NPDES PERMIT NO. NM0029149
FACT SHEET

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

APPLICANT

Village of Maxwell
P.O. Box 356
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ISSUING OFFICE

U.S. Environmental Protection Agency
Region 6
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PREPARED BY

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DATE PREPARED

February 2, 2025

PERMIT ACTION

Proposed reissuance of the current NPDES permit issued on September 17, 2020, with an effective date of October 1, 2020, and an expiration date of September 30, 2025

RECEIVING WATER – BASIN

Unnamed dry arroyo, thence to Canadian River in Segment No. 20.6.4.305 of the Canadian River 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
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
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 (one part per million)
ug/l	Micrograms per litter (one part per billion)
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
PFAS	Per-and Polyfluoroalkyl Substances
POTW	Publically owned treatment works
RP	Reasonable potential
SIC	Standard industrial classification
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
UV	Ultraviolet light
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
WWTP	Wastewater treatment plant

As used in this document, references to State shall mean State of New Mexico

I. CHANGES FROM THE PREVIOUS PERMIT

- Per-and Polyfluoroalkyl Substances (PFAS) pollutant scan requirements has been added to the draft permit.
- BOD_5 and TSS influent data monitoring and reporting requirements have been added on Part 1A of the permit.
- WET terms and conditions have been updated consistently with the most recent low flow (4Q3) conditions as directed by NMIP.

II. APPLICANT LOCATION and ACTIVITY

The facility is located at 316 Maxwell Ave, Maxwell, Colfax County, New Mexico. The Maxwell WWTP has a design flow capacity of 0.02 MGD serving a residential population of 300 and is classified as a minor municipal discharger under the Federal Clean Water Act, Section 402, of the National Pollutant Discharge Elimination System (NPDES) permit program.

The treatment at the facility consists of a Parshall Flume plus staff gage, a bar screen, Grit Chamber, primary and secondary clarifiers, aeration tank and a splitter box, two lagoons, a chlorine and a dechlorination chamber. Raw wastewater currently flows by gravity to the headworks of bar the plant. The influent enters the headworks through a 4" Parshall flume and proceeds through a ½" rectangular manually cleaned screen.

Following the headworks, the flow is divided equally through a splitter box to two lagoons. The splitter box provides the option of operating the lagoons in parallel, in series, or it also provides the option of bypassing the south lagoon by routing the wastewater from the north lagoon directly to the chlorine contact chamber. The facility installed a manhole to allow gravity flow from the headworks inlet past the bar screen and past the split box. This was installed to allow influent to the south lagoon.

The wastewater, if discharging, would then proceed to the chlorine contact chamber where Chlorine tablets are added to a Spears dispenser for disinfection. Baffles in the chlorine contact chamber increase detention time. The flow is then sent through a weir plate with a metal gauge that measures flow in gallons per minute. The weir is the primary measurement device and, when discharging, is calibrated by the operator using a bucket and a watch to measure the fill time of the bucket. However, no calibration records were available.

After chlorination, the flow enters a dechlorination unit on the line headed to the outfall. The facility discharge is to unnamed dry arroyo, thence to Canadian River in Segment No. 20.6.4.305 of the Canadian River Basin. The discharge is located at Latitude 36° 31' 55" N and Longitude 104° 32' 16" W, in Colfax County, New Mexico.

Village of Maxwell WWTP has scheduled improvements to the facility that would have an impact on the requirements of the permit. The facility plans to stop discharging to the surface water following planned improvements which includes the construction of a new bar screen upstream of existing headworks structure and install new lift station to distribute flow to the north and south lagoon equally, Relining south lagoon, including new inlet and outlet piping and

structures, Installation of a new land application system, including disinfection and finally removal of outfall 001 effluent disposal to surface water. Construction is scheduled to begin on July 1, 2026, and complete by December 31, 2026.

III. EFFLUENT CHARACTERISTICS

A quantitative description of the discharge(s) provided in table A of the Permit Application Form 2A which was submitted to EPA on September 30, 2025, includes design flow of 0.02 MGD, pH (6.6 – 9 s.u.) and temperature below 10°C.

