

NPDES PERMIT NO. NM0020672

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 Gallup WWTP
P.O. Box 1270
Gallup, NM 87305

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

PREPARED BY: Tung Nguyen
Environmental Engineer
Permitting & Water Quality Branch (6WD-P)
Water Division
VOICE: 214-665-7153
EMAIL: nguyen.tung@epa.gov

PERMIT ACTION: Final permit decision and response to comments received on the draft reissued NPDES permit publicly noticed on April 12, 2025.

DATE PREPARED: September 3, 2025

Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations, revised as of July 1st, 2024.

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
cfu	Colony forming unit
COD	Chemical oxygen demand
COE	United States Corp of Engineers
CWA	Clean Water Act
DMR	Discharge monitoring report
ELG	Effluent limitation 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
ug/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
SQL	Minimum quantification level
O&G	Oil and grease
POTW	Publicly owned treatment works
RP	Reasonable potential
SSM	Sufficiently Sensitive Method
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
USFWS	United States Fish & Wildlife Service
USGS	United States Geological Service
WLA	Wasteload allocation
WET	Whole effluent toxicity
WQCC	New Mexico Water Quality Control Commission
WQMP	Water Quality Management Plan

CHANGES FROM DRAFT PERMIT

There are changes from the draft NPDES permit publicly noticed on April 12, 2025:

- Abbreviation of “su” has been revised to “s.u.”
- NMED email address for reporting/notification has been updated.
- Language in Part I.D regarding NMED contact information for reporting purpose and specific reporting requirement to Navajo Nation has been revised/added.
- Language in Part II.B regarding oral reporting to Navajo Nation has been removed.
- Part III.D.7 regarding preferred reporting method to NMED has been updated.

CONDITION RECEIVED ON THE DRAFT PERMIT

None.

COMMENTS RECEIVED ON THE DRAFT PERMIT

Letter from Shelly Lemon, New Mexico Environment Department (NMED) to Troy Hill, EPA dated May 20, 2025

Letter from Patrick Antonio, Navajo Nation Environmental Protection Agency (NNEPA) to Evelyn Rosborough, EPA dated May 12, 2025

RESPONSE TO COMMENTS**Comment 1 (NMED):** Part I.A.

The pollutant pH is measured in standard units, which is abbreviated as “su” in the table columns Discharge Limitation Minimum and Discharge Limitation Maximum. The abbreviation for standard units in the Document Abbreviation page is “s.u.” NMED requests the abbreviation in the effluent limit tables be changed to “s.u.” for consistency.

Response 1: EPA agrees and corrects it in the final permit.

Comment 2 (NMED): Part I.B.

The New Mexico contact information has an incorrect email address. NMED requests the email address be updated to SWQ.Reporting@env.nm.gov.

Response 2: EPA agrees and corrects it in the final permit.

Comment 3 (NMED): Part I.C.

The section details electronic reporting of discharge monitoring reports (DMRs). Paragraphs 2 and 4 include information for paper submittal of DMR reporting. NMED requests EPA review Section C and make corrections so that the Section is consistent for electronic reporting.

Response 3: Electronic reporting is required once access to NetDMR is granted to permittee. Until having the access, paper reporting maybe authorized as instructed in the permit. There is no revision of the language in Part I.C regarding to this comment.

Comment 4 (NMED): Part I.D.

The only NMED contact information provided is a phone number. NMED requests EPA update the language for 24-hour reporting to NMED to reference Part III.D.7 of the permit and to provide instruction that email is the preferred method of reporting. The second paragraph should read: Overflows that endanger health or the environment shall be reported via email to EPA (Part III.D.7) within 24 hours, and to NMED Surface Water Quality Bureau (Part III.D.7) at (505) 827-0187 or SWQB.Reporting@env.nm.gov (email preferred) within 24 hours from the time the permittee becomes aware of the circumstance.

Response 4: EPA has revised the language as follow: “Overflows that endanger health or the environment shall be reported via email preferred to EPA and NMED Surface Water Quality Bureau (indicated under Part III.D.7) within 24 hours from the time the permittee becomes aware of the circumstance.” This is for not to repeat the same contact information stated in Part III.D.7.

