

NPDES PERMIT NO. NM0020168
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 Aztec
Wastewater Treatment Plant
201 W. Chaco St.
Aztec, New Mexico 87410

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

PREPARED BY: Quang Nguyen
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PERMIT ACTION: Final permit decision and response to comments received on the proposed NPDES permit publicly noticed on April 25, 2026.

DATE PREPARED: June 9, 2026

Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations, revised as of September 28, 2015.

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
COD	Chemical oxygen demand
COE	United States Corp of Engineers
CWA	Clean Water Act
DMR	Discharge monitoring report
ELG	Effluent limitations 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
µg/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
PCB	Polychlorinated Biphenyl
PFAS	Per- and Polyfluoroalkyl Substances
POTW	Publically owned treatment works
RP	Reasonable potential
SIC	Standard industrial classification
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
USGS	United States Geological Service
WLA	Wasteload allocation
WET	Whole effluent toxicity
WQCC	New Mexico Water Quality Control Commission
WQMP	Water Quality Management Plan
WWTP	Wastewater treatment plant

SUBSTANTIAL CHANGES FROM DRAFT PERMIT

- Added a three-year compliance schedule for development and implementation of a Nutrient Minimization Plan.

STATE CERTIFICATION

In a letter from Ms. Shelly Lemon, Bureau Chief, SWQB, to Mr. Scott Mason IV, Regional Administrator dated June 9, 2026, the NMED certified that the discharge will comply with the applicable provisions of Section 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law.

The NMED stated that 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.

Condition of Certification

None

Comments that are not Conditions of Certification

Comment No. 1:

Part I. Requirements for NPDES Permits, Section A. Limitations and Monitoring Requirements, Subsection 1. OUTFALL 001 – FINAL Effluent Limits – 1.2 MGD Design Flow

Footnote *12 states BOD, influent and TSS, influent are not required to be reported on NetDMR but must be kept at the facility and made available upon request. The effluent table has "Report (mg/L)" under the 7-day average concentration-based limit which implies this needs to be reported on discharge monitoring reports. NMED requests the table be changes from "Report (mg/L)" to "****" for continuity with the footnote. To address the units, EPA can incorporate an additional statement instructing the permittee to keep influent BOD/TSS monitoring records in the units mg/L.

Response: The EPA agrees and revises the table in Part I. Requirements for NPDES Permits, Section A. Limitations and Monitoring Requirements, Subsection 1. FINAL Effluent Limits – Outfall 001, as requested.

Comment No. 2:

In Part I. Requirements for NPDES Permits, Section B. Schedule of Compliance

NMED requests EPA incorporate a compliance schedule for the City of Aztec to develop a pollutant minimization plan to address the numerous exceedances of nutrients (total nitrogen and total phosphorus) and subsequently implementing a pollutant minimization program for nutrients.

The City of Aztec Wastewater Treatment Plant reported thirteen (13) total nitrogen exceedances and twenty-one (21) total phosphorous exceedances during the period of January 2023 to January 2026.

NMED recommends a three-year compliance schedule to evaluate changes that can be incorporated to reduce total nitrogen and total phosphorus in the effluent, to develop a pollutant minimization plan, and to implement the pollutant minimization plan. The pollution minimization plan should be submitted to both EPA and NMED for review.

Response: The EPA concurs with NMED and added the following three-year compliance schedule to Part I. Section B (Schedule of Compliance) of the final permit, as requested.

B. SCHEDULE OF COMPLIANCE

The City of Aztec Wastewater Treatment Plant reported thirteen (13) total nitrogen exceedances and twenty-one (21) total phosphorous exceedances during the period of January 2023 to January 2026. This three-year compliance schedule mandates the evaluation, development, and implementation of a Pollutant Minimization Plan (PMP) to specifically achieve compliance with the Total Nitrogen (TN) and Total Phosphorus (TP) effluent limitations specified for the discharges. The following schedule applies:

1. Evaluation & Interim Report Development (Within 12 months of the permit effective date)

The permittee shall do an inventory and characterize all sources of nutrient loading within the service area (e.g., industrial users, domestic sewage, inflow/infiltration) and assess all potential operational modifications, facility upgrades, and source reduction measures (e.g., optimizing biological nutrient removal, adjusting chemical dosing) that can be incorporated to reduce TN and TP in the effluent.

The permittee shall submit an evaluation report to the EPA Region 6 and NMED within 12 months of the permit effective date,

2. Pollutant Minimization Plan (PMP) Development (Within 24 months of the permit effective date)

The permittee shall draft a pollutant minimization plan identifying specific strategies, Best Management Practices (BMPs), and timelines that the permittee will use to consistently achieve nutrient compliance.

The permittee shall submit a draft PMP to the EPA Region 6 and NMED for review and approval within 24 months of the permit effective date.

3. Final PMP Submission & Implementation (Within 36 months of the permit effective date)

The permittee shall submit a final PMP reflecting regulatory review feedback to EPA and NMED, and begin full implementation of the nutrient reduction program within 36 months of the permit effective date