



REGION 6
1445 ROSS AVENUE
DALLAS, TEXAS 75202-2733 NPDES Permit No NM0031038

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et. seq; the "Act"),

Village of Cimarron
P.O. Box 654
Cimarron, NM 87714

is authorized to discharge from the Village of Cimarron Wastewater Treatment Plant located off Highway 58 approximately one-mile southeast of the Village of Cimarron in Colfax County, New Mexico. The discharge from the facility is located at the following coordinates:

Outfall 001: Latitude 36° 30' 27" N and Longitude 104° 53' 45" W

The discharge is to receiving water named French Lake, which is hydrologically connected to Ponil Creek in Segment 20.6.4.306 NMAC of the Canadian River Basin. {note – the word for tributary or “hydrologically connected” serve the same purpose here}

Outfall 001 is in accordance with this cover page and the effluent limitations, monitoring requirements, and other conditions set forth in Part I, Part II, Part III, and Part IV as stated below.

This permit supersedes and replaces NPDES Permit No. NM0031038 with an effective date of October 1, 2009, and an expiration date of September 30, 2014.

This permit shall become effective on

This permit and the authorization to discharge shall expire at midnight,

Issued on

Prepared by

William K. Honker, P.E.
Acting Director
Water Quality Protection Division

Jenelle Hill
Life Scientist
Permits & Technical Section (6WQ-PP)

(This Page intentionally left blank)

DOCUMENT ABBREVIATIONS

In the document that follows, various abbreviations are used. They are as follows:

4Q3	lowest four-day average flow rate expected once every three years
Avg	Average
BAT	best available technology economically achievable
BCT	best conventional pollutant control technology
BPT	best practicable control technology currently available
BOD5	five-day biochemical oxygen demand
CFR	Code of Federal Regulations
cfs	cubic feet per second
cfu	colony forming units
COD	chemical oxygen demand
CWA	Clean Water Act
DMR	discharge monitoring report
EPA	United States Environmental Protection Agency
ft.	feet (measurement of distance)
FWS	United States Fish and Wildlife Service
lbs	pounds
Max	maximum
ug/L	micrograms per liter (one part per billion)
mg/L	milligrams per liter (one part per million)
MGD	million gallons per day
MQL	minimum qualification level
mpn	most probable number
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
POTW	publically owned treatment works
s.u.	standard units (for parameter pH)
TDS	total dissolved solids
TMDL	total maximum daily load
TRC	total residual chlorine
TSS	total suspended solids
UAA	use attainability analysis
WET	whole effluent toxicity
WQCC	New Mexico Water Quality Control Commission
WQMP	water quality management plan
WWTP	wastewater treatment plant

PART I – REQUIREMENTS FOR NPDES PERMITS**A. LIMITATIONS AND MONITORING REQUIREMENTS****1. FINAL Effluent Limits – 0.0083 MGD**

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 treated sanitary wastewater to the French Lake, according to New Mexico surface water quality standard

20.6.4.306 NMAC for Outfall 001. Such discharges shall be limited and monitored by the permittee as specified below in Table 1, Table 2 and Table 3.

Table 1

PARAMETER	DISCHARGE LIMITATIONS						MONITORING REQUIREMENTS	
	Mass (lbs/ day, unless noted)			Concentration (mg/L, unless noted)			Measurement Frequency	Sample Type
	30 Day Avg.	Daily Max	7 Day Avg.	30 Day Avg.	Daily Max	7 Day Avg.		
Flow (1)	0.0083	0.0083	0.0083	N/A	N/A	N/A	1/week	Grab (3)
BOD5	2.1	***	Report	30	***	45	1/month (2)	Grab (3)
TSS	6.2	***	Report	90	***	135	1/month (2)	Grab (3)
Percent Removal (minimum), BOD5	≥85%	***	***	***	***	***	1/month (2)	Calculation (4)
Percent Removal (minimum), TSS	≥65%	***	***	***	***	***	1/month (2)	Calculation (4)
E. coli Bacteria (5)	***	***	***	126	410	***	1/month (2)	Grab (3)
TRC (6)	***	***	***	***	11 ug/l	***	1/week	Grab (3)

