

NPDES PERMIT NO. NM0029891

FACT SHEET

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

APPLICANTS

City of Raton
P.O. Box 99
Raton, NM 87740

ISSUING OFFICE

U.S. Environmental Protection Agency
Region 6
1201 Elm Street
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PREPARED BY

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DATE PREPARED

March 2, 2026

PERMIT ACTION

EPA is proposing reissuance of the current permit issued July 19, 2021, with an effective date of August 1, 2021, and an expiration date of July 31, 2026.

RECEIVING WATER- BASIN

An ephemeral Arroyo, thence to Raton Creek, thence to Chicorica Creek, thence to the Canadian River in Segment 20.6.4.305

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 liter (one part per billion)
MGD	Million gallons per day
ng/l	Nanograms per liter (one part per trillion)
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	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
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

I. CHANGES FROM THE PREVIOUS PERMIT

None.

II. APPLICANT LOCATION AND ACTIVITY

Under Standard Industrial Classification (SIC) Code 4941, the applicant currently operates a surface water treatment plant serving a population of 5780. This plant can treat up to 4 MGD of Lake Maloya surface water, with backwash water and filter-to-waste water flows generating a flow of approximately 0.08 MGD, which is the plant design flow indicated in the permit application. The raw water is treated with coagulation, flocculation, sedimentation, filtration, and disinfection processes. The facility is designed for total reuse of wastewater and has not been discharged since 2001. However, this permit is maintained in case an event occurs when the facility cannot reclaim all the backwash water.

Filter backwash sludge is managed by sending all plant discharged flows from the backwash system into a settling basin. The sludge is periodically removed from the settling basin and may be further dewatered in sludge drying beds prior to transfer of the alum sludge solid to a city owned land-application site.

Appendix 1 shows an aerial view of the plant and schematic of the facility.

The facility is located at 1350 North First Street, Raton, New Mexico. According to NMED, the effluent from the site is discharged into an ephemeral Arroyo, thence to Raton Creek, thence to Chicorica Creek, thence to the Canadian River in Segment 20.6.4.305. The outfall is located at Latitude 36° 55' 6.27" North and Longitude 104° 26' 1.95" West, in Colfax County, New Mexico.

III. EFFLUENT CHARACTERISTICS

The facility submitted a renewal NPDES Permit application to EPA on January 16, 2026. No discharge from the facility has occurred since 2001. The permittee did not include any effluent data in its application.

IV. DRAFT PERMIT RATIONALE AND PROPOSED PERMIT CONDITIONS

The proposed effluent limitations for those pollutants proposed to be limited are based on regulations promulgated at 40 CFR 122.44. The draft permit limits are based on either technology-based effluent limit pursuant to 40 CFR 122.44(a), or BPJ in the absence of guidelines, NMWQS and/or requirements pursuant to 40 CFR 122.44(d), whichever are more stringent.

A. Technology-Based Versus Water Quality Standards-Based Effluent Limitations and Conditions

Following regulations promulgated at 40 CFR 122.44, the draft permit limits are based on either technology-based effluent limit pursuant to 40 CFR 122.44(a) or on State WQS and requirements pursuant to 40 CFR 122.44(d), whichever are more stringent.

B. Technology-Based Effluent Limitations/Conditions

Regulations promulgated at 40 CFR 122.44(a) require technology-based effluent limitations to be placed in NPDES permits based on effluent limitations guidelines where applicable, on BPJ in the absence of guidelines, or on a combination of the two.

C. Water Quality Based Limitations

1. General Comments

Water quality-based requirements are necessary where effluent limits more stringent than technology-based limits 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 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 CWA sections 101(a)(2) and 303(c) require water quality standards to provide, wherever attainable, water quality for the protection and propagation of fish, shellfish, wildlife, and recreation in and on the water, functions commonly referred to as “fishable/swimmable” uses. EPA's current water quality regulation effectively establishes a rebuttable presumption that “fishable/swimmable” uses are attainable and therefore should apply to a water body unless it can be demonstrated that such uses are not attainable.

