NPDES PERMIT NO. NM0031038

FACT SHEET

FOR THE DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT TO DISCHARGE TO WATERS OF THE UNITED STATES

APPLICANT

Village of Cimarron Wastewater Treatment Plant
P.O. Box 654
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ISSUING OFFICE

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DATE PREPARED

February 9, 2026

PERMIT ACTION

Proposed reissuance of the current NPDES permit issued on October 29, 2020, with an effective date of November 1, 2020, and an expiration date of October 31, 2025.

RECEIVING WATER – BASIN

French Lake-Ponil Creek, tributary of the Cimarron River (20.6.4.306 NMAC) – Canadian Basin

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
CEC	Contaminant of Emerging Concern
CFR	Code of Federal Regulations
cfs	Cubic feet per second
COD	Chemical oxygen demand
COE	United States Corp of Engineers
CWA	Clean Water Act
DMR	Discharge monitoring report
DO	Dissolved oxygen
ELG	Effluent limitation guidelines
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
FWS	United States Fish and Wildlife Service
mg/l	Milligrams per liter
ug/l	Micrograms per liter
lbs	Pounds
MG	Million gallons
MGD	Million gallons per day
ML	Method minimum level
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
NOEC	No observable effect concentration
NPDES	National Pollutant Discharge Elimination System
MQL	Minimum quantification level
O&G	Oil and grease
PFAS	Per- and Polyfluoroalkyl Substances
POTW	Publicly owned treatment works
RP	Reasonable potential
SIC	Standard industrial classification
SS	Settleable solids
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
USGS	United States Geological Service
WLA	Waste Load allocation
WET	Whole effluent toxicity
WQCC	New Mexico Water Quality Control Commission
WQMP	Water Quality Management Plan
WWTP	Wastewater treatment plant

I. CHANGES FROM THE PREVIOUS PERMIT

The changes from the current permit issued on October 29, 2020, with an effective date of November 1, 2020, and an expiration date of October 31, 2025, include:

- Limit for DO has been newly established.
- Monitoring of PFAS has been added.
- WLA for E. coli bacteria has been added.

II. APPLICANT LOCATION and ACTIVITY

As described in the application, the facility (Outfall 001: Latitude 36° 30' 27" N and Longitude 104° 53' 45" W) is located off Highway 58 approximately one-mile southeast of the Village of Cimarron in Colfax County, NM.

Under the Standard Industrial Classification (SIC) Code 4952, the applicant operates a municipal wastewater treatment plant with a design flow capacity of 0.08 million gallons per day (MGD) serving a population of 987 approximately. The wastewater treatment process consists of two lagoons that potentially discharges to French Lake, tributary of the Cimarron River. Sewage sludge has not been removed from the lagoons in the last 20 years. Once removed from the lagoons, the sludge will dry in time and be trucked out to the nearest disposal facility. vicinity map of the facility is attached.

III. EFFLUENT CHARACTERISTICS

No DMR data is available since the last permit term. Data submitted in Form 2A are summarized below.

	Maxima	Average
BOD_5, mg/L	65	
E. coli Bacteria, MPN/100 mL	<1	
TSS	48	

NMED Inspection Report dated September 12, 2025 stated that an active discharge from the facility outfall into the French Lake on February 11, 2025. On March 10, 2025 the facility confirmed the cause for the discharge was a valve, which was repaired and the discharge to the lake was stopped. The permittee did not report any sanitary sewer overflow. regarding the discharge incident, test analyses were not fully performed per the permit requirement.

IV. REGULATORY AUTHORITY/PERMIT ACTION

In November 1972, Congress passed the Federal Water Pollution Control Act establishing the NPDES permit program to control water pollution. These amendments established technology-based or end-of-pipe control mechanisms and an interim goal to achieve “water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water”; more commonly known as the “swimmable, fishable” goal. Further amendments in 1977 of the CWA gave EPA the authority to implement pollution control programs such as setting wastewater standards for industry and established the basic structure for regulating pollutants discharges into the waters of the United States. In addition, it made it unlawful for any person to discharge any pollutant from a point source into navigable waters, unless a permit was obtained under its provisions. Regulations governing the NPDES permit program are generally found at 40 CFR §122 (program requirements & permit

conditions), §124 (procedures for decision making), §125 (technology-based standards) and §136 (analytical procedures). Other parts of 40 CFR provide guidance for specific activities and may be used in this document as required.

