helpful if the NMED or the EPA could provide a list of laboratories which can meet the SSMs for the

pollutants under the Human Health Testing requirements.

Finally, the Village of Los Lunas mailing address has changed. Please update your records to use the following for all future mailing correspondence:

Village of Los Lunas

660 Main Street NW

Los Lunas New Mexico 87031

Response 10: EPA is unable to recommend or endorse any lab. We encourage you to reach out to other NPDES permittees in your region for lab resources; and work with your permit writer to determine if there has been “adequate demonstration”, as this is done on a case-by-case basis. Mailing address has been updated to reflect the appropriate address.