



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

June 24, 2022

Via email: rosborough.evelyn@epa.gov

Via Federal eRulemaking Portal: <https://www.regulations.gov/>

Re: Comments on EPA Region 6 Water Division's Proposed Issuance of the NPDES General Permit for Discharges From Hydrostatic Testing of New and Existing Vessels in New Mexico (NMG270000), Oklahoma (OKG27F000), and Indian Country Within the States of Texas, Oklahoma, New Mexico, and Louisiana; Docket ID No. EPA-R06-OW-2022-0371

Dear Director Maguire:

The New Mexico Environment Department (NMED) is pleased to provide the following comments on the U.S. Environmental Protection Agency's (EPA) proposed National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges From Hydrostatic Testing of New and Existing Vessels (Hydrostatic Test GP). 87 Fed. Reg. 25260 (April 28, 2022).

EPA set NMED's reasonable period of time to certify the draft permit at 60 days, which would end on July 6, 2022. NMED requested an extension of the CWA Section 401 Certification deadline to allow NMED to consider and incorporate any public comments received regarding the State's certification of the draft Hydrostatic Test GP (NMG270000). EPA extended the reasonable period of time to certify to July 20, 2022. NMED will provide a separate Clean Water Act (CWA) Section 401 Certification to EPA Region 6 on or before July 20, 2022.

If you have questions or would like to discuss these comments with NMED, please contact Susan A. Lucas Kamat, Point Source Regulation Program Manager, at Susan.LucasKamat@state.nm.us or (505) 946-8924.

Thank you for the opportunity to comment.

Sincerely,

Shelly Lemon
Chief, Surface Water Quality Bureau

Encl: Attachment (1)

cc: Charles Maguire, Water Division Director, EPA Region 6 (6WD), via email Maguire.Charles@epa.gov
Evelyn Rosborough, EPA Region 6 (6WDPN), via email Rosborough.Evelyn@epa.gov
Brent Larsen, EPA Region 6 (6WDPE), via email Larsen.Brent@epa.gov
Maria Okpala, EPA Region 6 (6WDPE), via email Okpala.Maria@epa.gov
Rebecca Roose, Deputy Secretary, NMED, via email Rebecca.Roose@state.nm.us
John Rhoderick, Water Protection Division Director, NMED, via email John.Rhoderick@state.nm.us
Christal Weatherly, Assistant General Counsel, NMED, via email Christal.Weatherly@state.nm.us
Susan Lucas Kamat, Point Source Regulation Section Program Manager, NMED, via email Susan.LucasKamat@state.nm.us
Levi Dean, Supervisor, Industrial and Stormwater Team Lead, NMED, via email Levi.Dean@state.nm.us

SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

Attachment

New Mexico Environment Department Comments on 2022 Proposed NPDES General Permit for Discharges From Hydrostatic Testing of New and Existing Vessels in New Mexico (NMG270000), Oklahoma (OKG27F000), and Indian Country Within the States of Texas, Oklahoma, New Mexico, and Louisiana

The New Mexico Environment Department (NMED) is pleased to provide the following comments on EPA's proposed 2022 National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Hydrostatic Testing of New and Existing Vessels in New Mexico (NMG270000):

1. The units for pollutant limits should be consistent between the fact sheet and the proposed permit. Units for the daily maximum limitation for total organic carbon (TOC) do not agree (i.e., the TOC daily maximum effluent limit is listed as 50 µg/L in the fact sheet and 50 mg/L in the draft permit). Please verify and standardize the units for the daily maximum TOC limitation, and correct the draft permit as needed before finalizing.
2. Part I Requirements for NPDES, Section A Permit Applicability and Coverage Conditions, Number 2 Discharges Covered, is not consistent regarding additives in the hydrostatic test water. NMED requests that the statement "...where the water used for hydrostatic tests does not contain corrosion inhibitors, antifreeze compounds, biocides, or other chemical additives (except chlorine or tracer dyes)" be modified for all new and existing vessels, as noted below.
 - a. New vessels relatively free of pollutants that could be discharged along with the hydrostatic test water, where the water used for hydrostatic tests complies with Part I, Section C.1 of this Permit.
 - b. Existing vessels that contain or previously contained or transferred raw or potable water, where the water used for hydrostatic tests does not contain corrosion inhibitors, antifreeze compounds, biocides, or other chemical additives (except chlorine or tracer dyes), and complies with Part I, Section C.1 of this Permit.
 - c. Existing vessels that previously contained only elemental gases (hydrogen, oxygen, nitrogen, etc.) and existing vessels that previously contained or transferred natural gas, natural gas liquids, including condensate, oil, produced water and/or other similar substances, where the water used for hydrostatic tests complies with Part I, Section C.1 of this Permit.
3. Part I Requirements for NPDES, Section A Permit Applicability and Coverage Conditions, Section 3 Limitations of Coverage, Section a.) Threatened and Endangered Species numbering is inconsistent. There appears to be a numeration error on page 8 "a.1) Procedures for Determining Which Threatened and Endangered Species Protection Criterion Applies." NMED recommends moving the procedures described on pp. 8-13 of Part I to Appendix C and referencing Appendix C in Part I - Section A.3.a of the permit.
4. Part I Requirements for NPDES, Section A Permit Applicability and Coverage Conditions, Number 3 Limitations of Coverage, Section f Other Unauthorized Discharges has a numeration error - this should be labeled as Section e (see page 16 of Part 1).
5. In Part I Requirements for NPDES, Section A Permit Applicability and Coverage Conditions, Section 3 Limitations of Coverage, Section f (should be Section e) Other Unauthorized Discharges #7, NMED recommends adding the underlined text to the prohibitions listed in this Section:

