

NEW MEXICO DEPARTMENT OF
TRANSPORTATION

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June 12, 2015

Ms. Evelyn Rosborough
Environmental Protection Agency (EPA)
Water Quality Protection Division (6WQ-NP)
1445 Ross Ave., Suite 1200
Dallas, TX 75202

Subject: New Mexico Department of Transportation Comments on EPA Preliminary Designation of the Los Alamos Municipal Separate Storm Sewer System (MS4), Federal Register 13852 [FRL-9924-58-Region-6]

Dear Ms. Rosborough:

New Mexico Department of Transportation (NMDOT) is in receipt of the subject notice and submitted herewith please find our response to this matter. NMDOT recognizes EPA's authority to designate MS4s outside Census designated Urbanized Areas.

- 1) NMDOT strongly disagrees with EPA's proposed extents for the proposed Los Alamos MS4. NMDOT concurs with both Los Alamos National Laboratory (LANL) and Los Alamos County (LAC) that the extent of the proposed Los Alamos MS4 should be limited to the areas of urbanized development within both LANL and LAC. The intent of the MS4 program is to address stormwater quality issues from urbanized areas, as runoff is conveyed through municipal separate storm sewer systems. Including non-urbanized areas which have no storm sewer systems is beyond the scope of the program and unnecessarily burdensome to the permittees.
- 2) Will EPA be providing an estimation of the 90th or 80th percentile storm event discharge volumes for compliance with the Post-Construction Stormwater Management in New Development and Redevelopment BMP? Will the alternative Option A and Option B described in the MIDDLE RIO GRANDE WATERSHED BASED MUNICIPAL SEPARATE STORM SEWERSYSTEM PERMIT be allowed?
- 3) Regarding the Illicit Discharge Detection and Elimination (IDDE) portion of the Permit, as the EPA is aware, NMDOT has no authority to enact or enforce an ordinance of any kind. Additionally, we have no authority or ability to

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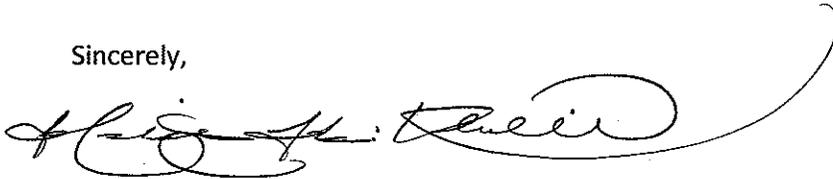
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inspect or enforce compliance with any illicit discharges which originate outside NMDOT Right-of-Way. Should an illicit discharge be detected, NMDOT will notify NMED, EPA, and either LANL or LAC (depending which entity has jurisdiction over the property from which the discharge is coming).

Sincerely,

A handwritten signature in black ink, appearing to read "Habib Abi-Khalil", with a long, sweeping flourish extending to the right.

Habib Abi-Khalil, PE, Acting District 5 Engineer
New Mexico Department of Transportation
7315 Cerrillos Road
Santa Fe NM 87502

xc: Anthony Lujan, NMDOT Deputy Secretary of Operations
Ted Barber, NMDOT Drainage Section Manager
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