



Original via Electronic Mail

April 14, 2026

Mr. Troy Hill, Director
Water Division (6WD)
U. S. Environmental Protection Agency
1201 Elm Street, Suite 500
Dallas, Texas 75202
Hill.Troy@epa.gov

Re: **State Certification Village of Cimarron Wastewater Treatment Plant, NPDES Permit No. NM0031038**

Dear Director Hill:

Enclosed, please find the state certification for the following proposed National Pollutant Discharge Elimination System (NPDES) permit NM0031038, Village of Cimarron Wastewater Treatment Plant. If any, comments and conditions are enclosed on separate sheets.

The U.S. Environmental Protection Agency (EPA) proposes to regulate discharges under the above referenced NPDES individual permit. A state Water Quality Certification is required by the federal Clean Water Act (CWA) Section 401 to ensure that the action is consistent with state law (New Mexico Water Quality Act, New Mexico Statutes Annotated (NMSA) 1978, §§ 74-6-1 to -17) and complies with State of New Mexico Water Quality Standards and the Water Quality Management Plan and Continuing Planning Process, including Total Maximum Daily Loads (TMDLs), and the Antidegradation Policy.

Pursuant to State regulations for permit certification (Section 20.6.2.2001 New Mexico Administrative Code (NMAC)), EPA jointly with the New Mexico Environment Department (NMED) issued a public notice of the draft permit and announced a public comment period posted on the NMED web site at <https://www.env.nm.gov/public-notices/> on Saturday, February 28, 2026. The NMED public comment period ended on Monday, March 30, 2026. NMED did not receive any comments.

Sincerely,

Shelly Lemon, Bureau Chief
Surface Water Quality Bureau

cc: (w/ enclosures)
Curry Jones, USEPA (6WDPE), via email Jones.Curry@epa.gov
LaShunda Brown, USEPA, via email Brown.Lashunda@epa.gov
Tung Nguyen, USEPA (6WDPE) via email Nguyen.Tung@epa.gov
Susan A. Lucas Kamat, NMED SWQB Point Source Manager, via email
Susan.LucasKamat@env.nm.gov

Jason Martinez, NMED SWQB Permit Team Supervisor, via email Jason.Martinez2@env.nm.gov

Vivian Beath, NMED SWQB Permit Complex Facility Specialist, via email

Vivian.Beath@env.nm.gov

Ayse Cakiroglu-Ozen, NMED SWQB Permit Municipal and Industrial Specialist, via email

Ayse.Cakiroglu-Ozen@env.nm.gov

Nafis Fuad, NMED SWQB Compliance and Enforcement Lead, via email Nafis.Fuad@env.nm.gov

Haylea Nisbet, GWQB DP Writer, via email haylea.nisbet@env.nm.gov

Thomas Vigil, NMED EHB District II Manager, via email ThomasX.Vigil@env.nm.gov Michael

Mayor Eloy Brazil, Village of Cimarron, via email ebrazil@villageofcimarron.net

Jeffery Shawn, Village of Cimarron, via email villageadmin@villageofcimarron.net

Scott Mason IV, Regional Administrator
U.S. Environmental Protection Agency
1201 Elm Street, Suite 500
Dallas, TX 75202

April 14, 2026

STATE CERTIFICATION

RE: Village of Cimarron Wastewater Treatment Plant; NPDES Permit No. NM0031038

Dear Regional Administrator Scott Mason IV:

The Cabinet Secretary of the New Mexico Environment Department (NMED) delegated signatory authority for state certifications of federal Clean Water Act permits to the Surface Water Quality Bureau Chief on June 23, 2025. NMED examined the proposed National Pollutant Discharge Elimination System (NPDES) permit referenced above. The following conditions are necessary to assure compliance with the applicable provisions of the Clean Water Act Sections 208(e), 301, 302, 303, 306, and 307, and with appropriate requirements of State law. Compliance with the terms and conditions of the permit and this certification will provide reasonable assurance that the permitted activities will be conducted in a manner which will not violate applicable State water quality standards and water quality management plan and will comply with the State's antidegradation policy.

The State of New Mexico

- (X) certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law.
- () certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law upon inclusion of the following conditions in the permit (see attachment).
- () denies certification for the reasons stated in the attachment.
- () waives its right to certify.

In order to meet the requirements of State law, including water quality standards and appropriate basin plan as may be amended by the water quality management plan, each of the conditions cited in the draft permit and the State certification shall not be made less stringent unless changes are in response to formal comments received by EPA, the changes are discussed with NMED, and NMED concurs with the changes prior to the finalization of the proposed permit.

