



REGION 6

DALLAS, TX 75270

April 29, 2025

TRANSMITTED VIA E-MAIL

The Honorable Gregory D. Hull,
Mayor, City of Rio Rancho
3200 Civic Center Circle NE
Rio Rancho, NM 87144
ghull@rrnm.gov

RE: Administrative Order; Docket Number: CWA-06-2025-1739
NPDES Permit Number: NM0027987

Dear Mayor Hull:

Enclosed is an Administrative Order (AO) issued to the City of Rio Rancho for violations of the Clean Water Act (CWA), 33 U.S.C. § 1251 et seq. Violations were identified during a review of the permit file, Noncompliance Reports, and Discharge Monitoring Reports submitted for the Rio Rancho Wastewater Treatment Facility. The violations alleged are for failure to meet permit effluent limitations and unauthorized discharges. The United States Environmental Protection Agency (EPA) requests that you immediately confirm receipt of this e-mail and the attached order by a response e-mail to mcelroy.damon@epa.gov.

The AO does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. The first compliance deadline is included in the Schedule of Activities Table within the AO. EPA is committed to ensuring compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES) program and my staff will assist you in any way possible. Please reference AO Docket Number CWA-06-2025-1739 and NPDES Permit Number NM0027987 on your response. If you have any questions, please contact Mr. Damon McElroy, P.E. of my staff, at (214) 665-7159 or mcelroy.damon@epa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Cheryl T. Seager".

Digitally signed by CHERYL
SEAGER
Date: 2025.04.29 14:27:47
-05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosure

cc: shelly.lemon@env.nm.gov
susan.lucaskamat@env.nm.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 6

FINDINGS OF VIOLATION AND COMPLIANCE ORDER

Docket Number: CWA-06-2025-1739; TPDES Permit Number: NM0027987

STATUTORY AUTHORITY

The following findings are made, and Order issued, under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA), Section 309(a) of the Clean Water Act (the Act), 33 U.S.C. § 1319(a). The Administrator of EPA delegated the authority to issue this Order to the Regional Administrator of EPA Region 6, who delegated this authority to the Director of the Enforcement and Compliance Assurance Division.

FINDINGS

1. The City of Rio Rancho (Respondent) is a municipality chartered under the laws of the State of New Mexico, and as such, Respondent is a "person," as that term is defined at Section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.
2. At all times relevant to this Order (all relevant times), Respondent owned or operated a wastewater treatment plant (WWTP), located at 101 Industrial Park Loop, Rio Rancho, Sandoval County, New Mexico (facility), and was, therefore, an "owner or operator" within the meaning of 40 C.F.R. § 122.2.
3. At all relevant times, the facility acted as a "point source" of a "discharge" of "pollutants" with its wastewater discharge to the receiving water named the Rio Grande River in Segment 20.6.4.106 of the Middle Rio Grande Basin, which is a "water of the United States," within the meaning of Section 502 of the Act, 33 U.S.C. § 1362, and 40 C.F.R. § 122.2.
4. Because Respondent owned or operated a facility that acted as a point source of discharges of pollutants to waters of the United States, Respondent and the facility were subject to the Act and the National Pollutant Discharge Elimination System (NPDES) program.
5. Under Section 301 of the Act, 33 U.S.C. § 1311, it is unlawful for any person to discharge any pollutant from a point source to waters of the United States, except with the authorization of, and in compliance with, an NPDES permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342.
6. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may issue permits under the NPDES program for the discharge of pollutants from point sources to waters of the United States. Any such discharge is subject to the specific terms and conditions prescribed in the applicable permit.
7. Respondent applied for and was issued NPDES Permit No. NM0027987 (permit) under Section 402 of the Act, 33 U.S.C. § 1342, which became effective on August 1, 2021 and expires on July 31, 2026. At all relevant times, Respondent was authorized to discharge pollutants from the facility to waters of the United States only in compliance with the specific terms and conditions of the permit.
8. Part I.A of the permit (Limitations and Monitoring Requirements) requires Respondent to sample and test its effluent and monitor its compliance with permit conditions according to specific procedures, to determine the facility's compliance or noncompliance with the permit and applicable regulations. The permit, in Part I.C, also requires Respondent to file with EPA, certified Discharge Monitoring Reports (DMRs) of the results of monitoring, and Noncompliance Reports when appropriate.
9. The permit contains "Final Effluent Limits" that place certain limitations on the quality and quantity of effluent discharged by Respondent. The relevant discharge limitations are specified in Attachment A, which is incorporated herein by reference.
10. Certified DMRs filed by Respondent with EPA in compliance with the permit show discharges of pollutants from the facility that exceed the permitted effluent limitations established in the permit, as specified in Attachment B, which is incorporated herein by reference.
11. Sanitary Sewer Overflow reports filed by the Respondent with EPA in compliance with the permit show unauthorized discharges. These discharges are specified in Attachment C.
12. Each instance in which Respondent discharged pollutants to waters of the United States in amounts exceeding the effluent limitations contained in the permit was a violation of the permit and Section 301 of the Act, 33 U.S.C. § 1311.