Footnotes for Table 1:

1. MGD
2. Sample events for any reporting period shall be taken at least fifteen (15) days from the first sample event of the previous reporting period.
3. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit or approved by the Regional Administrator. 40CFR Table II requires a maximum holding time of “analyze within 15 minutes” for pH and TRC
4. Percent removal is calculated using the following equation: (average monthly influent concentration – average monthly effluent concentration) ÷ average monthly influent concentration. Influent BOD5 & TSS (for use in calculating percent removal) shall be monitored on the same day as effluent sampling.
5. Bacteria reporting units MUST be either cfu/100mL or MPN.
6. The effluent limitation for TRC is the instantaneous maximum and cannot be averaged for reporting purposes. See Part II.A for MQL

Table 2

POLLUTANT	DISCHARGE LIMITATIONS		MONITORING REQUIREMENT	
	Minimum	Maximum	Measurement Frequency	Sample Type
pH (su)	6.6	9.0	1/Week	Instantaneous Grab (*1)

Footnotes for Table 2:

(*1) Instantaneous grab is a field measurement that is the analysis of a sample less than 15 minutes from the time of collection. 40CFR Table II requires a maximum holding time of “analyze within 15 minutes” for pH and TRC.

Table 3

EFFLUENT CHARACTERISTICS	DISCHARGE MONITORING		MONITORING REQUIREMENTS	
Whole Effluent Toxicity Testing (48-Hr. Acute Static Renewal) (*1, *2)	30-Day Avg Minimum	48-Hr Minimum	Measurement Frequency	Sample Type
<i>Daphnia pulex</i>	Report	Report	Once/6 months (*2)	24-Hr Composite
<i>Pimephales promelas</i>	Report	Report	Once/6 months (*2)	24-Hr Composite

Footnotes for Table 3:

(*1) Monitoring and reporting requirements begin on the effective date of this permit.

(*2) If all pass, reduce for years 2-5 to *Daphnia pulex* once/ 6 months and *Pimephales promelas* to once/ year. If any test fails, the frequency of testing returns to once/ quarter for both species for the remainder of the permit.

2. FLOATING SOLIDS, VISIBLE FOAM AND/OR OILS

There shall be no discharge of oils, scum, grease and other floating materials that would cause the formation of a visible sheen or visible deposits in or on the receiving water, or would damage or impair the normal growth, function or reproduction of human, animal, plant or aquatic life.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the discharge from the final treatment unit prior to the receiving water.

B. SCHEDULE OF COMPLIANCE

None.

C. MONITORING AND REPORTING (MINOR DISCHARGERS)

Monitoring results must be reported to EPA on either the electronic or paper Discharge Monitoring Report (DMR) approved formats. Monitoring results can be submitted electronically in lieu of the paper DMR Form. To submit electronically, access the NetDMR website at www.epa.gov/netdmr and contact the R6NetDMR@epa.gov in-box for further instructions. Until you are approved for Net DMR, you must report on the Discharge Monitoring Report (DMR) Form EPA No. 3320-1 in accordance with the "General Instructions" provided on the form. No additional copies are needed if reporting electronically, however when submitting paper form EPA No. 3320-1, 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 other agencies as required. (See Part III.D.4 of this permit.)

Monitoring information required shall be submitted on DMR Form(s) EPA 3320-1 as required in Part III, D.4 of this permit and shall be submitted quarterly. Each quarterly submittal shall include separate forms for each month of the reporting period.

1. Reporting periods shall end on the last day of the months March, June, September, and December. The first DMR shall represent facility operations for the effective date of this permit through the last day of the month (March, June, September, or December).
2. The permittee is required to submit regular quarterly reports as described above postmarked no later than the 15th day of the month following each reporting period.
3. If any 7-day average, weekly average, or daily maximum value exceeds the effluent limitations specified in Part I.A, the permittee shall report the excursion in accordance with the requirements of Part III.D.
4. Any 30-day average, monthly average, 7-day average, weekly average, or daily maximum value reported in the required DMR which is in excess of the effluent limitation specified in Part I.A shall constitute evidence of violation of such effluent limitation and of this permit.
5. Other measurements of oxygen demand (e.g., TOC and COD) may be substituted for BOD5 or for CBOD5, as applicable, where the permittee can demonstrate long-term correlation of the method with BOD5 or CBOD5 values, as applicable. Details of the correlation procedures used must be submitted and prior approval granted by the permitting authority for this procedure to be

acceptable. Data reported must also include evidence to show that the proper correlation continues to exist after approval.

