

**NPDES PERMIT NO. NM0029891
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: City of Raton
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Raton, New Mexico 87740

ISSUING OFFICE: U.S. Environmental Protection Agency
Region 6
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PERMIT ACTION: Final permit decision and response to comments received on the proposed
NPDES permit publicly noticed on June 27, 2026.

DATE PREPARED: August 19, 2026

Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40,
Code of Federal Regulations, revised as of September 28, 2015.

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 limitations 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
µg/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
PCB	Polychlorinated Biphenyl
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
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

SUBSTANTIAL CHANGES FROM DRAFT PERMIT

1. Added Adjusted Gross Alpha monitoring requirements;
2. Added natural Uranium monitoring requirements, and;
3. Added e-Reporting Compliance dates for both Pretreatment Program Reports and Sewer Overflow/Bypass Event Reports and Anticipated Bypass Notices.

STATE CERTIFICATION

In a letter from Ms. Shelly Lemon, Bureau Chief, SWQB, to Mr. Scott Mason IV, Regional Administrator dated August 11, 2026, the NMED certified that the discharge will comply with the applicable provisions of Section 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law.

The NMED stated that 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.

The State also stated that it 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.

COMMENTS THAT ARE CONDITIONS OF CERTIFICATION:**Condition #1: Adjusted Gross Alpha Monitoring Requirements**

To protect and maintain existing and downstream water quality, EPA shall revise the proposed monitoring requirement for total gross alpha. The Canadian River water quality standards segment 20.6.4.305 NMAC has the following designated uses: irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat and primary contact. The New Mexico water quality criterion to protect livestock watering for adjusted gross alpha is 15 pCi/L (see 20.6.4.900.J NMAC). To determine the adjusted gross alpha value and evaluate it against the water quality criterion, the permittee must monitor for total gross alpha and subtract the natural contributions of naturally occurring uranium.

Effluent Characteristics	Discharge Limitation							
Pollutant	Lbs/day, unless noted			mg/L, unless noted			Monitoring Requirements	
	30-day avg	Daily Max	7-day avg	30-day avg	Daily Max	7-day avg	Measurement Frequency	Sample Type
Gross Alpha (pCi/L) (*9)	N/A	N/A	N/A	N/A	Report	N/A	Once/ permit cycle	Grab
Uranium (µg/L) (*9)	N/A	N/A	N/A	N/A	Report	N/A	Once/ permit cycle	Grab

(*9) Adjusted gross alpha is calculated by subtracting natural uranium from gross alpha as follows:

$$\text{Adjusted Gross Alpha (pCi/L)} = \text{Gross Alpha (pCi/L)} - [\text{Uranium (µg/L)} * 0.67]$$

A conversion factor of 0.67 is used to convert uranium concentrations (in µg/L) to uranium activity (in pCi/L) prior to subtraction.

[20.6.4.7(A)(6) NMAC – Definitions; 20.6.4.305 NMAC – Canadian River Basin; 20.6.4.900(J)(1) NMAC Table of Numeric Criteria; State of New Mexico Comprehensive Assessment and Listing Methodology]

Background for Condition #1: Adjusted Gross Alpha Monitoring Requirement

Regulatory Citations and Guidance:

New Mexico Administrative Code (NMAC)

20.6.4.7 NMAC DEFINITIONS

A. Terms beginning with the numerals or the letter “A,” and abbreviations of units

(6) “Adjusted gross alpha” means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample, including radium- 226, but excluding radon222 and uranium. Also excluded are source, special nuclear and by-product material as defined by the Atomic Energy Act of 1954.

20.6.4.305 NMAC CANADIAN RIVER BASIN: The 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 gauging station near Shoemaker, the Vermejo river downstream from Rail canyon and perennial reaches of Raton, Chicorica (except Lake Maloya and Lake Alice) and Uña de Gato creeks.

A. Designated uses: irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

(2) TDS 3,500 mg/L or less at flows above 10 cfs. 20.6.4.900 NMAC CRITERIA APPLICABLE TO EXISTING, DESIGNATED OR ATTAINABLE USES UNLESS OTHERWISE SPECIFIED IN 20.6.4.97 THROUGH 20.6.4.899 NMAC: J. Use- specific numeric criteria (1) Table of numeric criteria...