The general and specific stream standards are provided in NMWQS (20.6.4 NMAC approved by EPA, effective on August 14, 2025). According to NMED, the facility, if discharging occurs, discharges into an ephemeral Arroyo, thence to Raton Creek, thence to Chicorica Creek, thence to the Canadian River in segment 20.6.4.305 of the Canadian River Basin according to the State of New Mexico Standards for Interstate and Intrastate Surface Waters, 20.6.4 NMAC. The description of this segment is “[T]he main stem of the Canadian river from the headwaters of Conchas reservoir upstream to the New Mexico-Colorado line, perennial reaches of the Conchas River, the Mora River downstream from the USGS gaging station near Shoemaker, the Vermejo

River downstream from Rail Canyon and perennial reaches of Raton, Chicorica and Uña de Gato creeks.” Raton Creek’s designated standards must be applied consistently with the CWA. 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

Regulations promulgated at 40 CFR 122.44(d) require water quality-based limitations, where appropriate, in addition to or more stringent than effluent limitation guidelines (technology based). The State of New Mexico WQS that are applicable for this discharge are based on 20.6.4 NMAC.

i. pH

The State of New Mexico WQS criteria applicable to the marginal warm-water aquatic life designated use require pH to be between 6.6 and 9.0 standard units. The pH limits of 6.6 to 9.0 standard units in the previous permit will be continued in the draft permit.

ii. TRC

Criteria for TRC are 19 ug/L and 11 ug/L for acute and chronic aquatic life, respectively, pursuant to 20.6.4.900.J NMAC. The requirements for monitoring and effluent limitations for TRC in the previous permit remain in the draft permit.

iii. Aluminum

The facility uses aluminum sulfate in its water treatment process. Aluminum monitoring requirements in the previous permit will be continued in the draft permit.

iv. Gross Alpha and Tritium

To protect livestock watering designated use, the New Mexico water quality criteria for Gross Alpha and Tritium are 15 pCi/L and 20,000 pCi/l, respectively (see 20.6.4.900.J). The requirements for monitoring and effluent limitations for Gross Alpha and Tritium in the previous permit remain in the draft permit.

5. Monitoring Frequency for 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). Due to the infrequent nature of the discharge, the draft permit consistent with the previous permit continues to require the permittee to monitor its effluent for Aluminum at a frequency of once/week using grab sampling. Gross alpha and tritium shall be monitored once per permit term by grab sample, when discharging.

6. Whole Effluent Toxicity Requirements

If discharging occurs, the facility will discharge to an ephemeral Arroyo with some flow after storm events during the year. According to NMED, this waterbody is an ephemeral reach of Raton Creek and the segment closest to the discharge point is the Canadian River in Segment 20.6.4.305. The 4Q3 for the receiving water is zero (0) cfs. 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. Based on the nature of the discharge, a minor industrial, the design flow of 0.08 MGD, and the nature of the receiving water, ephemeral with the critical dilution of 100%, for the WET test, a 48-hour acute test using *Daphnia pulex* to be conducted at once every 5 years, which is directed by the NMIP, in the previous permit will be continued in the draft permit. Since there was no discharge during the previous permit term, data is not available to determine RP.

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%. The low-flow effluent concentration (critical low-flow dilution) is defined as 100% effluent. Discharges shall be limited and monitored by the permittee as specified in Table 1.

During the period beginning the effective date of the permit and lasting through the expiration date of the permit, the permittee is authorized to discharge from Outfall 001 - the discharge to ephemeral reach of Raton Creek of the treatment system aeration basin. Discharges shall be monitored by the permittee as specified below:

Table 1:

WET Testing (48hr Static Renewal)¹	NOEC	Frequency	Type
<i>Daphnia pulex</i>	Report	Once/ 5 years ²	Grab

Footnote:

¹ When discharging occurs, monitoring and reporting requirements begin on the effective date of this permit. See Part II of the permit, Whole Effluent Toxicity Testing Requirements for additional WET monitoring and reporting conditions.