D. OVERFLOW REPORTING

The permittee shall report all overflows with the Discharge Monitoring Report submittal. These reports shall be summarized and reported in tabular format. The summaries shall include: the date, time, duration, location, estimated volume, and cause of the overflow; observed environmental impacts from the overflow; actions taken to address the overflow; and ultimate discharge location if not contained (e.g., storm sewer system, ditch, tributary).

Overflows that endanger health or the environment shall be orally reported to EPA at (214) 665-6595, and NMED Surface Water Quality Bureau at (505) 827-0187 within 24 hours from the time the permittee becomes aware of the circumstance. A written report of overflows that endanger health or the

environment shall be provided to EPA and the NMED Surface Water Quality Bureau within 5 days of the time the permittee becomes aware of the circumstance.

E. POLLUTION PREVENTION REQUIREMENTS

The permittee shall institute a program within 12 months of the effective date of the permit (or continue an existing one) directed towards optimizing the efficiency and extending the useful life of the facility. The permittee shall consider the following items in the program:

- (a) The influent loadings, flow and design capacity;
- (b) The effluent quality and plant performance;
- (c) The age and expected life of the wastewater treatment facility's equipment;
- (d) Bypasses and overflows of the tributary sewerage system and treatment works;
- (e) New developments at the facility;
- (f) Operator certification and training plans and status;
- (g) The financial status of the facility;
- (h) Preventative maintenance programs and equipment conditions and;
- (i) An overall evaluation of conditions at the facility.

F. COPY OF DMR REPORTS

The permittee shall send a copy of DMRs, all other reports required in the permit, as well as a copy of application for permit renewal to NMED, FWS and EPA at the corresponding mailing addresses listed below.

U.S. Fish and Wildlife Service Field Supervisor
New Mexico Ecological Services Field Office
2105 Osuna NE
Albuquerque, NM 87113

And

Compliance Assurance and Enforcement Division
EPA Water Enforcement Branch (6EN-W)
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

And

Program Manager
Surface Water Quality Bureau
New Mexico Environment Department
P.O. Box 5469
1190 Saint Francis Drive
Santa Fe, NM 87502-5469

PART II - OTHER CONDITIONS

A. MINIMUM QUANTIFICATION LEVEL (MQL)

The permittee shall use sufficiently sensitive EPA-approved analytical methods (under 40 CFR part 136 and 40 CFR chapter I, subchapters N and 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 sufficiently sensitive methods must be used.

For pollutants listed on Appendix A of Part II with MQL's, analyses *may* be performed to the listed MQL. If any individual analytical test result is less than the MQL listed, a value of zero (0) may be used for that pollutant result for the Discharge Monitoring Report (DMR) calculations and reporting requirements.

The permittee may develop an effluent specific method detection limit (MDL) in accordance with Appendix B to 40 CFR § 136. For any pollutant for which the permittee determines an effluent specific MDL, the permittee shall send to the EPA Region 6 NPDES Permits Branch (6WQ-P) a report containing QA/QC documentation, analytical results, and calculations necessary to demonstrate that the effluent specific MDL was correctly calculated. An effluent specific MQL shall be determined in accordance with the following calculation:

$$\text{MQL} = 3.3 * \text{MDL}$$

Upon written approval by the EPA Region 6 NPDES Permits Branch (6WQ-P), the effluent specific MQL may be utilized by the permittee for all future DMR reporting requirements until/or unless changes are required for adoption of a lower MQL.