Pollutant	CAS Number	DWS	Irr/Irr storage	LW	WH	Aquatic Life			Type
						Acute	Chronic	HH-OO	
Adjusted gross alpha		15 pCi/L		15 pCi/L					

NOTES: DWS = domestic water supply; Irr/Irr Storage = Irrigation/Irrigation storage; LW = Livestock Watering; WH = Wildlife Habitat; HH-OO = Human Health-Organism Only

State of New Mexico Environment Department Comprehensive Assessment and Listing Methodology Part 3.0 Individual Designated Use Support Determinations (including Livestock Watering) When radionuclides are analyzed using SM7110 B or EPA Method 900.0 (recommended, and equivalent to SM7110 B according to SLD), gross alpha and gross beta results generated using an Am-241 reference and a Sr/Y-90 reference, respectively, are preferred for purposes of assessing WQS attainment because these references are prescribed in the method description. If the reference type information is not available and multiple reported values are provided, the highest reported value available will be used for assessment. Also, the water quality criterion in 20.6.4.900.J NMAC is for “adjusted gross alpha.” Therefore, gross alpha data should be adjusted by subtracting contributions from natural uranium, as well as any measured special nuclear and by-product material, as called for in 20.6.4.7 NMAC, prior to assessment. To convert uranium concentrations reported in ug/L to pCi/L prior to subtraction, a conversion factor of 0.67 is used. In the absence of uranium data, U-238 data can be used because this is the most common form of uranium in the natural environment. In the event that negative values are reported for special nuclear materials, zero will be substituted as the subtraction value used to adjust gross alpha.

Regulatory Rationale:

The City of Raton Water Treatment Facility discharges treated backwash into the Canadian River Basin in water quality standards segment 20.6.4.305 NMAC. The designated uses for the Canadian River in this reach are irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat and primary contact. The designated livestock watering use has a numeric criterion for adjusted gross alpha of 15 pCi/L.

EPA has assigned a monitoring requirement for total gross alpha in the draft permit based on the previous permit. The NM water quality standard to protect the livestock watering designated use criteria is for adjusted gross alpha. Adjusted gross alpha is a calculation that subtracts contributions from natural uranium and is referenced in the NMED Comprehensive Assessment and Listing Methodology (CALM). Adjusted gross alpha is calculated using the equation below:

$$\text{Adjusted Gross Alpha (pCi/L)} = \text{Gross Alpha (pCi/L)} - [\text{Uranium (}\mu\text{g/L)} * 0.67]$$

A conversion factor of 0.67 is used to convert uranium concentrations (in $\mu\text{g/L}$) to uranium activity (in pCi/L) prior to subtraction.

Response to Condition No. 1:

The EPA included monitoring requirements for Adjusted Gross Alpha in the final permit to comply with conditions of certification as required by 40 CFR §124.55(a)(2). To determine the Adjusted Gross Alpha value for evaluating directly against the State of New Mexico water quality criterion, EPA, also, included the monitoring requirement of once per permit cycle for natural Uranium in the final permit.

COMMENTS THAT ARE NOT CONDITIONS OF CERTIFICATION:

RESPONSE TO COMMENTS

Comment No. 1: Part I. Requirements for NPDES Permits, Section A. Limitations and Monitoring Requirements, Subsection 1. Effluent Limits – 0.08 MGD Design Flow

Sample type for pH is listed as Grab, but there is no specification to analyze the sample within 15-minutes of collection per 40 CFR 136. NMED recommends EPA update this sample type to Instantaneous Grab or adding a footnote to denote the analysis for pH must be conducted within 15 minutes of collection.

Response: The EPA concurs with NMED and makes recommended changes to the final permit.

Comment No. 2: Part I. Requirements for NPDES Permits, Section A. Limitations and Monitoring Requirements, Subsection 1. Effluent Limits – 0.08 MGD Design Flow

The sample type for Total Residual Chlorine is Grab. This should be updated to Instantaneous Grab or have a footnote indicating the sample must be analyzed within 15 minutes.

Response: The EPA concurs with NMED and makes recommended changes to the final permit.

Comment No. 3: In Permit Part I Section C. Monitoring and Reporting
E-reporting compliance dates for Pretreatment Program Reports and Sewer Overflow/Bypass Event Reports and Anticipated Bypass Notices both had deadlines of 21 December 2025. This date is not in this permit and should be updated in the final permit.

Response: The EPA concurs with NMED. The 21 December 2025 e-Reporting Compliance date has passed. Instead of including this date in the permit, EPA included “Permit effective date” as the date for both Pretreatment Program Reports and Sewer Overflow/Bypass Event Reports and Anticipated Bypass Notices.