

NPDES PERMIT NO. NM0022250

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: Albuquerque Bernalillo County Water Utility Authority (ABCWUA)
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PERMIT ACTION: Final permit decision and response to comments received on the draft reissued NPDES permit publicly noticed on May 24, 2025.

DATE PREPARED: December 1, 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
MQL	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 May 24, 2025:

- Mass limits for Total Inorganic Nitrogen and CBOD₅ have been corrected.
- Limits for TDS, sulfates and chlorides have been added along with compliance schedule.
- Limits for total ammonia have been removed.
- Sample type for pH has been switched to “instantaneous grab”.
- Information regarding reporting requirement to Pueblo of Isleta has been revised.
- Sample type for PFAS has been changed to “grab”.
- Pollutants stated in table Part I.F.1 in term of NMWQS have been revised.
- The holding time for the WET testing has been changed to 72 hours from 36 hours.

CONDITION RECEIVED ON THE DRAFT PERMIT

Letter from Shelly Lemon, New Mexico Environment Department (NMED) to Troy Hill, EPA dated August 22, 2025:

To protect and maintain existing and downstream water quality and to prevent further degradation of water quality in the Rio Grande, EPA shall include the following total phosphorus (TP) and total nitrogen (TN) discharge limitations in Part I.

	TN (mg/L)	TN (lbs/day)	TP (mg/L)	TP (lbs/day)
Nutrients Limits, 30-day averages	10.2	4,266	4.05	1,699

RESPONSE TO CONDITION

EPA agrees and includes this condition in the final permit according to 40 CFR 124.55(a). Measurement frequency is set at weekly based on the NMIP and the reported data.

COMMENTS RECEIVED ON THE DRAFT PERMIT

Letter from Shelly Lemon, New Mexico Environment Department (NMED) to Troy Hill, EPA dated August 22, 2025

Letter from Danielle Shurn, ABCWUA (permittee) to Tung Nguyen, EPA dated July 23, 2025

Letter from Sarah Knopp et al., Amigos Bravos and New Mexico Acequia Association (public) to LaShunda Brown, EPA dated July 7, 2025

RESPONSE TO COMMENTS

Comment 1 (NMED): In the permit, Part I.A. Limitations and Monitoring Requirements, 1. Outfall 001 Final Effluent Limits, the CBOD₅ 30-day average effluent limitation is incorrect and should be 9,508 lbs/day. This was addressed in a letter to the permittee and was incorporated into the 2019 permit.

Response 1: This comment has been addressed under Response 17 below.

Comment 2 (NMED): In the permit, Part I.A. Limitations and Monitoring Requirements, 1. Outfall 001 Final Effluent Limits, the CBOD₅ 7-day average effluent limitation is incorrect and should be 14,261 lbs/day. This was addressed in a letter to the permittee and was incorporated into the 2019 permit.

Response 2: This comment has been addressed under Response 17 below.

Comment 3 (NMED): In the permit, Part I.A. Limitations and Monitoring Requirements, 1. Outfall 001 Final Effluent Limits, the Total Inorganic Nitrogen 30-day average effluent limitation is incorrect and should be 6,338 lbs/day. This was addressed in a letter to the permittee and was incorporated in to the 2019 permit.

Response 3: This comment has been addressed under Response 17 below.

Comment 4 (NMED): In the permit, Part I.A. Limitations and Monitoring Requirements, 1. Outfall 001 Final Effluent Limits, the Total Inorganic Nitrogen 7-day average (daily max.) effluent limitation is incorrect and should be 9,508 lbs/day. This was addressed in a letter to the permittee and was incorporated into the 2019 permit.

Response 4: This comment has been addressed under Response 17 below.

Comment 5 (NMED): In the permit, Part I.A. Limitations and Monitoring Requirements, 1. Outfall 001 Final Effluent Limits, the Total Ammonia, as N does not have reasonable potential for either the acute or chronic criteria. The permittee has requested to remove the effluent limitation in lieu of parametric monitoring. NMED would support removing the effluent limitation since reasonable potential to exceed state water quality criteria does not exist and requiring monitoring for Total Ammonia, as N at a reduced frequency.

Response 5: This comment has been addressed under Response 20 below.