According to the DMRs, this facility has been no discharge or reportable noncompliance or pollutant limit exceedances during the previous permit term.

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 EPA administered 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 reissued for a 5-year term following regulations promulgated at 40 CFR §122.46(a). The previous permit has an expiration date of September 30, 2025. The application was received on September 30, 2025. The application documents were reviewed and deemed to be administratively completed on December 10, 2025. The existing permit is administratively continued until the new permit is issued.

V. DRAFT PERMIT RATIONALE AND PROPOSED PERMIT CONDITIONS

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

Regulations contained in 40 CFR §122.44 require that 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, BOD_5 and percent removal for each. Water quality-based effluent limitations are established in the proposed draft permit for ammonia, E. coli bacteria, DO, Total Residual Chlorine (TRC) and pH.

B. TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS

1. General Guidelines

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.

2. Effluent Limitation Guidelines

The Village of Maxwell is a POTW (employing waste stabilization ponds as the principal process) that has technology-based ELG's established at 40 CFR Part 133, Secondary Treatment Regulation. The BOD_5 limits of 30 mg/l for the 30-day average and 45 mg/l for the 7-day average are found at 40 CFR §133.102(a). The 65% percent (minimum) removal for BOD5 and TSS is found at 40 CFR §133.105. The previous permits rationale established technology-based TSS limitations using waste stabilization lagoon standards contained in 40 CFR §133.103. The previous permit's TSS limitations of 90 mg/l and 135 mg/L for 30-day average and 7-day average, respectively, are continued in this permit.

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 POTW's, the plant's design flow is used to establish the mass load. Mass limits are determined by the following mathematical relationship:

Loading in lbs/day = pollutant concentration in mg/l * 8.345 lbs/gal * design flow in MGD

30-day average BOD_5 loading = 30 mg/l * 8.345 lbs/gal * 0.02 MGD
30-day average BOD_5 loading = 5.007 lbs

7-day average BOD_5 loading = 45 mg/l * 8.345 lbs/gal * 0.02 MGD
7-day average BOD_5loading = 7.5105 lbs

Adjusted TSS Requirements for Waste Stabilization Ponds:

30-day average TSS loading = 90 mg/l * 8.34 conversion factor * 0.02 MGD
30-day average TSS loading = 15 lbs/day

7-day average TSS loading = 135 mg/l * 8.34 conversion factor * 0.02 MGD
7-day average TSS loading = 23 lbs/day

A summary of the technology-based limits for the facility is shown in Table 2:

Final Effluent Limits – 0.02 MGD design flow.

TABLE 2

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			
	lbs/Day		mg/l (unless noted)	
Parameter	30-Day Avg.	7-Day Avg.	30-Day Avg.	7-Day Avg.
Flow	N/A	N/A	Measure MGD	Measure MGD
BOD_5	5.0 lbs	7.5 lbs	30	45
BOD_5, % removal	---	---	≥ 65% (*1)	---
TSS	15 lbs	23 lbs	30	45
TSS, % removal	---	---	≥ 65% (*1)	---
pH	N/A	N/A	6.0 – 9.0 standard units	

Footnotes:
*1 Percent removal is calculated using the following equation: (average monthly influent concentration – average monthly effluent concentration) ÷ average monthly influent concentration.

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 WQS. Effluent limitations and/or conditions established in the draft permit are in compliance with applicable State WQS and applicable State 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 narrative and numerical water quality standards are used in conjunction with EPA criteria 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 amended through March 15, 2025. The facility discharge is to unnamed dry arroyo, thence to Canadian River in Segment No. 20.6.4.305 of the Canadian River Basin. This segment includes the designated uses of irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat and primary contact.