Comment 5 (NMED): Part I.D.

The Navajo Nation is not included as a downstream State. NMED requests EPA include the Navajo Nation Environmental Protection Agency (NNEPA) in the list of agencies that receive overflow reports. NMED requests EPA coordinate with the NNEPA to identify staff that Gallup should include in overflow report submittals.

Response 5: NNEPA has indicated that its agency only needs to be contacted for spills that threaten Navajo Nation land or water of the Navajo Nation. NNEPA does not need to be directly contacted regarding permit-required non-compliance reporting. EPA has added a language under Part I.D. requiring the permittee to report the specific spill to NNEPA as follows:

“Overflows or spills that threaten Navajo Nation land or water of the Navajo Nation shall be reported to NNEPA within 24 hours from the time the permittee becomes aware of the circumstance. A written report of the overflows/spills shall be provided to NNEPA within 5 days of the time the permittee becomes aware of the circumstance. The applicable reports shall be sent to: Navajo Nation Environmental Protection Agency
PO Box 339, Window Rock, AZ 86515
patrickantonio@navajo-nsn.gov”

Comment 6 (NMED): Part I.D.

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 6: There is currently no applicable federal or the state regulatory requirements of the public notification for this facility currently. However, the permittee is encouraged to develop a communication procedure or plan to notify the public in case an overflow occurs. EPA does not change the permit condition at this time regarding this request.

Comment 7 (NMED): Part II.B.

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. NMED requests EPA coordinate with the NNEPA to identify the staff that Gallup should include in daily maximum limitation report submittals.

Response 7: As indicated in Response 5, NNEPA has not been interested in receiving this violation report. Language regarding email notification to NMED and NNEPA has been revised in the final permit to reflect this comment.

Comment 8 (NMED): NMED requests that EPA use the most recent version of Part III. Standard Conditions for NPDES Permits (revision date April 2024).

Response 8: EPA has updated language in Part III.D.7 as indicated in Response 10 below.

Comment 9 (NMED): Part III.D.4.

The permit requires reporting to EPA and NMED. The Navajo Nation is a downstream State. NMED requests EPA include the NNEPA in the list of agencies receiving reports. NMED requests EPA coordinate with NNEPA to identify the staff that Gallup should include in report submittals.

Response 9: Please refer to Response 5; there is no change in Part III.D.4 of the final permit.

Comment 10 (NMED): Part III.D.7.

Both a phone number and email address are included for NMED. NMED prefers electronic communications. NMED requests that the third sentence be changed to read: Notification shall also be made to 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 10: EPA has added “(email preferred)” in the Part III.D.7.

Comment 11 (NMED): Part III.D.7.

EPA and NMED contact information is provided. NMED requests EPA include NNEPA in the list of agencies receiving 24-hour reports. NMED requests EPA coordinate with NNEPA to identify the staff that Gallup should include in 24-hour report submittals.

Response 11: Please refer to Response 5; there is no change in Part III.D.7 of the final permit.

Comment 12 (NMED): The approval date for the most recent EPA-approved New Mexico water quality standards (NMWQS) in 20.6.4 NMAC is incorrect. NMED requests EPA update the Fact Sheet to reflect the most recent EPA-approval date of April 10, 2025, for NMWQS in 20.6.4 NMAC.

Response 12: EPA has reviewed the EPA-approved NMWQS effective April 10, 2025. Changes made in this NMWQS, compared to the previous version, do not result changes on stream designated uses or applicable criteria that require revision of permit limits. EPA does not make changes in the published fact sheet, but instead notes this comment in record. There is no change in the final permit regarding to this comment.

Comment 13 (NMED): References to the State of New Mexico Clean Water Act §303(d)/§305(b) Integrated Report are outdated. The 2024–2026 Integrated Report was approved on May 17, 2024. NMED requests that EPA update the references to cite the current §303(d)/§305(b) Integrated Report.

Response 13: The 2024 – 2026 Integrated Report was referenced in the fact sheet; there is no change in the final permit.