Comment 6 (NMED): In the permit, Part I.A. Limitations and Monitoring Requirements, 1. Outfall 001 Final Effluent Limits, NMED requests EPA to update the ‘Sample Type’ for pH from ‘Continuous’ to ‘Continuous or Instantaneous Grab’.

This will allow the permittee flexibility to implement and address pH monitoring. Per a comment received by the permittee, there is an operational shift away from continuous monitoring in response to maintenance needs. Allowing both continuous and instantaneous grab sampling types would give the permittee time to implement and augment operations as needed.

Response 6: This comment has been addressed under Response 21 below.

Comment 7 (NMED): The Albuquerque Bernalillo County Water Utility Authority is required by EPA to fulfil reporting requirements of the NPDES permit. In the draft NPDES permit Part I.D. Overflow Reporting, the permittee has requested to incorporate the Pueblo of Isleta (POI) reporting requirements that were in the 2019 permit which outline category 1 and category 2 overflow events. NMED supports the language in Part I.D requiring immediate notification to the Pueblo of Isleta and notification to NMED and EPA within 24-hours. The requirement in conjunction with the updated Pueblo of Isleta Tribal Environmental Emergency Response Contact Information allows the permittee to implement an overflow response plan with flexibility.

Response 7: EPA agrees to retain the same format of the POI reporting requirement from the previous 2019-permit. "PUEBLO OF ISLETA REPORTING REQUIREMENT" is instead included in the final permit; contact information in this reporting requirement is potentially updated by POI in future without a permit modification. Languages in Part I.C, I.D and Part III.D.4 have been revised regarding this reporting requirement.

Comment 8 (NMED): In Part I. Requirements for NPDES Permits, Section D. Overflow Reporting Overflows that endanger human 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. Nongovernmental organizations and community groups downstream of the Albuquerque Bernalillo County Water Utility Authority Southside Reclamation Plant (wastewater treatment plant) have expressed interest in receiving notifications regarding overflow and bypass events. 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 plan to NMED.

Response 8: At this time, there is no regulatory requirement, applicable to this facility, to notify the public from the permittee in the event of overflows. The permittee has developed Overflow Emergency Response Plan (OERP), which is posted online at: https://www.abcwua.org/wp-content/uploads/2025/03/OERP_02-13-2025_Final.pdf. ABCWUA has informed EPA that it notifies the public with a press release if an overflow occurs that reaches the river and is a general public health concern. Relevant information of overflows can be found at: <https://www.abcwua.org/sewer-system-cmom-reports/>

EPA makes no changes in the final permit regarding this request.

Comment 9 (NMED): NMED supports the permittee's request regarding Part II. E. Whole Effluent Toxicity Testing (7-Day Chronic NOEC Freshwater), 2. Required Test Acceptability Criteria and Test Conditions to maintain the 2019 permit holding time of 72-hours.

Response 9: This comment has been addressed under Response 27 below.

Comment 10 (NMED): NMED determined the critical low flow and harmonic means of the Rio Grande upstream of the facilities outfall by using flow data from USGS gauge 08330000 (Rio Grande at Albuquerque). NMED utilizes this USGS to provide flow characterization data to EPA because the gauge is upstream of the facilities outfall and in the jurisdiction of the State of New Mexico. NMED recommends EPA remain consistent with using USGS gauge 08330000 due to the reasons above and the historic use.

Response 10: This comment has been addressed under Response 19 below.

Comment 11 (NMED): NMED supports the changes in the fact sheet for monitoring of new parameters, continued implementation of the mercury minimization plan, and other corrections to the permit.

Response 11: Comment is noted for record.

Comment 12 (NMED): In the fact sheet, Part I.F. Pollutant Scan, 6. Monitoring Frequency for Limited Parameters, the table has a typographical error the PFAS sampling type as '24-hr Composite' which needs to be corrected to grab per Method 1633.

Response 12: This comment has been addressed under Response 25 below.

