NPDES PERMIT NO. NM0030627
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

Town of Springer Water Treatment Plant
P.O. Box 488
Springer, NM 87747

ISSUING OFFICE

U.S. Environmental Protection Agency
Region 6
1201 Elm St.
Dallas, Texas 75270

PREPARED BY

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PERMIT ACTION: Final permit decision and response to comments received on the proposed NPDES permit publicly noticed on February 24, 2024.

DATE PREPARED: April 19, 2024

Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations, revised as of April 19, 2024.

STATE CERTIFICATION

In a letter from Shelly Lemon, Bureau Chief, SWQB, to Ngo Kidd – Past Acting Director, Water Division (EPA) dated April 9, 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

None

COMMENTS THAT ARE NOT CONDITIONS OF CERTIFICATION

Comments from New Mexico Environment Department:

Comment No. 1: In **Part I.A. Limitations and Monitoring Requirements, 1. Outfall 001 Final Effluent Limits**, the sample type for pH, temperature, dissolved oxygen, and total residual chlorine (TRC) is "instantaneous grab."

The footnote for SAMPLE TYPE for pH references footnote 4, which is the footnote for TRC. NMED requests that EPA correct the footnote for pH sample type to reference footnote 3.

Footnote 3 states, "Instantaneous maximum is defined in 40 CFR Part 136 as being measured within 15 minutes of sampling." NMED has been unable to locate a reference to "instantaneous maximum," "instantaneous maximum grab," or "instantaneous grab" in 40 CRF Part 136. NMED requests that EPA change footnote 3 to state:

"3 Instantaneous grab is defined as being measured within 15 minutes of sampling."

Footnote 4 states, "…Instantaneous maximum is defined in 40 CFR Part 136 as being measured within 15 minutes of sampling." NMED has been unable to locate a reference to "instantaneous maximum," "instantaneous maximum grab," or "instantaneous grab" in 40 CRF Part 136. In the Procedures for Implementing National Pollutant Discharge Elimination System Permits in New Mexico – NMIP, Part IV.L.2 Total Residual Chlorine (TRC) Strategy, describes total residual chlorine sampling using an instantaneous grab sample as being measured within 15 minutes of sampling. NMED requests that EPA change footnote 4 to state:

"4 TRC is measured during periods of chlorine use and cannot be averaged for reporting purposes. Instantaneous grab is defined as being measured within 15 minutes of sampling."

EPA Response No. 1: The EPA agrees and the footnotes have been changed accordingly.

Comment No. 2: In **Part I, Section D. Overflow Reporting**, NMED requests that EPA include the NMED Surface Water Quality Bureau reporting email for 24-hour notification and 5-day reporting. Please update the first sentence of the second paragraph to read:

Overflow/bypass that endanger health or the environment shall be orally reported to EPA (Part III.D.7) within 24 hours, and to NMED Surface Water Quality Bureau at (505) 827-0187 or SWQ.Reporting@env.nm.gov (email preferred), within 24 hours from the time the permittee becomes aware of the circumstance.

EPA Response No. 2: The EPA agrees and added the e-mail address in Part I, Section D.

Comment No. 3: Part II.D Whole Effluent Toxicity Testing (7-Day Chronic NOEC Freshwater), 1. Scope and Methodology has a typographical error: item c is blank and has no associated text. NMED requests Part II.D.1.c be removed and the remaining paragraphs be renumbered accordingly.

EPA Response No. 3: The EPA agrees and fixed the typographical error in Part II.D.1.

Comment No. 4: Part II.D Whole Effluent Toxicity Testing (7-Day Chronic NOEC Freshwater), 2. Required Test Acceptability Criteria and Test Conditions, b. Dilution Water, item 2 has a typographical error: item v is blank and has no associated text. NMED requests Part II.D.2.b.2.v be removed.

EPA Response No. 4: The EPA agrees and fixed the typographical error in Part II.D.2.b.2.

Comment No. 5: In **Part III, Section D. Reporting Requirements, 4. Discharge Monitoring Reports and Other Reports**, NMED requests that EPA update the email address to SWQ.Reporting@env.nm.gov (email preferred) instead of psrs.program.manager@env.nm.gov.

EPA Response No. 5: The EPA has updated the NMED email in Part III.D.4.

Comment No. 6: In **Part III, Section D. Reporting Requirements, 7. Twenty-Four Hour Reporting**, NMED requests that EPA update the email address to SWQ.Reporting@env.nm.gov (email preferred) instead of psrs.program.manager@env.nm.gov.

EPA Response No. 6: Part III, Section D.7, already has the updated NMED preferred email. No change to Part III.D.7 is necessary at this time.

Comment No. 7: In the **fact sheet**, Part VII. Antibacksliding, NMED requests clarification to the reference that the limitation of total zinc was removed. NMED requests that the year zinc was removed from the effluent limitations be added to the fact sheet. Total zinc was not listed in Part I.A.1 Outfall 001– Final Effluent Limits of the administratively continued NPDES permit.

EPA Response No. 7: Total Zinc was removed in the 2019 permit because no reasonable potential "RP" existed from the Total Zinc data submitted by the permittee in their application package submitted to EPA on May 2, 2018. This is the factual excerpt taken from the August 1, 2018, Fact Sheet that was publicly noticed in September 2018:

> *"The previous permit established a 30-day average limit of 17.3 mg/l and a daily maximum limit of 26 mg/l for total zinc. These limits were based on then current NMWQS. After running RP with current data from the facility there is no reasonable potential and, thus far, there is no demonstrated need for a WQBEL. No limit will be proposed at this time for total zinc."*