² The test shall take place between November 1 and April 30.

7. SEWAGE SLUDGE

The 40 CFR Part 503 "Standards for the Use or Disposal of Sewage Sludge" regulate sewage sludge that is applied to land, fired in a sewage sludge incinerator and/or placed on a surface disposal site. It includes pollutant limits, requirements for pathogen and vector attraction reduction, management practices, monitoring, recordkeeping, and reporting among other requirements. 40 CFR Part 503 applies to any person or wastewater treatment works that prepare sewage sludge, applies sewage sludge to the land, fires sewage sludge in an incinerator, and the owners and operators of surface disposal sites. City of Raton Water Filtration Facility is a drinking water plant that does not treat domestic sewage. The requirements established in 40 CFR 503 do not apply to drinking water facilities.

V. 303(d) LIST

The receiving waterbody is listed on the current "2024-26 State of New Mexico 303(d) List for Assessed River/Stream Reaches for not meeting the marginal warmwater aquatic life attributed

to nutrients for which the suspected sources are animal feeding operations, flow alterations from water diversions, and rangeland grazing. A TMDL has been developed for Canadian River Watershed and approved by EPA in 2019. The facility has not been discharged since 2001. DMR shows no plant nutrient data available for this facility. The Raton WFF is not expected to cause or contribute to the plant nutrient impairment, therefore TMDL did not assign any WLA to the facility.

VI. 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 permit are developed from the State water quality standards and are protective of those designated uses. Furthermore, the policy sets forth the intent to protect the existing quality of those waters, whose quality exceeds their designated use.

VII. ANTIBACKSLIDING

The proposed permit is consistent with the requirements to meet the Antibacksliding provisions of the Clean Water Act, Section 402(o) and 40 CFR 122.44(1)(2)(i)(B), which state in part, that the 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. The proposed permit does not relax any effluent limitations.

VIII. ENDANGERED SPECIES CONSIDERATIONS

According to the most recent county listing available at USFWS, Southwest Region 2 website, <https://ecos.fws.gov/ecp0/reports/species-by-current-range-county?fips=35039>, ten species in Colfax County are listed as endangered (E) or threatened (T). They are the Yellow-billed Cuckoo (*Coccyzus americanus*) (T), the Southwestern willow flycatcher (*Empidonax traillii extimus*) (E), the Mexican spotted owl (*Strix occidentalis lucida*) (T), Piping Plover (*Charadrius melodus*) (T), Black-footed ferret (*Mustela nigripes*) (E), New Mexico meadow jumping mouse (E) (*Zapus hudsonius luteus*), Canada Lynx (T) (*Lynx Canadensis*), Arkansas River shiner (*Notropis girardi*) (T), Peppered chub (*Macrhybopsis tetranema*) (E), and Silverspot (*Speyeria nokomis nokomis*) (T).

The following listed species were not in the previous permit include the Arkansas River shiner (*Notropis girardi*) (T), Peppered chub (*Macrhybopsis tetranema*) (E), and Silverspot (*Speyeria nokomis nokomis*) (T). 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. 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:

The proposed permit does not authorize construction and land development, nor will it 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.

Silverspot (*Speyeria nokomis nokomis*)- Silverspot is a relatively large butterfly with up to a 3-inch wingspan. Males typically have bright orange on the upper side of the wing, while females typically have cream or light yellow with brown or black. The underside of the wing of both sexes has silvery-white spots, giving the subspecies' the common name of Silverspot butterfly. Populations of Silverspot occur between 5,200 feet (1,585 meters) and 8,300 feet (2,530 meters). The butterfly requires moist habitats in mostly open meadows with a variety of herbaceous and woody vegetation. Eggs are laid on or near the bog violet (*Viola nephrophylla*/V. *sororia* var. *affinis*), which the larvae feed on exclusively. A variety of flowering plants provide adult nectar sources. The butterfly completes its entire life cycle in one year. Habitat loss and fragmentation, human-caused hydrologic alteration (i.e., diversions for agricultural and domestic use; erosion and stream channel incision caused by livestock grazing, mining, roads, or dredging and filling of wetlands; removal of beaver dams; manipulation of waterways that minimizes flooding and reduces natural meander features; and creation and operation of large human-made dams), livestock grazing, genetic isolation, exotic plant invasion, climate change, climate events, larval desiccation, and collecting are all factors that influence or could influence the subspecies' viability. The draft permit does not authorize activities that may cause destruction of the Silverspot habitat, and reissuance of the permit will have no effect on this species.