Comment 13 (NMED): In the fact sheet, Part V.B. Technology-Based Effluent Limitations/Conditions, 2. Effluent Limitation Guidelines In Part I.A. Limitations and Monitoring Requirements, 1. Outfall 001 Final Effluent Limits, NMED requests EPA to note for the next permit renewal cycle the parameter table should reflect the following updates:

- a. The parameter CBOD₅ the 30-day average (lbs/day, unless noted) is listed as 709 lbs/day and needs to be corrected to 9,508 lbs/day.
- b. The parameter CBOD₅ the 7-day average (lbs/day, unless noted) is listed as "report" and needs to be corrected to 14,261 lbs/day.

Response 13: Comment is noted. Changes have been made in the final permit to reflect these errors.

Comment 14 (NMED): In the fact sheet, page 1 has a typographical error for the expiration date of the 2019 permit as October 30, 2024. The expiration for the 2019 permit is November 30, 2024.

Response 14: This comment has been addressed under Response 18 below.

Comment 15 (NMED): In the 2019 NPDES permit EPA required monitoring for total dissolved solids, chloride, and sulfates at a frequency of once per month. This was to develop a baseline to compare for reasonable potential against the Pueblo of Isleta water quality criteria. From the monitoring data EPA determined there is reasonable potential to exceed the Pueblo of Isleta water quality criteria. NMED requests EPA evaluate the characterization of the effluent for TDS, chloride, and sulfates to determine if a water quality-based effluent limitation is needed.

In the event EPA determines an effluent limitation will be required then NMED requests a compliance schedule to allow the permittee to address the additional effluent limitations. Such as a 3-year compliance schedule would allow the permittee time to determine operational changes that would need to be implemented to meet the additional limitations.

Response 15: EPA considers the following factors to determine appropriate limits for this facility regarding the salinity/mineral (TDS, chloride, and sulfates):

- Regulatory requirement per 40 CFR §122.44(d), a discharge has the reasonable potential to cause or contributes to an in-stream excursion above the allowable ambient concentration of a state/tribe numeric criteria the permit must contain effluent limits;
- Collected data submitted in the application;
- EPA Guidance for the National Secondary Drinking Water Standards (NSDWS), since the National Primary Drinking Water Regulations (NPDWRs) have no standards for these parameters. More information of NSDWS can be found at: <https://www.epa.gov/sdwa/secondary-drinking-water-standards-guidance-nuisance-chemicals>

The following table provides summary of limitations caused by the RP analysis and limit guidance per NSWDS. The limit numbers per the RP analysis are more stringent than the EPA guidance numbers for NSWDS related to aesthetic effects (e.g., odor and taste) regarding the salinity/mineral:

Parameter	Effluent Concentration, mg/L (per DMRs)	30-day average limit, mg/L (per RP analysis)	EPA Guidance, mg/L per NSDWS	Established 30-day average limit, mg/L
TDS	535.5 (averaged from 60 data points)	339.2	500	500 (Compliance schedule provided; limit not met yet)
Chlorides	103 (averaged from 60 data points)	16.5	250	250 (Compliance schedule not necessary; limit met)
Sulfates	91.9 (averaged from 60 data points)	69.7	250	250 (Compliance schedule not necessary; limit met)

Considering economic sustainability (especially treating TDS), EPA reasonably has established the final limits for the salinity/mineral based on EPA guidance for NSDWS. EPA provides a compliance schedule for TDS with interim requirements stated in the final permit because of exceeding 1 year pursuant to 40 CFR 122.47(a)(3). Interim concentration limit (30-day average) for TDS is set at 536 mg/L (averaged value from DMR) during the compliance schedule. Mass limit for TDS is calculated (same approach as for TSS above) using the design flowrate and concentration limit accordingly. Mass limits for chlorides and sulfates are not appropriate because they are anions. Sampling frequencies are determined as follows:

TDS: Weekly (note: more measurement frequency is acceptable) during the compliance schedule; daily for final limits beginning on last day of the permit term.

Chlorides and sulfates: Weekly basis because the limits have been met.

EPA has added the limits in the final permit due to this comment. Monitoring for these parameters at other locations, stated in Part I.F.2, are still necessary for future evaluations.

Comment 16 (NMED): NMED recommends a compliance schedule to allow the permittee to address the new nutrient effluent limitations for total nitrogen and total phosphorus. A compliance schedule would allow the permittee time to determine operational changes that would need to be implemented to meet these new monitoring requirements and limitations.