The Department reserves the right to amend or revoke this certification if such action is necessary to ensure compliance with the State's water quality standards and water quality management plan.

Please contact Susan A. Lucas Kamat at (505) 946-8924 or PSRS.Program.Manager@env.nm.gov if you have any questions concerning this certification.

Sincerely,

Shelly Lemon, Bureau Chief
Surface Water Quality Bureau

**State of New Mexico CWA Section 401 Comments and Conditions on the Proposed NPDES Permit
Village of Cimarron Wastewater Treatment Plant
NPDES Permit No. NM0031038
April 14, 2026**

Federal and State Citations

National Pollutant Discharge Elimination System (NPDES) regulations at 40 Code of Federal Regulations (C.F.R.) 122.44(d)(1)(i) require that permit "limitations must control all pollutants or pollutant parameters...which the Director determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality."

40 C.F.R. 124.53(e)(1) states that State certification shall be in writing and shall include "conditions which are necessary to assure compliance with the applicable provisions of Clean Water Act (CWA) Sections 208(e), 301, 302, 303, 306 and 307 and with appropriate requirements of State law."

40 C.F.R. 124.53(e)(2) states that for each condition more stringent than those in the draft permit, "... the certifying State agency shall cite the CWA or State law references upon which that condition is based. Failure to provide such a citation waives the right to certify with respect to that condition."

40 C.F.R. 124.53(e)(3) states that for each condition less stringent than those in the draft permit, "a statement of the extent to which each condition of the draft permit can be made less stringent without violating the requirements of State law, including water quality standards. Failure to provide this statement for any condition waives the right to certify or object to any less stringent condition which may be established during the EPA permit issuance process."

New Mexico adopted surface water quality standards (WQS) in accordance with CWA Section 303 and the New Mexico Water Quality Act, New Mexico Statutes Annotated (NMSA) 1978, §§ 74-6-1 to -17. State WQS are published in Title 20, Chapter 6, Part 4 of the New Mexico Administrative Code (20.6.4 NMAC), *Standards for Interstate and Intrastate Surface Waters*, as amended by the New Mexico Water Quality Control Commission (WQCC) on October 7, 2025, and approved by the U.S. Environmental Protection Agency (EPA) on August 14, 2025. The regulations at 20.6.4.8 NMAC outline the State's antidegradation policy and implementation plan. Appendix A of the Water Quality Management Plan and Continuing Planning Process (WQMP/CPP) details the antidegradation policy implementation procedures related to and in concurrence with 20.6.4.8 NMAC. The WQCC approved the revised WQMP/CPP on September 21, 2020, and EPA approved the revised WQMP/CPP on October 23, 2020. The WQMP/CPP also includes Appendix B, New Mexico's list of approved Total Maximum Daily Loads (TMDLs), which was last updated on May 16, 2025. Additional State regulations and standards are published in Title 20, Chapter 6, Part 2 of the New Mexico Administrative Code (20.6.2 NMAC), *Ground and Surface Water Protection*, as amended by the WQCC on December 21, 2018, and in Title 20, Chapter 6, Part 8 of the New Mexico Administrative Code (20.6.8 NMAC), *Supplemental Requirements for Water Reuse*, as approved by the WQCC on July 12, 2025.

The following conditions of certification are necessary to assure compliance with the applicable provisions of the Federal Clean Water Act (CWA) Sections 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law, including the antidegradation policy and the statewide water quality management plan.

Conditions of Certification

None.

Comments that are not Conditions of Certification

1. Part I. Requirements for NPDES Permits, Section A. Limitations and Monitoring Requirements, Subsection 1. Outfall 001 – Final Effluent Limits – 0.0083 MGD, Footnote * 6

There is a typographical error. The conversion factor “3.79 x 107” is incorrect and needs to be updated to 3.79 x 10⁷.

2. Part I. Requirements for NPDES Permits, Section A. Limitations and Monitoring Requirements, Subsection 1. Outfall 001 – Final Effluent Limits – 0.0083 MGD, Discharge Limitation Minimum 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.

3. Part I. Requirements for NPDES Permits, Section B. Schedule of Compliance

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.

4. Part I Requirements for NPDES Permits, B. Schedule of Compliance

NMED believes the compliance schedule 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, as detailed below.

Activity	Months from permit effective date
1. Develop control options, if needed, evaluate and select control mechanisms	6
2. Construction of selected control mechanisms, if any	12
3. Attain final effluent limitations	24

5. 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.

6. 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.