

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
201 W. Chaco St.
Aztec, NM 87410

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 January 29, 2021.

DATE PREPARED: March 16, 2021

Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations, revised as of July 1st, 2020.

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 January 29, 2021:

- Concentration limits for daily max have been removed and concentration limits for 30-day average have been corrected for total phosphorus and total nitrogen.

CONDITION RECEIVED ON THE DRAFT PERMIT

None

COMMENTS RECEIVED ON THE DRAFT PERMIT

Letter from Shelly Lemon, New Mexico Environment Department (NMED) to Charles Maguire, EPA dated March 15, 2021

Letter from Stephen R. Morse, PE, Public Works Director (permittee) to Evelyn Rosborough, EPA dated February 25, 2021

RESPONSE TO COMMENTS

Comment 1 (NMED): NMED responds to the permittee's comments regarding limitations for nutrients (total nitrogen and total phosphorus) in the 2006 TMDL. NMED suggests the limitations in the TMDL should be implemented consistently.

Response 1: EPA agrees with NMED to consistently incorporate the appropriate limitations according to the TMDL per 40 CFR 122.44(d)(1)(vii). EPA removes concentration limits for daily max and correct the concentration limits for 30-day average for the nutrients in the final permit.

Comment 2 (permittee): The permittee has questions about the TMDL re-evaluation, efforts to reduce nutrients input from upstream as well as rationale of peak concentration limits. The permittee requested reconsideration of concentration limits for nutrients.

Response 2: Addressing the TMDL re-evaluation and efforts to reduce the nutrients are beyond scope of this NPDES permitting. These matters may be brought up during public comment for a TMDL revision, if any. EPA has corrected limitations for the nutrients as stated in Response 1 above.