It is proposed that the permit be issued for a 5-year term following regulations promulgated at 40 CFR §122.46(a).

V. DRAFT PERMIT RATIONALE AND CONDITIONS

A. OVERVIEW of TECHNOLOGY-BASED VERSUS WATER QUALITY STANDARDS-BASED EFFLUENT LIMITATIONS AND CONDITIONS

Regulations contained in 40 CFR §122.44 NPDES permit limits are developed that meet the more stringent of either technology-based effluent limitation guidelines, numerical and/or narrative water quality standard-based effluent limits, or the previous permit.

Technology-based effluent limitations are established in the proposed draft permit for TSS and BOD and removal percent for each. Water quality-based effluent limitations are established in the proposed draft permit for E. coli bacteria, pH, TRC, and DO.

B. TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS

1. General Comments

Regulations promulgated at 40 CFR §122.44(a) require technology-based effluent limitations to be placed in NPDES permits based on ELGs where applicable, on BPJ in the absence of guidelines, or on a combination of the two. In the absence of promulgated guidelines for the discharge, permit conditions may be established using BPJ procedures. EPA establishes limitations based on the following technology-based controls: BPT, BCT, and BAT. These levels of treatment are:

BPT - The first level of technology-based standards generally based on the average of the best existing performance facilities within an industrial category or subcategory.

BCT - Technology-based standard for the discharge from existing industrial point sources of conventional pollutants, including BOD, TSS, *E. coli* bacteria, pH, and O&G.

BAT - The most appropriate means available on a national basis for controlling the direct discharge of toxic and non-conventional pollutants to navigable waters. BAT effluent limits represent the best existing performance of treatment technologies that are economically achievable within an industrial point source category or subcategory.

2. Effluent Limitation Guidelines

WA §306 ELGs have not been promulgated for this type of facility. However, technology-based effluent limitations are implemented using BPJ as mentioned above. The facility is a POTW/POTW-like that has technology-based limits established at 40 CFR Part 133.105, Equivalent to Secondary Treatment. Pollutants with limits applicable in this regulation are BOD_5, TSS and pH. Adjusted TSS requirement for waste stabilization ponds is permitted pursuant to 40 CFR 133.103(c).

Regulations at 40 CFR §122.45(f)(1) require all pollutants limited in permits to have limits expressed in terms of mass such as pounds per day. When determining mass limits for POTWs or similar, the plant's design flow is typically used to establish the mass load. However, 0.0083 MGD has been used in the calculation since the facility was first permitted in 2009 due to Antidegradation Review by NMED. Mass limits are determined by the following mathematical relationship:

Loading in lbs/day = pollutant concentration in mg/l * 8.34 (lbs)(l)/(mg)(MG) * 0.0083 MGD

EPA retains the previous limits in term of the BOD_5, TSS, and the removal percentage due to no DMR and complete required data in submitted Form 2A.

A summary of the technology-based limits for the facility is:

Parameter	30-day Avg, lbs./day, unless noted	7-day Max, lbs./day, unless noted	30-day Avg, mg/l, unless noted	7-day Max, mg/l, unless noted
BOD_5	2.1	Report	30	45
BOD_5, % removal*	≥ 85	---	---	---
TSS	6.2	Report	90	135
TSS, % removal*	≥ 85	---	---	---
pH	N/A	N/A	6.0 to 9.0 s.u.	6.0 to 9.0 s.u.

* % removal is calculated using the following equation: [(average monthly influent concentration – average monthly effluent concentration) ÷ average monthly influent concentration] x 100.

3. Pretreatment Regulation

It's not applicable due to a POTW-like with 0.08 MGD design flow with no industrial wastewater contributions.

C. WATER QUALITY BASED LIMITATIONS

1. General Comments

Water quality-based requirements are necessary where effluent limits more stringent than technology-based limits are necessary to maintain or achieve federal or state water quality limits. Under Section 301(b)(1)(C) of the CWA, discharges are subject to effluent limitations based on Federal or State/Tribe WQS. Effluent limitations and/or conditions established in the draft permit are in compliance with applicable State/Tribe WQS and applicable State/Tribe water quality management plans to assure that surface WQS of the receiving waters are protected and maintained or attained.

