



REGION 6

DALLAS, TX 75270

March 27, 2025

TRANSMITTED VIA EMAIL

Shirley Vigil, Executive Assistant
Mora ISD Board
Mora Independent School District
10 Ranger Rd
Mora, NM 87732
executiveassistant@mora.k12.nm.us

Re: Administrative Order; Docket Number: CWA-06-2025-1735
NPDES Permit Number: NM0031097

Dear Ms. Vigil and Members of the Board:

Enclosed is an Administrative Order (AO) issued to the Mora Independent School District Athletic Field Wastewater Treatment Plant for violations of the Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.). The violations are for failure to submit Monthly Discharge Monitoring Reports to the Environmental Protection Agency, Region 6 (EPA).

This AO does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. The first compliance deadline is thirty days from the effective date of this letter. The Environmental Protection Agency Region 6 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-06-2025-1735 and NPDES Permit Number NM0031097 on your response.

If you have any questions, please contact Ms. Rachel Matthews, of my staff, at (214) 665-8589 or at matthews.rachel@epa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Margaret Osbourne".

Digitally signed by
MARGARET OSBOURNE
Date: 2025.03.27
17:21:14 -05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosure

e.c. Ms. Shelly Lemon
NMED Water Bureau Chief
shelly.lemon@env.nm.gov

Ms. Susan LucasKamat
NMED Surface Water Quality Bureau
susan.lucaskamat@env.nm.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 6
FINDINGS OF VIOLATION AND COMPLIANCE ORDER
Docket Number: CWA-06-2025-1735; Permit Number: NM0031097

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), by Section 309(a) of the Clean Water Act (the Act), 33 U.S.C. § 1319(a). The Administrator of EPA has delegated the authority to issue this Order to the Regional Administrator of EPA Region 6, who has further delegated this authority to the Director of the Enforcement and Compliance Assurance Division.

FINDINGS

1. Mora Independent School District (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 (facility) located at Highway 518 and Ranger Drive, in the Village of Mora, Mora County, New Mexico, 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 Mora River in Waterbody Segment No. 20.6.4.309 of the Canadian River 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. NM0031097 (permit) under Section 402 of the Act, 33 U.S.C. § 1342, which became effective on August 1, 2023, with an expiration date of July 31, 2028. 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 places certain limitations on the quality and quantity of effluent discharged by Respondent. Those discharge limitations are specified in Attachment A, which is incorporated herein by reference.

9. Parts I.A, I.C, and II.D of the permit require Respondent to sample and test its effluent and monitor its compliance with permit conditions according to specific procedures, in order to determine the facility's compliance or noncompliance with the permit and applicable regulations. The permit also requires Respondent to file certified monthly Discharge Monitoring Reports (DMRs) and Whole Effluent Toxicity (WET) Reports.

10. Pursuant to Part I.C of the permit, Respondent is required to submit the monthly DMRs on a quarterly basis, no later than the 28th day of the month following the months of March, June, September, and December.

11. The permit was violated in that Respondent failed to submit monthly DMRs for the quarters of July and October of 2024, and January 2025. This is nine (9) monthly DMRs.

12. Each violation of the conditions of the permit described above was a violation of 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 actions:

A. Immediately take all measures as necessary to comply with permit conditions and submit all DMRs within 30 days of the effective date of this Order.

B. If Respondent would like to arrange a meeting with EPA to discuss the violations alleged in this Order, Respondent should contact EPA within thirty (30) days of the effective date of this Order. The meeting will be held at the Region 6 offices, 1201 Elm St., Dallas, Texas, or through a virtual platform, as appropriate, and Respondent can provide any information it believes is relevant to this Order. Respondent shall submit to EPA all information or materials it considers relevant to EPA at least ten (10) days prior to the meeting.

C. To arrange a meeting, or to ask questions or comment on this matter, please contact Rachel Matthews, of my staff, at (214) 665-8589.

D. Except for the DMRs, which shall be submitted in accordance with the permit, all other information, and/or correspondence, shall be electronically submitted to:

Ms. Nancy Williams
williams.nancy@epa.gov

and

Ms. Rachel Matthews
matthew.rachel@epa.gov

GENERAL PROVISIONS

Respondent may seek federal judicial review of this 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 Respondent's 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.

March 27, 2025

Date

 Digitally signed by
MARGARET OSBOURNE
Date: 2025.03.27
17:22:48 -05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Attachment A

Administrative Order, Docket Number: CWA-06-2025-1735

PART I – REQUIREMENTS FOR NPDES PERMITS

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. FINAL Effluent Limits – Intermittent Flow

During the period beginning the effective date of the permit and lasting through the expiration date of the permit (unless otherwise noted), the permittee is authorized to discharge groundwater to the Mora River, in Segment Number 20.6.4.309, from Outfall 001. Such discharges shall be limited and monitored by the permittee as specified below:

POLLUTANT	STORET CODE	MINIMUM	MAXIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
pH	00400	6.6 s.u.	8.8 s.u.	One/Month	Grab

POLLUTANT	STORET CODE	30-DAY AVG	DAILY MAX	30-DAY AVG	DAILY MAX	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow	50050	Report MGD	Report MGD	N/A	N/A	Daily (*1)	Measure
TSS	00530	318 lbs/day	Report	8.83 mg/l	Report	Once/Month (*1)	Grab
TDS	70295	12,970 lbs/day	Report	360 mg/l	Report	Once/Month (*1)	Grab

WHOLE EFFLUENT TOXICITY TESTING (*1, *3) (7-Day Chronic NOEC Freshwater)	30-DAY AVG MINIMUM	7- DAY AVG MINIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
Ceriodaphnia dubia	Report	Report	Once (*4, *5)	24-Hr Composite
Pimephales promelas	Report	Report	Once (*4, *5)	24-Hr Composite

Footnotes:

*1 When discharging.

*2 See **Appendix A of Part II** of the permit for the required Minimum Quantification Level.

*3 Monitoring and reporting requirements begin on the effective date of this permit. See Part II, Whole Effluent Toxicity Testing Requirements for additional WET monitoring and reporting conditions.

*4 Once per permit term. 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 EPA and NMED, Surface Water Quality Bureau, in writing, within 5-business days of notification the test failure. EPA and NMED will review the test results and determine the appropriate action necessary, if any. (See Part II, Section D).

*5 The test is to be conducted within the first 12-months after the permit effective date between November 1 and April 30.