SECTION 309(a)(3) COMPLIANCE ORDER

13. Based on the foregoing Findings and pursuant to the authority of Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), EPA hereby orders Respondent to take the following action:

- A. Respondent shall complete the following Schedule of Activities Table to achieve compliance with the requirements of the Act.

Schedule of Activities Table:

Project 1: Lift Station 22 and Force Main Improvements to prevent sanitary sewer overflows.	
Project Activity	Completion Date
Design ROW, Award Contract, and Start construction.	June 30, 2026
75% construction completion.	April 30, 2027
Complete lift station and force main project, start-up, and contingencies.	July 31, 2027
Project 2: Wastewater Treatment Plant expansion to improve water quality discharged to the Rio Grande River.	
Project Activity	Completion Date
Design Construction Plans	December 31, 2027
Award Contract and Start construction.	June 30, 2028
75% construction completion.	December 31, 2030
Complete new WWTP MBR or equivalent expansion project.	May 31, 2031

B. In addition to the Project Reports specified in the table above, within forty-five (45) days after the completion date for each Project Activity, Respondent shall submit a Project Completion Report to EPA outlining the project status that shall contain the following information:

- 1) a detailed description of the Project as implemented;
- 2) certification that the Project has been fully implemented pursuant to the provisions of this Order;
- 3) explanation for delays, if applicable, and proposed remedial actions.

C. In the Project Completion Report submitted to EPA pursuant to this Order, Respondent shall, by its officers, sign and certify under penalty of law that the information contained in such report is true, accurate, and not misleading by signing the following statement:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

D. Any information or correspondence submitted by Respondent to EPA under this Order shall be submitted, via e-mail, to the following:

Mr. Damon McElroy, P.E.
mcelroy.damon@epa.gov

GENERAL PROVISIONS

Respondent may seek federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

Issuance of this Section 309(a)(3) Compliance Order shall not be deemed an election by EPA to waive any administrative, judicial, civil, or criminal action to seek penalties, fines, or other relief under the Act for the violations cited herein, or other violations that become known to EPA. EPA reserves the right to seek any remedy available under the law that it deems appropriate.

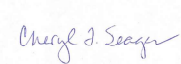
Failure to comply with this Section 309(a)(3) Compliance Order or the Act may result in further administrative action, or a civil judicial action initiated by the United States Department of Justice.

This Order does not constitute a waiver or modification of the terms or conditions of Respondents NPDES permit, which remain in full force and effect. Compliance with the terms and conditions of this Order does not relieve Respondent of its obligation to comply with any applicable federal, state, or local law or regulation.

The effective date of this Order is the date it is received by Respondent.

April 29, 2025

Date

 Digitally signed by CHERYL SEAGER
Date: 2025.04.29 14:28:49 -05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Attachment A
City of Rio Rancho WWTP
NPDES Permit ID No. NM0027987

Effluent Characteristic	Discharge Limitations	
Outfall: 001	30-day Average	Daily Max.
<i>E. coli</i>	47 CFU/100mL	88 CFU/100mL
O&G	10 mg/L	15 mg/L
Ammonia Nitrogen	---	2.14 mg/L
Outfall: 601	30-day Average	Daily Max.
Chlorine, total residual	---	11 ug/L
Ammonia Nitrogen	---	2.14 mg/L
Outfall: CC01 (calculated combined discharge)	30-day Average	Daily Max.
O&G	684 lb/d	1,026 lb/d

