

NPDES PERMIT NO. NM0030457
RESPONSE TO COMMENTS

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

APPLICANT: Doña Ana County Utilities Department
Salem Wastewater Treatment Plant
845 N. Motel Drive
Las Cruces, NM 88007

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

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PERMIT ACTION: Final permit decision and response to comments received on the proposed
NPDES permit publicly noticed on July 29, 2024.

DATE PREPARED: August 19, 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 July 29, 2024:

- Total Nitrogen, Total Phosphorous and Dissolved Oxygen monitoring and reporting requirement has been added to the final permit.

STATE CERTIFICATION

In a letter from Shelly Lemon, Bureau Chief, Surface Water Quality Bureau, to Troy C. Hill, Acting Director, Water Division (EPA) dated April 18, 2023, 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 Total Nitrogen, Total Phosphorus and Dissolved Oxygen Monitoring: To protect and maintain existing and downstream water quality and to prevent further degradation of water quality in the Rio Grande, NMED requests EPA to include total nitrogen (TN), total phosphorus (TP), and dissolved oxygen (DO) effluent discharge monitoring requirements in Part I- Requirements for NPDES Permits, Section A- Limitations and Monitoring Requirements. NMED will utilize the effluent monitoring data to assess effluent water quality and determine if effluent limits will be required in future permits.

Response 1. NMED has reasonably provided background and justification for nutrient monitoring requirement. This is based on 20.6.4.8 NMAC antidegradation policy and implementation plan, Statewide Water Quality Management Plan and Continuing Planning Process, 2014 State of New Mexico Nutrient Reduction Strategy and EPA antidegradation implementation Procedures for Implementing NPDES Permits in New Mexico (NMIP) between

federal and state policies. NMED proposed measurement frequency and sample type based on discharges with nutrient monitoring requirements in the same area, for instance Anthony water & Sanitation District permit (NM0029629). Salem WWTP is a minor discharger and EPA believes that effluent monitoring is necessary to evaluate effluent water quality and to determine if a limit is required to reduce nutrient inputs, control nutrient loading, and attain New Mexico's general nutrient criterion (20.6.4.13(E) NMAC). To alleviate cost implications and to allow the facility do the necessary upgrades the to meet nutrient testing requirements, a quarterly 3-hour composite sampling and monitoring requirement has been incorporated in the final permit

Comment 2. NMED requests correction in Part II.C Permit Modification and Reopener regulation reference from 40 CFR 122.44(d) to 40 CFR 122.44(c).

Response 2. The correct permit modification and reopener CFR reference citation has been updated in the final permit.

Comment 3. NMED requests correction in Part II.C Permit Modification and Reopener regulation reference to 40 CFR 122.62(s)(2) to 40 CFR 122.62(a)(2).

Response 3. The correct permit modification and reopener CFR reference citation has been updated in the final permit.

Comment 4. NMED supports Doña Ana County Utility Department pursuing various avenues for addressing nutrient reductions and control strategies at the Salem Wastewater Treatment Plant.

Response 4. Comment noted for the record. No change to the final permit in response to this comment.