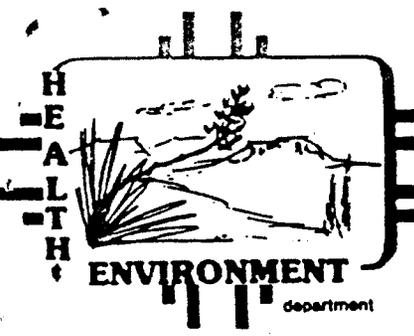


Janis Lambert

TONY ANAYA
GOVERNOR

DENISE D. FORT
DIRECTOR



STATE OF NEW MEXICO

ENVIRONMENTAL IMPROVEMENT DIVISION

P.O. Box 968, Santa Fe, New Mexico 87504-0968
(505) 984-0020

RECEIVED

DEC 28 1984

December 27, 1984

HAZARDOUS WASTE SECTION

Mr. David R. Brosman, P.E.
Manager, Liquid Waste Department
Water Resources Department
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

Dear Mr. Brosman:

After careful consideration of your letter dated November 30, 1984, I can provide the following answers on behalf of the Environmental Improvement Division, regarding your two numbered requests.

Request number 1.

I understand your desire for a clear cut answer regarding PNM's pump test discharge. However, I cannot find any authority in the Water Quality Act or Water Quality Control Commission regulations to either approve or deny the City's acceptance of this pump test water into the City's sewerage system. I believe that Ms. Claassen's previous letter regarding the authorities of the hazardous waste regulations, likewise, concluded that no approval or disapproval could be given. Based on the present authorities, it is clear that the decision is the City's and not this Division's.

On page two of your letter you stated that..."there is no way our third party interest should cost us additional regulatory requirements or liabilities." As far as this specific pump test discharge is concerned, I don't see any "additional" burden for the City in either category of requirements or liabilities. However, I also don't see any lessening of the present burden either. The liabilities involved have been and continue to remain the City's, no more and no less.

Although I agree that the limited volume of this specific pump test discharge would not appear to significantly affect the City's effluent discharge in either quantity or quality, as I have already stated, I am unable to either approve or disapprove the City's acceptance of this influent. The discretion to accept or not accept the influent rests entirely with the City. The City's federal NPDES permit also aptly addresses the City's discretion and responsibilities under Part II, A.1.d. (ManageRequirements) which states:

Mr. David Brosman
December 27, 1984
Page 2

"Any change in the facility discharge (including the introduction of any new source or significant discharge or significant changes in the quantity or quality of existing discharges to the treatment system that may result in new or increased discharges of pollutants) must be reported to the permitting authority. Modification to the permit may then be made to reflect any necessary changes in permit conditions, including any necessary effluent limitations for any pollutants not identified and limited herein. In no case are any new connections, increased flows, or significant changes in influent quality permitted that will cause violation of the effluent limitations specified herein."

Request number 2.

There are no State standards established for concentrations of contaminants in wastewater treatment sludge, per se. The Water Quality Control Commission (WQCC) Regulations do establish standards for contaminants in the ground water. A Discharge Plan may be required for any discharge which might cause the ground-water standards to be exceeded. The Commission regulations embody the concept that the discharger prepares a plan, based on individual site-specific conditions to protect the ground water. For example, water which percolates through land-applied sludge might carry contaminants such as nitrate and chloride into the ground water and cause the standards to be exceeded. The EID could therefore require a Discharge Plan pursuant to Commission regulations for sludge application, and as you know has required a plan for the City's sludge beds.

The decision as to whether a Discharge Plan is required is made on the basis of a number of factors: quantity of the discharge, concentration of contaminants in the discharge, depth to ground water, and so forth. Ms. Claassen referred to "detectable levels" not as a basis for setting a standard, but as a basis for beginning the question of whether a Discharge Plan should be required (or modified). The Discharge Plan would not say "no detectable levels," but if levels were high enough to pose a threat to ground water, the Plan might, for example, require vadose zone monitoring of leachate from the land application site.

A copy of the WQCC Regulations is enclosed. The standards for PCE and DCE are 0.1 mg/l and 0.005 mg/l, respectively. There is no numerical standard yet established for TCA. Note that these are ground water standards, not sludge standards.

The Discharge Plan requirements are administered by the Ground Water Section and the Technical and Enforcement Section, both in the Ground Water and Hazardous Waste Bureau. Further questions regarding Discharge Plan requirements should be directed to Maxine Goad or Ron Conrad of those sections.

I do sincerely appreciate your dedication in working as a partner with the Division in protecting and maintaining water quality. The questions, which

Mr. David Brosman
December 27, 1984
Page 3

will be posed by industries to the City regarding permission to discharge various influent volumes and qualities will be difficult.

Since the City is on the verge of having in place a more rigorous industrial waste ordinance, and pre-treatment program, as well as an upgraded treatment system, I trust that your professional decisions and actions to carry out your responsibilities at the local government level will compliment our mutual interests in water quality.

Sincerely,



Charles L. Nylander
Bureau Chief, Surface Water Quality Bureau

cc: Anthony Drypolcher, EID
Ann Classen, EID
William A. Glover, PNM
Edmund G. Archuleta, WRD
Galen Roumpf, WRD