Attachment B
City of Rio Rancho WWTP
NPDES Permit ID No. NM0027987

Monitoring Period End Date	Outfall ID	Parameter Desc	Monitoring	Units	Permit Limit	DMR Value
05/31/2022	601	Chlorine, total residual	INST MAX	ug/L	11	14
06/30/2022	001	<i>E. coli</i>	DAILY MX	CFU/100mL	88	1,011
08/31/2022	001	<i>E. coli</i>	DAILY MX	CFU/100mL	88	2,420
09/30/2022	001	<i>E. coli</i>	DAILY MX	CFU/100mL	88	2,420
10/31/2022	001	<i>E. coli</i>	DAILY MX	CFU/100mL	88	154
11/30/2022	001	O&G	30DA AVG	mg/L	10	11
11/30/2022	001	O&G	DAILY MX	mg/L	15	38
11/30/2022	CC01	O&G	DAILY MX	lb/d	1,026	1,497
01/31/2023	001	<i>E. coli</i>	DAILY MX	CFU/100mL	88	108
02/28/2023	001	Chlorine, total residual	INST MAX	ug/L	11	18
02/28/2023	001	<i>E. coli</i>	DAILY MX	CFU/100mL	88	579
06/30/2023	001	<i>E. coli</i>	DAILY MX	CFU/100mL	88	115
06/30/2023	601	Chlorine, total residual	INST MAX	ug/L	11	45
09/30/2023	001	<i>E. coli</i>	DAILY MX	CFU/100mL	88	114
10/31/2023	001	<i>E. coli</i>	DAILY MX	CFU/100mL	88	110
01/31/2024	601	Chlorine, total residual	INST MAX	ug/L	11	96
03/31/2024	001	<i>E. coli</i>	DAILY MX	CFU/100mL	88	137
04/30/2024	001	<i>E. coli</i>	DAILY MX	CFU/100mL	88	135
07/31/2024	001	<i>E. coli</i>	DAILY MX	CFU/100mL	88	2,076
09/30/2024	001	<i>E. coli</i>	DAILY MX	CFU/100mL	88	101
12/31/2024	001	<i>E. coli</i>	DAILY MX	CFU/100mL	88	93
12/31/2024	601	Ammonia Nitrogen	DAILY MX	mg/L	2.14	3.7
01/31/2025	001	<i>E. coli</i>	DAILY MX	CFU/100mL	88	1,046
01/31/2025	001	Ammonia Nitrogen	DAILY MX	mg/L	2.14	2.8
02/28/2025	601	Chlorine, total residual	INST MAX	ug/L	11	218

Attachment C
City of Rio Rancho WWTP
NPDES Permit ID No. NM0027987

Date	Volume (Gal.)	Description	Location
10/7/2022	400	Force Main at NM 528 and Honduras	Ground
10/6/2022	200	Lift Station #10 (NM 528 and Pinehurst)	Ground
8/27/2022	2,000	Lift Station #15 (1385 Hwy 528)	Ground
7/15/2022	1,200	WWTP #5 – Lift Station #25 (3651 Hanley Rd. NE)	Ground
7/5/2022	600	NM 528 / Obregon – Lift Station #22	Ground
11/18/2022	400	Lift Station #20 pump failed due to blockage causing MH SSO.	Ground
2/25/2023	200	Lift station #24 power failure caused MH SSO.	Unnamed arroyo
6/4/2023	200	SSO at Pinetree Street caused by tree roots (blockage).	Ground
7/6/2023	10,000	Lift Station #15 power failure caused SSO.	Venada arroyo
5/3/2024	10,000	Lift Station power failure caused SSO.	Ground
6/9/2024	1,000	Lift Station #28 failed caused MH SSO.	Ground
6/29/2024	3,000	SSO at Lift Station #22 caused by heavy rainfall and flooding.	Ground
10/26/2024	200	Lift Station #25 SSO caused by control panel failure	Ground
12/8/2024	168,000	Force Main to LS #21 leaking caused 168,000-gallon SSO with 72,000 gallons estimated to Rio Grand River.	Rio Grande (72K Gallons)
1/11/2025	150	Force Main leading to the lift station #8 was leaking caused SSO.	Ground
1/28/2025	100	SSO at lift station #21 due to the force main leaking.	Ground

Total Volume = 197,650 Gallons