2. Implementation

The NPDES permits contain technology-based effluent limitations reflecting the best controls available. Where these technology-based permit limits do not protect water quality or the designated uses, additional water quality-based effluent limitations and/or conditions are included in the NPDES permits. State/Tribe narrative and numerical water quality standards are used in conjunction with EPA criterion and other available toxicity information to determine the adequacy of technology-based permit limits and the need for additional water quality-based controls.

3. State Water Quality Standards

The general and specific stream standards are provided in NMWQS (20.6.4 NMAC approved on Approved on April 10, 2025). The wastewater flows from the outfall to French Lake thence to Ponil Creek, perennial stream, (Segment 20.6.4.306 NMAC). The receiving stream designated uses are irrigation, warmwater aquatic life, livestock watering, wildlife habitat, and primary contact. Mixing zones are not allowed for discharges to lakes, applicable criteria must be met at the point of discharge pursuant to 20.6.4.11.E.(1) NMAC.

4. Permit Action - Water Quality-Based Limits

Regulations promulgated at 40 CFR §122.44(d) require limits in addition to, or more stringent than effluent limitation guidelines (technology based). State WQS that are more stringent than effluent limitation guidelines are as follows:

a. pH

For primary contact use, the criterion for pH is 6.6 – 9.0 s.u. (20.6.4.900.D NMAC). This is more limiting than the technology-based limits stated earlier. EPA retains the previous permit limit.

b. E. coli Bacteria

For primary contact use, the criteria for E. coli are 126 cfu/100 mL or less and a single sample E. coli limit of 410 cfu/100 mL or less; MPN can be substituted for cfu (20.6.4.900.D NMAC). NMED has not implemented NMWQS criteria for a single sample of total microcystins of 8 µg/L with no more than three exceedances within a 12-month period and a single sample of cylindrospermopsin of 15 µg/L with no more than three exceedances within a 12-month period. Previous limits for E. coli are retained due to the TMDL addressed below, which is 3.96×10^7 cfu/day.

c. TRC

TRC must meet 11ug/L, same as the current permit. The limits for TRC are based on criteria for chronic aquatic life and wildlife habitat found in the Table of Numeric Criteria (20.6.4.900.J.1 NMAC).

d. Toxics

The CWA in Section 301(b) requires that effluent limitations for point sources include any limitations necessary to meet water quality standards. Federal regulations found at 40 CFR §122.44(d) state that if a discharge poses the RP to cause an in-stream excursion above a water quality criteria, the permit must contain an effluent limit for that pollutant.

All applicable facilities are required to fill out appropriate sections of the Form 2A and 2S, to apply for an NPDES permit or reissuance of an NPDES permit. The new form is applicable not only to POTWs, but also to facilities that are similar to POTWs, but which do not meet the regulatory definition of "publicly owned treatment works" (like private domestics, or similar facilities on Federal property). The forms were designed and promulgated to "make it easier for permit applicants to provide the necessary

information with their applications and minimize the need for additional follow-up requests from permitting authorities," per the summary statement in the preamble to the Rule.

The facility is a minor-discharger, Tables B, C and D of Form 2A are not applicable to facilities of this size; no effluent data from these tables is available to be evaluated.

e. DO

For warmwater aquatic life use 20.6.4.900.H(6) NMAC, the criterion for DO is 5 mg/L or higher. The criterion must be met at point of discharge, EPA establish a new limit for DO to address the DO water impairment mentioned under TMDL Requirement section below. A compliance schedule is provided for this newly proposed limit.

f. PFAS

As explained at https://www.epa.gov/pfas, PFAS are a group of synthetic chemicals that have been in use since the 1940s. PFAS are found in a wide array of consumer and industrial products. PFAS manufacturing and processing facilities, facilities using PFAS in production of other products, airports, and military installations can be contributors of PFAS releases into the air, soil, and water. Due to their widespread use and persistence in the environment, most people in the United States have been exposed to PFAS. Exposure to some PFAS above certain levels may increase risk of adverse health effects.[1] EPA is collecting information to evaluate the potential impacts that discharges of PFAS from wastewater treatment plants may have on downstream drinking water, recreational and aquatic life uses. Although not including numeric criteria for PFAS, the 2024 (current) NMQWS narrative criterion for toxic substances at 20.6.4.13(F)(1) NMAC states:

> *"Except as provided in 20.6.4.16 NMAC, surface waters of the state shall be free of toxic pollutants from other than natural causes in amounts, duration, concentrations, or combinations that affect the propagation of fish or that are toxic to humans, livestock or other animals, fish or other aquatic organisms, wildlife using aquatic environments for habitation or aquatic organisms for food, or that will or can reasonably be expected to bioaccumulate in tissues of fish, shellfish and other aquatic organisms to levels that will impair the health of aquatic organisms or wildlife or result in unacceptable tastes, odors or health risks to human consumers of aquatic organisms."*

The NMQWS includes a narrative criteria for monitoring of emerging contaminants at 20.6.4.14(F) NMAC that states: "Emerging Contaminants Monitoring: The department may require monitoring, analysis and reporting of emerging contaminants as a condition of a federal permit under Section 401 of the federal Clean Water Act." Since PFAS chemicals are persistent in the environment and may lead to adverse human health and environmental effects, the draft permit requires that the facilities conduct influent, effluent, and sludge sampling for PFAS according to the frequency outlined in the permit. The purpose of this monitoring and reporting requirement is to better understand potential discharges of PFAS from this facility and to inform future permitting decisions, including the potential development of water quality-based effluent limits on a facility-specific basis. EPA is authorized to require this monitoring and reporting by CWA § 308(a), which states:

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[1] EPA, *EPA's Per- and Polyfluoroalkyl Substances (PFAS) Action Plan,* EPA 823R18004, February 2019. Available at: https://www.epa.gov/sites/production/files/2019-02/documents/pfas_action_plan_021319_508compliant_1.pdf

> *"SEC. 308. (a) Whenever required to carry out the objective of this Act, including but not limited to (1) developing or assisting in the development of any effluent limitation, or other limitation, prohibition, or effluent standard, pretreatment standard, or standard of performance under this Act; (2) determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance; (3) any requirement established under this section; or (4) carrying out sections 305, 311, 402, 404 (relating to State permit programs), 405, and 504 of this Act— the Administrator shall require the owner or operator of any point source to (i) establish and maintain such records, (ii) make such reports, (iii) install, use, and maintain such monitoring equipment or methods (including where appropriate, biological monitoring methods), (iv) sample such effluents (in accordance with such methods, at such locations, at such intervals, and in such manner as the Administrator shall prescribe), and (v) provide such other information as he may reasonably require;".*

EPA notes that there is currently not an analytical method approved in 40 CFR Part 136 for PFAS. As stated in 40 CFR § 122.44(i)(1)(iv)(B), in the case of pollutants or pollutant parameters for which there are no approved methods under 40 CFR Part 136 or methods are not otherwise required under 40 CFR chapter I, subchapter N or O, monitoring shall be conducted according to a test procedure specified in the permit for such pollutants or pollutant parameters. Therefore, the draft permit specifies that until there is an analytical method approved in 40 CFR Part 136 for PFAS, monitoring shall be conducted using Method 1633. The Adsorbable Organic Fluorine CWA wastewater method 1621 can be used in conjunction with Method 1633, if appropriate.

EPA has included PFAS monitoring in the draft permit using analytical Method 1633. In January 2024, the EPA released final EPA Method 1633, a method to test for 40 PFAS in wastewater, surface water, groundwater, soil, biosolids, sediment, landfill leachate, and fish tissue and final EPA Method 1621, which can broadly screen for the presence of chemical substances that contain carbon-fluorine bonds, including PFAS, in wastewater. More information on Method 1633 and status for approval under Part 136, is available at https://www.epa.gov/cwa-methods/cwa-analytical-methods-and-polyfluorinated-alkyl-substances-pfas.

There are currently no applicable Federal and/or State/Tribe surface water quality standards for PFAS. EPA proposes to monitor the PFAS pollutants in the influent, effluent and sewage sludge at once per permit term based on the plant design flowrate in order to gather information on the presence or absence of PFAS in the discharge.