4. Permit Action - Water Quality-Based Limits

The Clean Water Act 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 reasonable potential to cause an in-stream excursion above a water quality criterion, the permit must contain an effluent limit for that pollutant. 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. BACTERIA

Canadian River in Segment No. 20.6.4.305 of the Canadian River Basin is listed on the 2024-2026 Integrated List as impaired due to nutrients. NMED developed nutrients TMDL for Assessment Units in the Canadian River and Dry Cimarron Watershed in 2011, which was approved by EPA on September 18, 2019. The Maxwell WWTP (NM0029149) discharges to Canadian River (Cimarron River to Chicorica Creek), however nutrient WLA is not assigned to the Village of Maxwell in the TMDL because the facility has reported no discharge in the last permit cycle. The State of New Mexico WQS criteria applicable to the primary contact designated use of the receiving stream are the monthly geometric mean of E. coli bacteria of 126 cfu/100 mL (or MPN/100 ml) and single sample of 410 cfu/100 mL (or MPN/100 mL). The results for E. coli may be reported as either colony forming units (CFU) or the most probable number (MPN) depending on the analytical method used. The E. coli limits (i.e. monthly geometric mean of 126 cfu/100 ml, and a single sample maximum of 410 cfu/100 ml) in the previous permit will be continued in the draft permit. The E. coli monitoring frequency requirement in the previous permit also retains in the draft permit.

If the State amends TMDL, this permit may be reopened to establish effluent limitations for the parameter(s) to be consistent with that TMDL.

b. Dissolved Oxygen (DO)

The State of New Mexico WQS criterion applicable to the warm-water aquatic life designated use is at least 5 mg/L for dissolved oxygen. NMED SWQB provided receiving water low flow (4Q3) of 0.0003 cfs and ambient data with an average DO of 8.5mg/L. Based on this low flow, there is essentially no mixing and hence modeling is not required. The DO standard of 5 mg/L limit for the receiving stream has been incorporated in the draft permit.

c. pH

The pH of 6.6 to 9.0 s.u., specified in 20.6.4.900 NMAC, is to protect the primary contact and warmwater aquatic life receiving stream designated uses. The pH limits (i.e., 6.6 to 9.0 su’s for any single sample) and monitoring frequency requirement in the previous permit will be continued in the draft permit.

d. Nutrients

As mentioned in section 4a, Canadian River in Segment No. 20.6.4.305 is impaired due to nutrients. The TMDLs were developed for Assessment Units in the Canadian River and approved by EPA on September 18, 2019. However, no nutrient WLA was assigned to the Village of Maxwell in the TMDL because the facility has reported no discharge since 2006 and NMED assumed that the facility may not renew their NPDES permit in the future. The facility has submitted planned improvements that upon completion of the design, the Village will submit proposed improvements to NMED - Ground Water Quality Bureau for review and approval. EPA proposes to keep the TN limit of 0.076 lbs/day (for daily maximum) and TP limit of 0.005 lbs/day (for daily maximum) and monitoring frequency requirement in the previous permit in the draft permit. These limits were derived calculating loading limits from 2006 Canadian river watershed survey which contained in-stream nutrient target concentration of 0.03 mg/l for TP and 0.45 mg/l for TN.

If the State, at any time, amends a TMDL, this permit may be reopened to establish effluent limitations for the parameter(s) to be consistent with that TMDL.

e. TOXICS

i. General Comments

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 reasonable potential to cause an in-stream excursion above a water quality criterion, 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 forms are 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 designated as a minor and does not need to fill out the expanded pollutant testing section Part D of Form 2A and no discharge reported on DMR's. There are no toxics that need to be placed in the draft permit except for TRC described below.

ii. Total Residual Chlorine (TRC)

The facility uses Chlorine for various purposes such as disinfection of process equipment and/or algae control. The TRC effluent limitation of 11 ug/1 and monitoring frequency requirement in the previous permit will be continued in the draft permit. TRC reporting shall be the instantaneous maximum grab sample shall be taken during periods of chlorine use and cannot be

averaged for reporting purposes. Regulations at 40 CFR §136 define "instantaneous grab" as analyzed within 15 minutes of collection.

iii. Critical Conditions

Critical dilutions are used to establish certain permit limitations and conditions. The State of New Mexico WQS allows a mixing zone for establishing pollutant limits in discharges. Both the NMWQS and NMIP establish a critical low flow designated as 4Q3, as the minimum average four consecutive day flow which occurs with a frequency of once in three years. The SWQB of the NMED provided EPA with the 4Q3 for the Village of Maxwell at 0.0003 cfs (0.00016MGD).

