

NPDES PERMIT NO. NM0031038

RESPONSE TO COMMENTS

RECEIVED ON THE SUBJECT DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT IN ACCORDANCE WITH REGULATIONS LISTED AT 40 CFR §124.17

APPLICANT: Village of Cimarron Wastewater Treatment Plant
P.O. Box 654
Cimarron, NM 87714

ISSUING OFFICE: U.S. Environmental Protection Agency
Region 6
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Dallas, TX 75270

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PERMIT ACTION: Final permit decision and response to comments received on the draft reissued NPDES permit publicly noticed on February 28, 2026.

DATE PREPARED: April 15, 2026

Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations, revised as of July 1st, 2025.

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
cfu	Colony forming unit
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
ug/l	Micrograms per liter
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
POTW	Publicly owned treatment works
RP	Reasonable potential
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
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

CHANGES FROM DRAFT PERMIT

There are changes from the draft NPDES permit publicly noticed on February 28, 2026:

- The conversion factor “3.79 x 10⁷” has been corrected to 3.79 x 10⁷.
- Footnote “a” has been renamed to “*9”.
- Revision has been made to have the reports sent to EPA and NMED contacts listed in Part III.D.IV.

CONDITION RECEIVED ON THE DRAFT PERMIT

None

COMMENTS RECEIVED ON THE DRAFT PERMIT

Letter from Shelly Lemon, New Mexico Environment Department (NMED) to Troy Hill, EPA dated April 14, 2026

RESPONSE TO COMMENTS

Comment 1 (NMED): In the permit, Part I.A.1- There is a typographical error in Footnote *6. The conversion factor “3.79 x 10⁷” is incorrect and needs to be updated to 3.79 x 10⁷.

Response 1: The typographical error has been corrected in the final permit.

Comment 2 (NMED): Part I.A.1, DO footnote- There is a typographical error in the footnote numbering. Footnote (a) corresponds to the dissolved oxygen discharge limitation minimum in the footnote list. NMED requests that the footnote be changed to *9 for consistency.

Response 2: Footnote “a” has been renamed to “*9” in the final permit.

Comment 3 (NMED): In the permit, Part I.B. NMED requests that EPA require the permittee to submit quarterly progress reports and final reports to the agency contact information in Part III.D.IV.

The second paragraph of the compliance schedule should read:

The permittee shall submit quarterly progress reports to EPA and NMED in accordance with the following schedule. ... If at any time during the compliance periods the permittee determines that full compliance will not be met within the time allowed, a separate report shall be sent to EPA and NMED stating the explanation for this delay and proposed remedial actions. All reports should be sent to the EPA and NMED contacts listed in Part III.D.IV of the permit.

Response 3: Revision has been made to have the reports sent to EPA and NMED contacts listed in Part III.D.IV of the permit.

Comment 4 (NMED): NMED believes the compliance schedule for DO is constraining and fast paced for a municipality the size of the Village of Cimarron. NMED requests EPA to consider extending the compliance schedule. The facility did not report a discharge in the last permit cycle so this will allow the permittee timing to allocate funding and other resources. NMED would recommend a compliance schedule of 24 months.

Response 4: Pursuant to 40 CFR 122.47(a), applicable regulations require compliance “as soon as possible” and if a schedule of compliance exceeds one year, interim requirements must be established. This is an existing facility with potential discharge. The submitted application does not include any discharge data for dissolved oxygen (DO) since the previous permit was issued. EPA did not receive any comments from the permittee about the proposed compliance schedule for DO. The permittee has not demonstrated that it would need more than 12 months to meet the DO limit; EPA has no information that the potential discharge has/has not met the DO limit nor how long it would take for the permittee to comply with the limit. Therefore, EPA makes no changes to the final permit regarding this request.

Comment 5 (NMED): Fact Sheet, Part II. Applicant Location and Activity:

There is a typographical error in the last sentence of the second paragraph. The last sentence starts with the word “vicinity,” which should be capitalized. NMED requests that EPA correct the error.

Response 5: Comment is noted for record. EPA does not revise the fact sheet until next opportunity (e.g., permit renewal, major modification) if needed.

Comment 6 (NMED): Fact Sheet, Part III. Effluent Characteristics:

There is a typographical error in the last sentence of the section. The sentence starts with the word “regarding,” which should be capitalized. NMED requests that EPA correct the error.

Response 6: Comment is noted for record.

Enclosures:

Letter from Shelly Lemon, New Mexico Environment Department dated April 14, 2026