Peppered chub (*Macrhybopsis tetranema*) is a cyprinid minnow once widespread and common in the western portion of the Arkansas River basin in Kansas, New Mexico, Oklahoma, Arkansas, and Texas. As flow patterns, channel complexity, habitat connectivity, surface and groundwater quantity, and water quality of rivers in the Southern Great Plains changed over time due to climate change, persistent drought, and human alteration, so has the status and distribution of the peppered chub. The peppered chub is now functionally extirpated from 94 percent of its former range (2,601 river miles [rmi] or 4,186 river kilometers [rkm]; Luttrell et al. 1999, p. 981) and is restricted to a portion of the South Canadian River (identified as Canadian River on USGS topographic maps) in eastern New Mexico and the Texas panhandle (170 rmi [274 rkm]). Primary threats to the species include fragmentation of streams by dams, which can preclude reproductive success by this pelagic spawning species; altered flow regimes; modified geomorphology; decreased water quality; and the introduction of invasive species. Many of these stressors can be related to climate change, associated with persistent drought, and surface and groundwater extraction. The draft permit does not authorize activities that may cause destruction of the peppered chub habitat, and reissuance of the permit will have no effect on this species.

The Arkansas River shiner (*Notropis girardi*) is an imperiled minnow that historically inhabited wide, shallow, sandy-bottomed rivers and larger streams in western portions of the Arkansas River basin. As flow patterns, channel complexity, and water quality of rivers in the Southern Great Plains have changed over time, so has the status and distribution of the Arkansas River shiner. The species is now restricted to two geographically isolated and separate populations within the South Canadian River: 1) the upper South Canadian River population in eastern New Mexico and the Texas panhandle upstream of Lake Meredith and 2) the lower South Canadian River population downstream of Lake Meredith in the Texas panhandle and into Oklahoma. Primary threats to the Arkansas River shiner include altered flow regimes, impoundments and other sources of stream fragmentation, modified geomorphology, decreased water quality, and

the expansion of invasive riparian plant species such as salt cedar and phragmites. The source of many of these stressors is primarily related to the construction of dams and associated impoundments and water use, which alter stream flows and fragment streams. The draft permit does not authorize activities that may cause destruction of the Arkansas River shiner habitat, and reissuance of the permit will have no effect on this species.

IX. 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.

X. PERMIT REOPENER

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

XI. VARIANCE REQUESTS

No variance requests have been received.

XII. 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, Corps of Engineers; to the Regional Director of the U.S. Fish and Wildlife Service; and to the National Marine Fisheries Service prior to the publication of that notice.

XIII. FINAL DETERMINATION

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

XIV. ADMINISTRATIVE RECORD

The following information was used to develop the proposed permit:

A. Application(s)

Application received January 16, 2026.

B. 40 CFR Citations

§§ 122, 124

B. State of New Mexico References

New Mexico State Standards for Interstate and Intrastate Surface Water, 20.6.4 NMAC, effective on August 14, 2025.

2024-2026 State of New Mexico Clean Water Act Section 303(d)/Section 305(b) Integrated Report.

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

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

Narrative Toxics Implementation Guidance – Whole Effluent Toxicity, December 16, 2005.