5. Monitoring Frequency for Limited/Monitored Parameters

Regulations require permits to establish monitoring requirements to yield data representative of the monitored activity, 40 CFR §122.48(b), and to assure compliance with permit limitations, 40 CFR §122.44(i)(1). Sample frequency is based on Table 9 (page 34 of the NMIP) for municipal wastewater plants with a design flow less than 0.1 MGD.

Parameter	Frequency (when discharge occurs)	Sample Type
Flow	Daily	Measure
pH	Daily	Instantaneous Grab
BOD_5/TSS	Daily	Grab
% Removal	Monthly	Calculation
TRC	Daily	Instantaneous Grab

Parameter	Frequency (when discharge occurs)	Sample Type
E. coli Bacteria	Daily	Grab
DO	Daily	Instantaneous Grab

D. WHOLE EFFLUENT TOXICITY

Procedures for implementing WET terms and conditions in NPDES permits are found in the NMIP. Based on the nature of the discharge (POTW), the design flow (0.08 MGD), the nature of the receiving water (Lake), and the critical dilution (100%), Table 12 of the NMIP directs the WET test to be a 48-hour acute test using *Daphnia pulex* and *Pimephales promelas* at a once (1) every 6 months for the first year. If all pass, reduce for years 2-5 to *Daphnia pulex* once (1) per year and *Pimephales promelas* at once (1) per year.

The proposed permit requires five (5) dilutions in addition to the control (0% effluent) to be used in the toxicity tests based on a 0.75 dilution series. These additional effluent concentrations shall be 32%, 42%, 56%, 75%, and 100%.

EFFLUENT CHARACTERISTICS	DISCHARGE MONITORING	MONITORING REQUIREMENTS	
WHOLE EFFLUENT TOXICITY (48-Hr Acute Static Renewal/ NOEC) *	VALUE	MEASUREMENT FREQUENCY	SAMPLE TYPE
Daphnia pulex	Report	Once/6 months	24-hr Composite
Pimephales promelas	Report	Once/6 months	24-hr Composite

Monitoring and reporting requirements begin on the effective date of this permit. If all pass, reduce for years 2-5 to Daphnia pulex once/year and Pimephales promelas to once/year. If any test fails, the frequency of testing returns to once/quarter for both species for the remainder of the permit.

VI. TMDL REQUIREMENTS

The receiving water, Ponil Creek (Cimarron River to Hwy 64), segment 20.6.4.306 NMAC), is listed as being impaired for DO for warmwater aquatic life use in the 2024 – 2026 CWA 303(d) List. Designated uses (assessed in 2018) of irrigation, livestock watering, wildlife habitat and primary contact are fully supported.

A TMDL for E. coli was developed in 2010. The approved WLA for E. coli bacteria from the TMDL is continuously implemented in this permit to attain the water quality.

Facility	**Design Capacity Flow (mgd)**	***E. coli* Effluent Limit (cfu/100mL) *(a)***	**Conversion Factor*(b)***	**Waste Load Allocation (cfu/day)**
NM0031038 Village of Cimarron	0.0083	126	3.79×10^7	3.96×10^7

The permit has a standard reopener clause that would allow the permit to be changed if at a later date additional requirements on new or revised TMDLs are completed or if data indicates a reasonable potential for exceedance of an applicable aluminum water quality standard.

VII. ANTIDEGRADATION

The NMAC, Section 20.6.4.8 "Antidegradation Policy and Implementation Plan" sets forth the requirements to protect designated uses through implementation of the State water quality standards. The limitations and monitoring requirements set forth in the proposed draft are developed from the appropriate State WQS and are protective of those designated uses. Furthermore, the antidegradation policy sets forth the intent to protect the waters whose existing quality exceeds their designated use. The permit requirements and the limits are protective of the assimilative capacity of the receiving waters, which is protective of the designated uses of that water.

According to NMED letter dated February 4, 2026, no antidegradation review is required since there are no new or increased water quality impacts from the potential discharge.