For permitting purposes of certain parameters such as WET, the critical dilution (CD) of the effluent to the receiving stream is determined. The CD is 99% and calculated as follows:

CD = Qe/ (FQa + Qe), where:

Qe = facility flow (0.02 MGD)
Qa = critical low flow of the receiving waters (0.0003 cfs (0.00016MGD))
F = fraction of stream allowed for mixing (1.0)

CD = 0.02 / [0.02 + 0.00016] CD = 0.99 or 99%

D. PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS) MONITORING

At this time, EPA has no data indicating that PFAS is present in the Village of Maxwell's WWTP effluent. 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 the New Mexico Water Quality Standards do not include numeric criteria for PFAS, the 2022 New Mexico Water Quality Standards narrative criterion supply guidance including: 20.6.4.7(E)(2) NMAC states: "**Emerging contaminants"** refer to water contaminants that may cause significant ecological or human health effects at low concentrations. Emerging contaminants are generally chemical compounds recognized as having deleterious effects at environmental concentrations whose negative impacts have not been fully quantified and may not have regulatory numeric criteria.

20.6.4.7(T)(2) NMAC states: **"Toxic pollutant"** means those pollutants, or combination of pollutants, including disease-causing agents, that after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly

by ingestion through food chains, will cause death, shortened life spans, disease, adverse behavioral changes, reproductive or physiological impairment or physical deformations in such organisms or their offspring.

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 biosolids 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:

"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—

A. *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.

R6 Recommended PFAS Monitoring Frequencies Based on Facility	
Facility Type	Frequency
Minor (<0.1 MGD)	Once/Term
Minor (0.1 <1.0 MGD)	Three/Term
Major (if not in an applicable category)	Once/6 Months
Major (is IS in an applicable Category)	Quarterly
Major (With required pretreatment OR discharge is ≥ 5 MGD	Quarterly

E. MONITORING FREQUENCY FOR LIMITED 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). The policy is contained in the NMIP.

Technology based pollutants; Frequency of twice (2) per month is established for BOD_5 and TSS. Flow is proposed to be monitored daily when discharging by totalizing meter. Sample type for BOD_5 and TSS is by grab sample which is the same as the previous permit. Influent data for BOD_5 and TSS which is needed to calculate percent removal has been proposed to be monitored once per month by grab sample. Percent removal of BOD_5 and TSS are proposed to be monitored once per month.

Water quality-based pollutant monitoring frequency for *E. coli* shall be twice per month by grab sample. The pollutants TRC and pH shall be monitored five times per week, as recommended by the NMIP and the same frequency as the previous permit, using instantaneous grab samples. Regulations at 40 CFR §136 define instantaneous grab as being analyzed within 15-minutes of collection.

E. WHOLE EFFLUENT TOXICITY LIMITATIONS

The State has established narrative criteria, which in part state that:

"...surface waters of the state shall be free of toxic pollutants from other than natural causes in amounts, 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...." (NM WQS Section 20.6.4.13.F.)

Procedures for implementing WET terms and conditions in NPDES permits are contained in the NMIP. Table 11 (page 42) of the NMIP outlines the type of WET testing for different types of discharges. In Section V.C.4.e.iii. Above, "Critical Conditions", it was shown that the critical dilution, CD, for the facility is 99%. Based on the nature of the discharge; wastewater treatment plant, the production flow; less than 0.1 MGD, the nature of the receiving water: perennial, and the critical dilution; 99%, the NMIP directs the WET test to be a 7-day chronic for *Ceriodaphnia dubia* and *Pimephales promelas*. No limit will be proposed in this draft permit and there were no tests conducted in the previous permit circle. The test series will be 0% (control), 31%, 42%, 56%, 74%, and 99%. The permittee shall limit and monitor discharge(s) as specified below:

EFFLUENT CHARACTERISTIC	DISCHARGE MONITORING	MONITORING REQUIREMENTS	
Whole Effluent Toxicity Testing (7 Day Static Renewal) (*1, *2)	VALUE	MEASUREMENT FREQUENCY	SAMPLE TYPE
Ceriodaphnia dubia	Report	Once/Term	24-hr Composite

Pimephales promelas	Report	Once/Term	24-hr Composite

*1 Monitoring and reporting requirements begin on the effective date of this permit. Compliance with the Whole Effluent Toxicity limitations is required on the effective date of the permit See PART II, Whole Effluent Toxicity testing requirements for additional WET monitoring and reporting conditions.
*2 See Part II, Whole Effluent Toxicity testing requirements for specifics and shall occur between November 1 and April 30.