“This general permit does not authorize the use of domestic wastewater, reclaimed water, treated and/or reclaimed produced water, or wastewater generated by other industrial operations for hydrostatic testing and discharge. This prohibition does not include treated domestic wastewater, reclaimed water, or wastewater generated by other industrial operations that would be authorized to be discharges to that same receiving water by a NPDES and/or State discharge permit.”

6. Part I Requirements for NPDES, Section A Permit Applicability and Coverage Conditions, Section 8 Change in Ownership does not include notification to the State of New Mexico. NMED requests that EPA include the following statement.

A copy of the agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees should also be submitted to New Mexico:

New Mexico Environment Department
Surface Water Quality Bureau
Program Manager, Point Source Regulation Section
1190 Saint Francis Drive
P.O. Box 5469
Santa Fe, NM 87502-5469

7. Part I Requirements for NPDES, Section B Permit Limits and Monitoring Requirements, footnote # 2 states, “Flow may be estimated using best engineering judgment.” The methods and calculations on how flow is estimated should be documented. NMED requests that footnote 2 be amended to state “Flow may be estimated using best engineering judgment. The calculations and procedures used to estimate the flow must be documented. “
8. NMED requests that EPA update the address for New Mexico in Part I Requirements for NPDES, Section E Monitoring and Reporting to:
New Mexico Environment Department
Surface Water Quality Bureau
Program Manager, Point Source Regulation Section
1190 Saint Francis Drive
P.O. Box 5469
Santa Fe, NM 87502-5469
9. Part II Other Conditions, Section A General, Number 1 Minimum Quantification Levels states “Current EPA Region 6 MQLs for reporting and compliance are provided in Appendix A of Part II of this permit.” Appendix E contains Minimum Quantification Level information. NMED requests that EPA correct the Appendices lettering and references.
10. Sanitary waste is referenced in Part II Other Conditions, Section A General. NMED requests that EPA define “sanitary waste” in Appendix A: Definitions.
11. Part 1, Section B Permit Limits and Monitoring Requirements, footnote # 3 and Part II, Section B Intake Credit both refer to stream segment, water segment, and waterbody segment. NMED requests that EPA define “stream/water/waterbody segment” for New Mexico in Appendix A Definitions as a New Mexico water described in 20.6.4.97 through 20.6.4.899 NMAC. The water within a segment should have the same uses, similar hydrologic characteristics or flow regimes, and natural physical, chemical and biological characteristics and exhibit similar reactions to external stresses, such as the discharge of pollutants.

12. In Part III Standard Conditions, Section C Monitoring and Records, NMED requests that the following operational information also be included in the hydrostatic test monitoring records:
 - a. Start/stop time of testing
 - b. Duration of discharge
 - c. Volume of discharge
 - d. Source water of hydrostatic test water
 - e. Disposition location

13. For Part III Standard Conditions, Section D Reporting Requirements, NMED requests that the State of New Mexico be copied on the notifications for items #1, #2, #3, #8, #9. Sample language is “The permittee shall copy NMED on these notices at the address provided in Part III.D.4.”

14. NMED requests that EPA update the address for New Mexico in Part III, Section D Reporting Requirements to:

New Mexico Environment Department
Surface Water Quality Bureau
Program Manager, Point Source Regulation Section
1190 Saint Francis Drive
P.O. Box 5469
Santa Fe, NM 87502-5469