B. 24-HOUR ORAL REPORTING: DAILY MAXIMUM LIMITATION VIOLATIONS

Under the provisions of Part III.D.7.b.(3) of this permit, violations of daily maximum limitations for the following pollutants shall be reported orally to EPA Region 6, Compliance and Assurance Division, Water Enforcement Branch (6EN-W), Dallas, Texas, and concurrently to NMED within 24 hours from the time the permittee becomes aware of the violation followed by a written report in five days.

C. PERMIT MODIFICATION AND REOPENER

In accordance with 40 CFR Part 122.44(d), the permit may be reopened and modified during the life of the permit if relevant portions of New Mexico's Water Quality Standards for Interstate and Intrastate Streams are revised, or new State of New Mexico water quality standards are established and/or remanded.

In accordance with 40 CFR Part 122.62(s)(2), the permit may be reopened and modified if new information is received that was not available at the time of permit issuance that would have justified the application of different permit conditions at the time of permit issuance. Permit modifications shall reflect the results of any of these actions and shall follow regulations listed at 40 CFR Part 124.5.

E. WHOLE EFFLUENT TOXICITY TESTING (48-HOUR ACUTE NOEC FRESHWATER)

It is unlawful and a violation of this permit for a permittee or his designated agent, to manipulate test samples in any manner, to delay sample shipment, or to terminate or to cause to terminate a toxicity test. Once initiated, all toxicity tests must be completed unless specific authority has been granted by EPA Region 6 or the State NPDES permitting authority.

1. SCOPE AND METHODOLOGY

a. The permittee shall test the effluent for toxicity in accordance with the provisions in this section.

Applicable to final outfall(s):	001
Reported as final outfall:	001
Critical dilution (%):	100%
Effluent dilution series (%):	32%, 42%, 56%, 75% and 100%
Composite sample type:	Defined in Part I
Test species/methods:	40 CFR Part 136

Daphnia pulex acute static renewal 48-hour definitive toxicity test using EPA-821-R-02-012, or the latest update thereof. A minimum of five (5) replicates with eight (8) organisms per replicate must be used in the control and in each effluent dilution of this test.

Pimephales promelas (Fathead minnow) acute static renewal 48-hour definitive toxicity test using EPA-821-R-02-012, or the latest update thereof. A minimum of five (5) replicates with eight (8) organisms per replicate must be used in the control and in each effluent dilution of this test.

b. The NOEC (No Observed Lethal Effect Concentration) is defined as the greatest effluent dilution at and below which lethality that is statistically different from the control (0% effluent) at the 95% confidence level does not occur. Acute test failure is defined as a demonstration of a statistically significant lethal effect at test completion to a test species at or below the critical dilution.

c. This permit may be reopened to require whole effluent toxicity limits, chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.

d. Test failure is defined as a demonstration of statistically significant lethal effects to a test species at or below the effluent critical dilution.

e. This permit does not establish requirements to automatically increase the WET testing frequency after a test failure, or to begin a toxicity reduction evaluation (TRE) in the event of multiple test failures. However, upon failure of any WET test, the permittee must report the test results to NMED, Surface Water Quality Bureau, in writing, within 5 business days of notification the test failure. NMED will review the test results and determine the appropriate action necessary, if any.

2. REQUIRED TOXICITY TESTING CONDITIONS

a. Test Acceptance

The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied, including the following additional criteria:

- i. Each toxicity test control (0% effluent) must have a survival equal to or greater than 90%.
- ii. The percent coefficient of variation between replicates shall be 40% or less in the control (0% effluent) for: Daphnia pulex survival test; and Fathead minnow survival test.
- iii. The percent coefficient of variation between replicates shall be 40% or less in the critical dilution, unless significant lethal effects are exhibited for: Daphnia pulex survival test; and Fathead minnow survival test.

Test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%. A repeat test shall be conducted within the required reporting period of any test determined to be invalid.

b. Statistical Interpretation

For the Daphnia pulex survival test and the Fathead minnow survival test, the statistical analyses used to determine if there is a statistically significant difference between the control and the critical dilution shall be in accordance with the methods for determining the No Observed Effect Concentration (NOEC) as described in EPA-821-R-02-012 or the most recent update thereof.