VI. FACILITY OPERATIONAL PRACTICES

A. SEWAGE SLUDGE

The permittee shall use only those sewage sludge disposal or reuse practices that comply with the federal regulations established in 40 CFR Part 503 "Standards for the Use or Disposal of Sewage Sludge." EPA may at a later date issue a sludge-only permit. Until such future issuance of a sludge-only permit, sludge management and disposal at the facility will be subject to Part 503 sewage sludge requirements. Part 503 regulations are self-implementing, which means that facilities must comply with them whether or not a sludge-only permit has been issued. Part IV of the draft permit contains sewage sludge permit requirements.

B. WASTEWATER POLLUTION PREVENTION REQUIREMENTS

The permittee shall institute programs directed towards pollution prevention. The permittee will institute programs to improve the operating efficiency and extend the useful life of the treatment system.

C. INDUSTRIAL WASTEWATER CONTRIBUTIONS

The application form listed no non-categorical Significant Industrial User's (SIU) and no Categorical Industrial User's (CIU). The EPA has tentatively determined that the permittee will not be required to develop a full pretreatment program. However, general pretreatment provisions have been required. The facility is required to report to EPA, in terms of character and volume of pollutants any significant indirect dischargers into the POTW subject to pretreatment standards under §307(b) of the CWA and 40 CFR Part 403.

D. OPERATION AND REPORTING

The applicant is required to operate the treatment facility at maximum efficiency at all times; to monitor the facility's discharge on a regular basis; and report the results quarterly. The monitoring results will be available to the public.

Electronic Reporting Rule

Discharge Monitoring Report (DMR) results shall be electronically reported to EPA per 40 CFR 127.16. To submit electronically, access the NetDMR website at: https://usepa.servicenowservices.com/oeca_icis?id=netdmr_homepage. Until approved for Net DMR, the permittee shall request temporary or emergency waivers from electronic reporting. To obtain the waiver, please contact: U.S. EPA - Region 6, Water Enforcement Branch. If paper

reporting is granted temporarily, the permittee shall submit the original DMR signed and certified as required by Part III.D.11 and all other reports required by Part III.D. to the EPA and copies and NMED as required (See Part III.D.IV of the permit). Reports shall be submitted quarterly

Sufficiently Sensitive Analytical Methods (SSM)

The permittee must use sufficiently sensitive EPA-approved analytical methods (SSM) (under 40 CFR part 136 or required under 40 CFR chapter I, subchapters N or O) when quantifying the presence of pollutants in a discharge for analyses of pollutants or pollutant parameters under the permit. In case the approved methods are not sufficiently sensitive to the limits, the most SSM with the lowest method detection limit (MDL) must be used as defined under 40 CFR 122.44(i)(1)(iv)(A). If no analytical laboratory is able to perform a test satisfying the SSM in the region, the most SSM with the lowest MDL must be used after adequate demonstrations by the permittee and EPA approval.

VII. 303(d) LIST

Canadian River in Segment No. 20.6.4.305 of the Canadian River Basin is listed on the 2024-2026 Integrated List as impaired due to nutrients. Section 303(d) of the Federal Clean Water Act requires states to develop a TMDL management plan for water bodies determined to be water quality limited. NMED developed E. coli bacteria and nutrients TMDLs for Assessment Units in the Canadian River and Dry Cimarron Watershed, which was approved by EPA on September 18, 2019. The Maxwell WWTP (NM0029149) discharges to Canadian River (Cimarron River to Chicorica Creek), however, E. coli bacteria and nutrient WLA were not assigned to the Village of Maxwell in the TMDL since the facility has reported no discharge since 2006.