Response 16: Based on the reported data for the nutrients (TN & TP), the effluent discharge has met the newly established limits for the nutrients. Therefore, the recommended compliance schedule is not necessary.

Comment 17 (permittee): The EPA approved amendments that updated errors in the original 2019 NPDES permit (Attachment 1) that were not represented in this 2025 draft permit. The same comments apply to this draft permit that were approved last time, with the request to provide the calculations for CBOD₅. The Water Authority requests to return to the previously approved and amended limits for the following:

- Mass limits for CBOD₅ 30-day average = 9,508 lbs/day; 7-day average 14,261 lbs/day
- Mass limits for Total Inorganic Nitrogen 6,338 lbs/day; 7-day average 9,508 lbs/day

Response 17: Since those limits are retained from the previous permit, EPA corrects the proposed limits to the same ones as required in the previous permit.

Comment 18 (permittee): There is a typo on the expiration date of the permit in the FACT SHEET, the cover pages lists the expiration date as October 30, 2024 and page 3 of 19 lists the expiration date as November 30, 2024.

Response 18: Expiration date of the previous permit is November 30, 2024. Comment is noted for record; EPA does not revise the fact sheet. There is no change in the final permit regarding this comment.

Comment 19 (permittee): The Low Flow Rate used to assess the downstream conditions for the Pueblo of Isleta Surface Water Quality Standards (POI SWQS) should represent the flow data of the tribal waters where the POI SWQS are applicable. The Water Authority requests that the USGS gage 08330875 Rio Grande at Isleta Lakes flow data are used because the location is on the upstream border of the Pueblo of Isleta jurisdiction, rather than at the USGS gage 08330000 Rio Grande at Albuquerque.

Response 19: The critical low flow is calculated/established using upstream (ambient) flow data from a discharger. When performing RP analysis, EPA typically uses flow data available at a nearest upstream flow gage from a discharger. If flow data available at a nearest upstream flow gage from a discharger is not representative for RP analysis (e.g., there is a stream diversion between a nearest upstream flow gage and a discharger), data from a nearest downstream flow gage may be used with discount of a POTW design flow rate. USGS Gage 08330000 is the nearest upstream flow gage from ABCWUA WWTP (discharger). Whereas USGS Gage 08330875 is downstream from the discharger; the continuous effluent discharge is included at this gage. When there is no upstream/ambient flow (zero flow), the effluent discharge literally becomes the instream flow, which is required to meet POI SWQS at the tribe boundary. Since there is no stream diversion between USGS Gage 08330000 and the discharger, it's more appropriate to use flow data at this gage for the RP analysis. EPA denies the permittee's request.

Comment 20 (permittee): The Water Authority has in past permit cycles requested to retain the limits for total ammonia in the permit, however process monitoring practices at the plant have strengthened such that the total ammonia in effluent will continue to be monitored by operations staff. The Water Authority requests that limits for total ammonia are removed from the permit as recommended by the EPA analysis that shows the reasonable potential does not exist for either chronic or acute criterion for total ammonia.

Response 20: EPA grants the permittee's request to remove limits for total ammonia, which did not cause RP excursions in term of the state and tribe WQS during the previous permit renewal and this one. Quarterly monitoring condition is in placed; monitoring data would be evaluated for future permit renewal.

Comment 21 (permittee): The Water Authority requests that the pH returns to an instantaneous grab sample type. In the previous permit cycle during an onsite inspection EPA inspector required the removal of a second and redundant pH probe at the compliance location, which had allowed for easy maintenance and ongoing monitoring. With out a second, duplicate pH probe installed operators found continuous monitoring difficult to maintain with acceptable calibrations while maintaining accurate continuous readings due to loss of power, probe failures, and data transfer failures. For these reasons the Water Authority requests to return to the instantaneous grab sample type for pH compliance monitoring.

Response 21: EPA grants the permittee's request; the pH sample type is switched back to "instantaneous grab" as required before and consistent with other similar POTWs in New Mexico.

Comment 22 (permittee): The Water Authority requests a copy of the ambient stream data and its sources that were used for the limit calculations to be utilized in the Pretreatment Program technical based local limit evaluations.