Comment 1 (NNEPA): Have the deficiencies found in the most recent NPDES compliance evaluation inspection of the City of Gallup WWTP been adequately addressed?

Response 1: EPA has reviewed the inspection report dated August 2022, available online at <https://www.epa.gov/nm/enforcement-and-compliance-assurance-documents-new-mexico>. Limit exceedances and other issue(s) (e.g., operation & maintenance) are separately addressed in the Administrative Order (Docket Number: CWA-06-2023-1773) dated July 21, 2023. This final permit does not relax the previous limits regarding the exceedances.

Comment 2 (NNEPA): The previous NPDES permit no. NM0020672 for the City of Gallup WWTP expired on October 31, 2022. A NPDES permit application was determined to be complete on December 22, 2022. It is presumed NPDES permit no. NM0020672 was administratively extended by U.S. EPA Region VI.

Response 2: The permit has been considered “expired” because the submitted application was not completed before the permit expiration date.

Comment 3 (NNEPA): In the last sentence of the first paragraph on page 12 of the draft Fact Sheet, there is a list of effluent parameters found in the permittee’s application that was used in the LA-QUAL water quality model. One parameter listed is “effluent Nitrate plus Nitrite Nitrogen (Avg. 22.2 mg/L)”. According to Table 1 on page 4 of the draft Fact Sheet, 22.2 mg/L is the Max concentration. The Avg concentration is 7.19 mg/L.

Response 3: The maximum value, 22.2 mg/L, was used in the DO modeling for conservative reason. “Avg. 22.2 mg/L” was a typographical error made in the fact sheet, which should state the maximum value instead. EPA notes this comment for future permit renewal. There is no change in the final permit regarding this error.

Comment 4 (NNEPA): In the fourth paragraph under “G. Toxics” on page 15 of the draft Fact Sheet, it is presumed both copper and mercury monitoring and limits were retained for the proposed NPDES permit due to insufficient data/information in term of the SSM requirements.

Response 4: Limitation and monitoring condition for copper and mercury are retained from the previous permit. There is no change in the final permit regarding this comment.

Comment 5 (NNEPA): For monitoring of Toxics (pages 15 and 16 of the draft Fact Sheet) and new pollutants identified in the NMWQS and NNSWQS (page 17 of the draft Fact Sheet), the permittee can submit additional test data during the public comment period that U.S. EPA will consider for the monitoring requirements depending on the analytical results. Will U.S. EPA public notice the result of any consideration of submitted additional test data?

Response 5: EPA did not receive comments or additional data/information from the permittee during the comment period.

Comment 6 (NNEPA): The purpose of PFAS monitoring (Once/Six Months) and reporting is stated “to better understand potential discharges from the City of Gallup WWTP and to inform future permitting decisions.” First, the 2022 U.S. EPA guidance on PFAS in NPDES permits indicates monitoring at least quarterly. Second, is it premature to consider BMPs to limit PFAS discharges, including biosolids management?

Response 6: EPA Region 6 has developed monitoring frequencies based on the U.S. EPA recommendation with consideration of economic sustainability within the region. Monitoring frequencies vary based on POTW design flowrate and applicable pretreatment program. The design flowrate is set in tiers (<0.1 MGD, 0.1 < 1.0 MGD, 1.0 < 5 MGD, 5 MGD or above). EPA Region 6

appropriately establishes the monitoring frequency at semi-annually for this facility based on its design flowrate. The current purpose of PFAS monitoring is to gather data for future use/development; there has been no criteria/regulation to limit PFAS discharges at this time.

Comment 7 (NNEPA): Is the disposal of septage into the City of Gallup WWTP covered under Industrial Wastewater Contributions?

Response 7: A full pretreatment program is not required for this facility. However, general pretreatment provisions are in the permit. The facility is required to report to EPA in terms of volume and characteristic of wastewater from any significant indirect dischargers into the facility. Accepting indirect discharger(s) (domestic and/or industrial wastewater) from a community or an industry into the facility is at the permittee's discretion.