VIII. ANTIBACKSLIDING

The proposed permit is consistent with the requirements to meet Antibacksliding provisions of the Clean Water Act, Section 402(o) and 40 CFR 122.44(l)(2)(i)(B), which state in part that interim or final effluent limitations must be as stringent as those in the previous permit, unless information is available which was not available at the time of permit issuance.

IX. ENDANGERED SPECIES CONSIDERATIONS

According to a report updated on December 2025, for the discharge flowpath (from the outfall to Cimarron River) in Cofax County, NM obtained from http://ecos.fws.gov/ipac, there are four endangered (E)/threatened (T) species: New Mexico meadow jumping mouse (E, mammal), Piping Plover (Charadrius melodus, bird) (T), Southwestern Willow Flycatcher (E, bird) and Silversopt Speyeria nokomis nokomis (T, butterfly). According to the report, there are no designated critical habitats for these species along downstream from the proposed facility. All listed species, except the insect, were listed in the previous permit with determination of "no effect".

According to Species Status Assessment Report for Speyeria nokomis nokomis (March 2023), EPA has found no information that the potential discharge could affect the species habitat or influence the butterfly. The butterfly requires moist habitats in mostly open meadows with a variety of herbaceous and woody vegetation. Per 89 Federal Register 11750 on February 15, 2024, the butterfly is threatened due to the individual and cumulative effects of habitat loss and fragmentation incompatible livestock grazing, human-caused hydrologic alteration, genetic isolation, and climate change.

In accordance with requirements under section 7(a)(2) of the Endangered Species Act, EPA has reviewed this permit for its effect on listed threatened and endangered species and designated critical habitat. The scope of the Federal Action is limited to the effects of authorizing the discharge and does not include the permittee's decision to cease discharging. After review, EPA has determined that the reissuance of this permit will have "no effect" on listed threatened and endangered species nor will adversely modify designated critical habitat. EPA makes this determination based on the following:

1. There are no critical habitats for the listed species. EPA believes flowpath of the proposed discharge does not contain suitable habitats for the species that would be impacted by discharge,

which if anything could provide additional water suitable for terrestrial species under the wildlife habitat and aquatic life designated uses.

2. EPA has received no additional information since the previous permit issuance which would lead to revision of its determinations.

3. EPA determines that Items 1 and 2 result in no change to the environmental baseline established by the previous permit, therefore, EPA concludes that reissuance of this permit will have "no effect" on listed species and designated critical habitat.

X. HISTORICAL and ARCHEOLOGICAL PRESERVATION CONSIDERATIONS

The reissuance of the permit should not have an impact on historical and/or archeological sites since no construction activities are planned in the reissuance.

XI. PERMIT REOPENER

The permit may be reopened and modified during the life of the permit if NMWQS are promulgated or revised. In addition, if the State develops a TMDL, this permit may be reopened to establish effluent limitations for the parameter(s) to be consistent with that TMDL. Modification of the permit is subject to the provisions of 40 CFR §124.5.

XII. VARIANCE REQUESTS

None

XIII. CERTIFICATION

The permit is in the process of certification by the State Agency following regulations promulgated at 40 CFR 124.53. A draft permit and draft public notice will be sent to the District Engineer of COE, to the Regional Director of FWS and to the National Marine Fisheries Service prior to the publication of that notice.

XIV. FINAL DETERMINATION

The public notice describes the procedures for the formulation of final determinations.

XV. ADMINISTRATIVE RECORD

The following information was used to develop the draft permit:

A. APPLICATION(s)

EPA Application Forms 2A and 2S dated October 31, 2025 and December 1, 2025, respectively

B. 40 CFR CITATIONS

Sections 122, 124, 125, 133, 136, 434

C. STATE OF NEW MEXICO REFERENCES

New Mexico State Standards for Interstate and Intrastate Surface Water, 20.6.4 NMAC, effective April 10, 2025

State of New Mexico 303(d) List for Assessed Stream and River Reaches, 2024-2026, EPA approved May 13, 2024

Total Maximum Daily Loads for the Cimarron River Watershed September 3, 2010

D. MISCELLANEOUS

Procedures for Implementing National Pollutant Discharge Elimination System Permits in New Mexico – NMIP, March 15, 2012

NMED letter dated February 4, 2026

Permittee email(s) dated December 4, 2025