Response 22: The requested data have been provided to the permittee. The data (in excel file) is available to the public up on request since EPA does not post excel file online. If converted to PDF, the data format will not look the same as one in the excel file; therefore, it looks difficult to follow.

Comment 23 (permittee): The Water Authority in practice, coordinates with the Pueblo of Isleta (POI) annually to update the Tribal Environmental Response Contact list. This contact update allowance is no longer listed in the permit language and the Water Authority requests to revise the deletion and continue the allowance to update POI contact information annually during the permit period in order to have more effective communication.

Response 23: This comment has been addressed under Response 7 above.

Comment 24 (permittee): The current permit provides for Category 1 overflows which are those that may reach the Rio Grande and require immediate notification to the Pueblo of Isleta and other water management agencies as identified in the Water Authority's Overflow Emergency Response Plan (https://www.abcwua.org/wp-content/uploads/2025/03/OERP_02-13-2025_Final.pdf). In the current permit Category 2 overflows have no potential to impact a waterway and only require the 24-hour notice, not immediate notice. The proposed draft permit has removed the classification of sewer overflow events, and the Water Authority request to return to classifying sanitary sewer overflows in two categories to be able to more clearly communicate when the emergency sewer overflows are impacting waterways.

Response 24: This comment has been addressed under Response 7 above.

Comment 25 (permittee): In the Fact Sheet page 15 of 19 table for Monitoring Frequency, the PFAS sample is listed as a 24- hour composite sample, where the EPA laboratory method 1633 for PFAS requires that this sample is collected as an instantaneous grab sample type. The PFAS monitoring table in the Permit Part I F 3 lists the type correctly.

Response 25: Under Method 1633A, samples are collected as grab samples. The comment is noted for record; however, EPA does not revise the fact sheet. There is no change in the final permit regarding this comment.

Comment 26 (permittee): There are pollutants in the NMWQS table Part I.F.1, that have strikethrough text. The meaning of pollutants with strikethrough text in this table is unclear and the Water Authority requests that these are removed if no longer relevant and required to be monitored.

Response 26: The pollutants, chlorpyrifos and malathion, with strikethrough text are currently not applicable. EPA agrees with the permittee to remove those pollutants in the final permit. However, once approved in NMWQS, they will be required for analyses.

Comment 27 (permittee): The holding time for the whole effluent toxicity testing was reduced from 72 hours to 36 hours in Section E.2 Required Test Acceptability Criteria and Test Conditions. These samples are shipped to Oklahoma for analyses and the Water Authority currently often needs to recollect

these samples due to shipping issues under the 72-hour hold time. The Water Authority requests to retain the 72-hour hold time to submit these samples to the laboratory instead of the listed time reduction to 36 hours.

Response 27: EPA acknowledges the recurrent shipping challenges, and the 72-hr holding time allowance in the previous permit. As allowed per method when encountering shipping delays, EPA revises the final permit to reflect a 72-hr holding time again. Since this request has been justified the need for the increased holding time, no additional notification to EPA/NMED is required as stated in Part II.E.2.

Comment 28 (public): It's requested that EPA makes the ABCWUA's Overflow Emergency Response Plan an addendum to the permit, available online, and we also ask that it contain a process for notifying impacted community members within a five-mile radius of the event within 24 hours.

Response 28: Please refer to Response 8 above for detail.

Comment 29 (public): The "Mercury Minimization Plan" referred to in (Part I "Fact Sheet") be added as an addendum to the permit, or that a link be included in the permit whereby residents can locate the Plan. We have not been able to locate it, and we would like an opportunity to review and comment on its contents.

Response 29: The referenced plan, developed in coordination with NMED and Pueblo of Isleta (POI) was approved in the previous permit. No new permit condition was established based on this plan. EPA posts this plan available online but does not accept comments on its contents.

Comment 30 (public): We propose that the permitted use of these biosolids for mine remediation be paused until an analysis of the PFAS contents can be published. We also propose that the biosolids not be made publicly available for farming, gardening, and other domestic uses until such a study can be published, made public, and the public be informed of the origin of these biosolids. Annual Sewage Sludge reports should be available to the public and a link must be provided in the permit fact sheet, and should include PFAS analytes.