APPENDIX 1

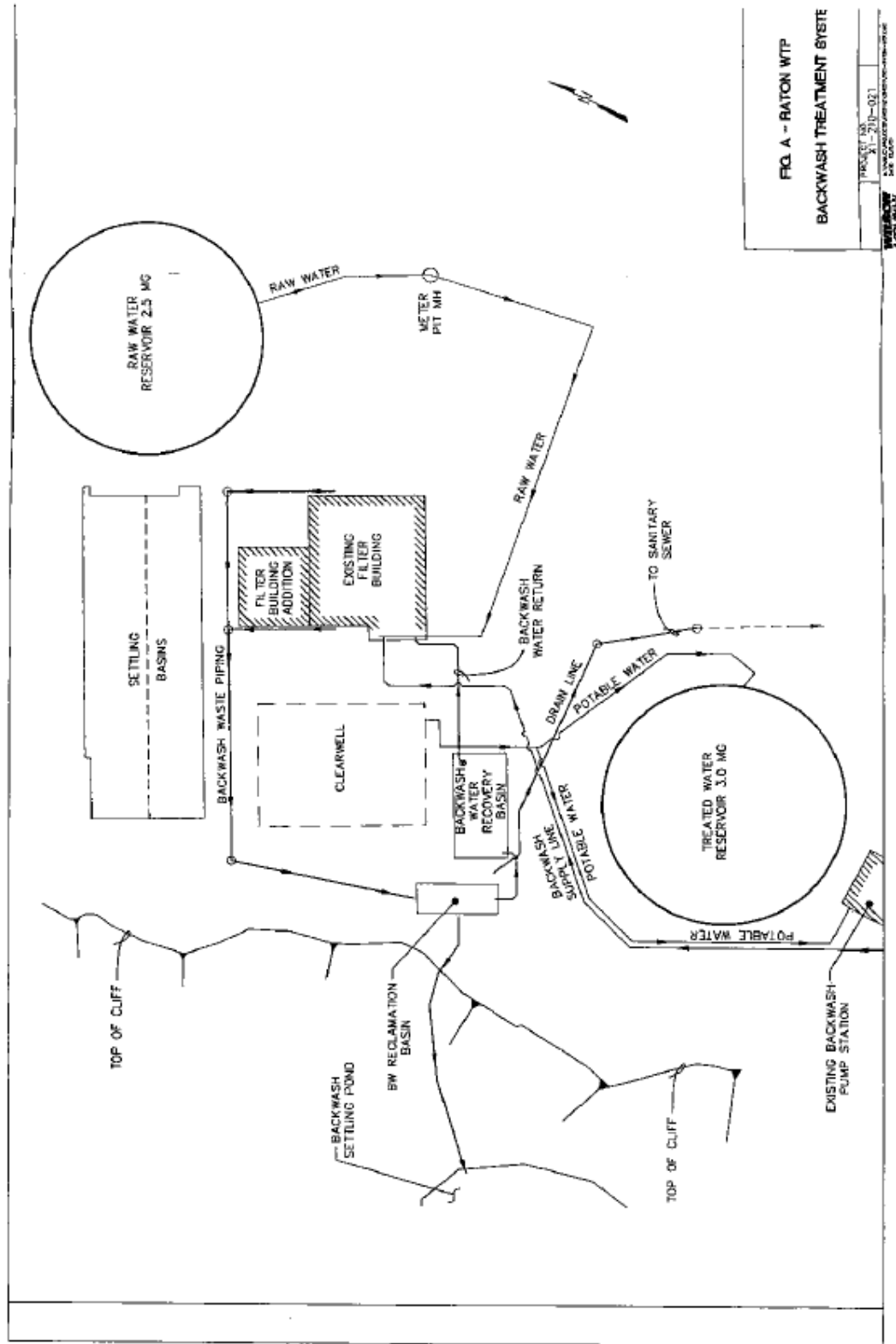


FIG. A - RATON WTP
BACKWASH TREATMENT SYSTEM

PROJECT NO.
A-1-210-021
DATE
1/1/00
DRAWN BY
J. L. GILBERT
CHECKED BY
J. L. GILBERT
APPROVED BY
J. L. GILBERT