VIII. ANTIDEGRADATION

The State of New Mexico has antidegradation requirements to protect existing uses through implementation of NMWQS. 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 policy's set forth the intent to protect the existing quality of those waters, whose quality exceeds their designated use. The design flow rate of the facility has not changed since the last permit issued. The facility plans to increase design flow to 0.2MGD and stop discharging into the surface water. To ensure compliance with antidegradation plocyies, the permittee must request review and approval from NMED to discharge under groundwater permit. The facility has not discharged since 2006. The proposed draft permit does not authorize a new or increased discharge. The draft permit is consistent with the NM WQMP. The Village of Maxwell Wastewater Treatment renewal application is for a permit to discharge into an impaired waterbody.

IX. ANTIBACKSLIDING

The proposed permit is consistent with the requirements to meet anti-backsliding provisions of the Clean Water Act, Section 402(o) and 40 CFR §122.44(l)(i)(A), which state in part that

interim or final effluent limitations must be as stringent as those in the previous permit, unless material and substantial alterations or additions to the permitted facility occurred after permit issuance which justify the application of a less stringent effluent limitation. The proposed permit maintains the mass loading requirements of the previous permit for BOD_5 and TSS. The pollutants pH and E. coli and nutrients are identical with the previous permit.

X. ENDANGERED SPECIES CONSIDERATIONS

According to the listing available at USFWS, Southwest Region 2 website, https://www.fws.gov/carp/ , seven species in Colfax County are listed as endangered (E) or threatened (T). They are the Monarch (*Danaus plexippus*), Arkansas River Shiner (*Notropis girardi*), Yellow-billed Cuckoo (*Coccyzus americanus*), Mexican Spotted Owl (*Strix occidentalis lucida*), Piping Plover (*Charadrius melodus*), Canada Lynx (*Lynx canadensis*), Black-footed Ferret (*Mustela nigripes*), Peppered Chub (*Macrhybopsis tetranema*), Rio Grande Cutthroat Trout (*Oncorhynchus clarkii virginalis*), New Mexican Meadow Jumping Mouse (*Zapus hudsonius luteus*), Southwestern Willow Flycatcher (*Empidonax traillii extimus*), Tricolored Bat (*Perimyotis subflavus*), Silverspot (*Speyeria nokomis nokomis*).
Additional information on overview, characteristics and geography for endangered or threatened species can be found at:
https://www.fws.gov/species/search?county=%5B%22Colfax,%20NM%22%5D&$skip=10

The proposed permit does not authorize construction and land development, nor will cause release of toxic pesticides or spread of disease. Based on the information available to EPA, the reissuance of this permit will have no effect on these federally listed threatened or endangered species.

XI. HISTORICAL and ARCHEOLOGICAL PRESERVATION CONSIDERATIONS

The reissuance of the permit should have no impact on historical and/or archeological sites since no construction activities are planned in the reissuance.

XII. PERMIT REOPENER

The permit may be reopened and modified during the life of the permit if State Water Quality Standards are promulgated or revised. In addition, if the State amends 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.

XIII. VARIANCE REQUESTS

No variance requests have been received.

XIV. CERTIFICATION

The permit is in the process of certification by the State agency following regulations promulgated at 40 CFR124.53. A draft permit and draft public notice will be sent to the District Engineer, Corps of Engineers and to the Regional Director of the U.S. Fish and Wildlife Service prior to the publication of that notice.

XV. FINAL DETERMINATION

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

XVI. ADMINISTRATIVE RECORD

The following information was used to develop the proposed permit:

A. APPLICATION(s)

EPA Application Form 2A received September 30, 2025, and was deemed administratively complete on December 10, 2025.

B. 40 CFR CITATIONS

Sections 122, 124, 125, 133, 136

C. STATE OF NEW MEXICO REFERENCES

State of New Mexico 303(d) List for Assessed Stream and River Reaches, 2024 -2026.

Procedures for Implementing National Pollutant Discharge Elimination System Permits in New Mexico, March 2012.

EPA-Approved Total Maximum Daily Load (TMDL) for the Canadian River Watershed, September 18, 2019

D. MISCELLANEOUS

Civil Enforcement Case Report shows NPDES operation and maintenance permit violations. for the Town of Maxwell Wastewater Treatment Plant, January 21, 2022