Response 30: EPA has been gathering data on PFAS for future development; more information can be found at: <https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024>. The permittee is authorized to use the biosolids in compliance with Standards for the Use or Disposal of Sewage Sludge per 40 CFR Part 503 as stated in Part IV of the permit. EPA disagrees on the proposals to pause or make biosolids publicly unavailable due to PFAS permit monitoring condition. Copies of annual sewage sludge reports are required to be sent to NMED and POI; the reports, including DMR, can be obtained at: <https://echo.epa.gov> or requested from EPA. The final permit, including a list of PFAS analytes, is posted online (<https://www.epa.gov/npdes-permits/new-mexico-npdes-permits>). There is no change in the final permit regarding this comment.

Comment 31 (public): Regarding Appendix C.4.a of Part II related to information of 66 significant industrial users (SIUs), it's asked that all of the relevant information be made available to the public and be linked to in the permit or be included as an appendix. Also, non-compliance and enforcement events to any of these 66 facilities to be reported to the public.

Response 31: EPA agrees to post online the SIUs submitted in the application. Please be mindful that the SIUs information are required to be updated annually. As stated in Appendix C.4, the permittee is

required to prepare annually a list of Industrial Users, which during the preceding twelve months were in significant noncompliance with applicable pretreatment requirements. The list is to be published in a newspaper annually during the month of September. There have been annual pretreatment reports, including a list of SIUs, posted online at: <https://www.abcwua.org/sewer-system-industrial-pretreatment-overview/>.

Comment 32 (public): In Section 5.f (Page 12) of the fact sheet, the two tables clearly show the ABCWUA is out of compliance with the current Pueblo of Isleta water quality standards (POIWQS). There is no reason to wait for POIWQS to be updated to establish for TDS, chlorides, and sulfates. 40 CFR 122.44(d)(iii) states clearly that effluent limitations need to be added for these three pollutants.

Response 32: This comment has been addressed under Response 15 above.

Comment 33 (public): In Section 5c (Page 9) of the Fact Sheet, it is unclear why the application was deemed to have demonstrated Sufficient Sensitive Method Requirements for the pollutants in the table. The tested results are from a different method that is listed as sufficiently sensitive, and the date provided in the SSM column is an MDL, not a tested result. Please show the actual additional data (if that is the case) that was provided to show that tested results are meeting current EPA, NMED, and POI water quality standards.

Response 33: Regarding to this facility, test results of the specific pollutants were reviewed for compliance of the SSM requirement based on the regulation and factor below:

1. Pursuant to 40 CFR 122.21(e)(3)(i)(C), “The method has the lowest ML of the analytical methods approved under 40 CFR part 136 or required under 40 CFR chapter I, subchapter N or O for the measured pollutant or pollutant parameter.” This option does not require the lowest ML to meet the state/tribe water quality standards.
2. Per 40 CFR 122.21(e)(3)(ii), “When there is no analytical method that has been approved under 40 CFR part 136, required under 40 CFR chapter I, subchapter N or O, and is not otherwise required by the Director, the applicant may use any suitable method but shall provide a description of the method. When selecting a suitable method, other factors such as a method's precision, accuracy, or resolution, may be considered when assessing the performance of the method.”
3. Availability of laboratories in the state or region that can perform the suggested methods, which are stated in the table.

For those pollutants with suggested methods that are stated in the referred table, EPA found the permittee had adequately demonstrated the tested results were in compliance with the SSM requirement during the permit renewal process using the Items 1 and 3 above. Regarding pentachlorobenzene and 1,2,4,5-Tetrachlorobenzene, there were no approved methods per 40 CFR 136.3; therefore, Items 2 and 3 above were applied to determine the SSM requirement. Please review the attached correspondences between the permittee and EPA for data/information.

Enclosures:

Letter from Shelly Lemon, New Mexico Environment Department dated August 22, 2025

Letter from Danielle Shurn, ABCWUA dated July 23, 2025

Letter from Sarah Knopp et al., Amigos Bravos and New Mexico Acequia Association dated July 7, 2025

Mercury Minimization Plan dated December 2023

Information of 66 significant industrial users (SIUs)

Correspondences (dated 10/29/24, 10/30/24, 11/13/24) between the permittee and EPA for data/information.