If the conditions of Test Acceptability are met in Item 2.a above and the percent survival of the test organism is equal to or greater than 90% in the critical dilution concentration and all lower dilution concentrations, the test shall be considered to be a passing test, and the permittee shall report an NOEC of not less than the critical dilution for the reporting requirements found in Item 3 below.

c. Dilution Water

- i. Dilution water used in the toxicity tests will be receiving water collected as close to the point of discharge as possible but unaffected by the discharge. The permittee shall substitute synthetic dilution water of similar pH, hardness, and alkalinity to the closest downstream perennial water for;
 - (A) toxicity tests conducted on effluent discharges to receiving water classified as intermittent streams; and
 - (B) toxicity tests conducted on effluent discharges where no receiving water is available due to zero flow conditions.
- ii. If the receiving water is unsatisfactory as a result of instream toxicity (fails to fulfill the test acceptance criteria of Item 3.a), the permittee may substitute synthetic dilution water

for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:

- (A) a synthetic dilution water control which fulfills the test acceptance requirements of Item 3.a was run concurrently with the receiving water control;
- (B) the test indicating receiving water toxicity has been carried out to completion (i.e., 48 hours);
- (C) the permittee includes all test results indicating receiving water toxicity with the full report and information required by Item 4 below; and
- (D) the synthetic dilution water shall have a pH, hardness, and alkalinity similar to that of the receiving water or closest downstream perennial water not adversely affected by the discharge, provided the magnitude of these parameters will not cause toxicity in the synthetic dilution water.

d. Samples and Composites

- i. The permittee shall collect two flow-weighted composite samples from the outfall(s) listed at Item 1.a above.
- ii. The permittee shall collect a second composite sample for use during the 24-hour renewal of each dilution concentration for both tests. The permittee must collect the composite samples so that the maximum holding time for any effluent sample shall not exceed 36 hours. The permittee must have initiated the toxicity test within 36 hours after the collection of the last portion of the first composite sample. Samples shall be chilled to 6 degrees Centigrade during collection, shipping, and/or storage.
- iii. The permittee must collect the composite samples such that the effluent samples are representative of any periodic episode of chlorination, biocide usage or other potentially toxic substance discharged on an intermittent basis.
- iv. If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum number of effluent portions and the sample holding time are waived during that sampling period. However, the permittee must collect an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent. When possible, the effluent samples used for the toxicity tests shall be collected on separate days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in Item 3 of this section.

3. REPORTING

- a. The permittee shall prepare a full report of the results of all tests conducted pursuant to this Part in accordance with the Report Preparation Section of EPA-821-R-02-012, for every valid or invalid toxicity test initiated, whether carried to completion or not. The permittee shall retain each full report pursuant to the provisions of PART III.C.3 of this permit. The permittee shall submit full reports upon the specific request of the Agency. For any test which fails, is

considered invalid or which is terminated early for any reason, the full report must be submitted for agency review.

- b. A valid test for each species must be reported during each reporting period specified in PART I of this permit unless the permittee is performing a TRE which may increase the frequency of testing and reporting. Only ONE set of biomonitoring data for each species is to be recorded for each reporting period. The data submitted should reflect the LOWEST Survival results for each species during the reporting period. All invalid tests, repeat tests (for invalid tests), and retests (for tests previously failed) performed during the reporting period must be attached for EPA review.
- c. The permittee shall report the following results of each valid toxicity test. Submit retest information, if required, clearly marked as such. Only results of valid tests are to be reported.
- i. Pimephales promelas (Fathead minnow)
- (A) If the No Observed Effect Concentration (NOEC) for survival is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TEM6C.
- (B) Report the NOEC value for survival, Parameter No. TOM6C.
- (C) Report the highest (critical dilution or control) Coefficient of Variation, Parameter No. TQM6C.
- ii. Daphnia pulex
- (A) If the NOEC for survival is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TEM3D.
- (B) Report the NOEC value for survival, Parameter No. TOM3D.
- (C) Report the highest (critical dilution or control) Coefficient of Variation, Parameter No. TQM3D.
- d. If retests are required by NMED, enter the following codes:
- i. For retest number 1, Parameter 22415, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."
- ii. For retest number 2, Parameter 22416, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."