



REGION 6

DALLAS, TX 75270

October 29, 2025

TRANSMITTED VIA EMAIL

Mr. Mark Flores
Assistant Town Manager
Town of Taos
400 Camino de la Placita
Taos, New Mexico 87571
mflores@taosnm.gov

Re: Administrative Order, Docket Number: CWA-06-2026-1710
Town of Taos, NM
NPDES Permit Number: NM0024066

Dear Mr. Flores:

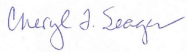
On October 9, 2025, our office received a request to extend due dates for several tasks in the schedule of compliance of Administrative Order (AO), Docket Number CWA-06-2024-1766, issued to the Town of Taos Wastewater Treatment Facility (WWTF) on June 10, 2024. A previous extension of due dates to the AO was issued on December 12, 2024, after receiving a request on December 5, 2024.

While the Environmental Protection Agency (EPA) Region 6 agrees to a revised timeline, a new AO is necessary to be issued with extensions to several due dates. Enclosed is AO Docket Number CWA-06-2026-1710 issued to the Town of Taos WWTF, for violations of the Clean Water Act (CWA) (33 U.S.C. § 1251 *et seq.*), which replaces AO Docket Number CWA-06-2024-1766.

This AO does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. The first compliance deadline is on November 17, 2025. The EPA Region 6 is committed to ensuring compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES) program. My staff will assist you where possible. Please reference AO Docket Number CWA-06-2026-1710 and NPDES Permit Number NM0024996 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,


Digitally signed by CHERYL SEAGER
Date: 2025.10.29 14:12:33 -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-06-2026-1710; Permit Number: NM0024066

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 (herein "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 further delegated this authority to the Director of the Enforcement and Compliance Assurance Division.

FINDINGS

1. The Town of Taos Wastewater Treatment Facility (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 was authorized to discharge from a wastewater treatment plant located at 182 Los Cordovas Road, Rancho de Taos, in Taos 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 to an unnamed arroyo in Waterbody Segment Code No. 20.6.4.98, thence to the Rio Pueblo de Taos, of the Rio Grande Basin in the Waterbody Segment Code No. 20.6.4.122, which are considered "waters 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 is a point source of discharges of pollutants to waters of the U.S., 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. NM0024066 (permit) under Section 402 of the Act, 33 U.S.C. § 1342, which became effective on November 1, 2025. At all relevant times of permit effectiveness, 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. Respondent is not authorized to discharge pollutants from the facility to waters of the United States without permit coverage.
9. Part I.A. of the 2018 permit placed certain limitations on the quality and quantity of effluent discharged by Respondent.
10. The permit also includes "Monitoring and Reporting Requirements" that require Respondent to sample and test its effluent and monitor compliance with permit conditions according to specific procedures in order to determine the facility's compliance or noncompliance with the permit and applicable regulations.
11. The permit requires Respondent to file certified Discharge Monitoring Reports (DMRs) of the results of monitoring. DMRs filed by Respondent show discharges of pollutants that exceed the effluent limitations.
12. Each violation of the conditions of the permit, or regulations described above, is a violation of Section 301 of the Act, 33 U.S.C. § 1311.
13. On November 20, 2023, EPA issued Administrative Order ("Original AO") (herein incorporated by reference), Docket Number CWA-06-2024-1702, which cited the late permit application and the effluent limit violations. The Original AO required Respondent to eliminate cited violations or submit a plan to eliminate violations.

14. Respondent submitted a plan on December 19, 2023, which was incorporated into a schedule of compliance into AO, Docket Number CWA-06-2024-1720, issued on January 30, 2024.

15. On May 8, 2024, our office received a request to revise the schedule timelines in AO Docket Number CWA-06-2024-1720. The reason for the request was due to a delay in completing the technical memo, resulting in most tasks falling behind schedule. EPA approved the revised schedule, which was incorporated into AO Docket Number CWA-06-2024-1766. That AO replaced the previous AO.

16. On December 5, 2024, our office received another request to revise timelines for multiple tasks in the schedule incorporated into AO Docket Number CWA-06-2024-1766. The request was due to wastewater treatment plant upgrade priorities and to allow for approval of funding mechanisms. The request was approved through a letter, issued on December 12, 2024, modifying several dates in the schedule of AO Docket Number CWA-06-2024-1766.

17. Since approval of those extension requests, our office has received several emails from the city’s contract operator regarding tasks not yet completed and the need for more time.

18. On October 9, 2025, Respondent submitted a request to revise several tasks and priorities in the AO Docket Number CWA-06-2024-1766. See attachment A, incorporated herein.

19. EPA has reviewed the request and approves the revisions. An updated schedule has been incorporated into this AO, which replaces the previous AO.

SECTION 309(a)(3) COMPLIANCE ORDER

Based on the foregoing Findings and pursuant to the authority of Section 309(a)(3) of the Act, EPA hereby orders the Respondent to take the following actions:

- A. Immediately take all measures as necessary to comply with permit conditions.
- B. Respondent shall accomplish the following tasks and comply with the following schedule of activities:

TASK		DUE DATE
1.	Submit a Project Completion Report showing installation of 2nd half of membrane modules is complete.	November 17, 2025

2.	Submit Final Pollution Mitigation Plan	December 15, 2025
3.	Submit the final Preliminary Engineering Report	December 15, 2025
4.	Submit engineering plans - with cost estimates, indicating the design is 100% complete by the contracted firm for the septic receiving station - by due date, or within 5 days of receipt, whichever is sooner.	January 5, 2026
5.	Complete the relocation of new septic receiving station and closure of current location. Submit a Project Completion Report by due date. Alternatively, submit results of Capital Outlay funding request and updated plans for receiving station.	March 30, 2027

C. Project Completion Reports, where required, shall include:

- 1) A detailed description of the project task as implemented,
- 2) A description of any operating problems encountered, and the solutions thereto,
- 3) Documented and itemized costs (in spreadsheet format) of the project tasks (including but not limited to labor, equipment rentals/purchased, materials purchased, etc.), and
- 4) Photographs of project activities.

D. In the Project Completion Reports, Respondent shall 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 its attachments, and that based on my inquiry of those individuals immediately responsible for obtaining 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.

E. If Respondent would like to arrange a meeting with EPA to discuss the allegations in Section 309 (a)(3) Compliance 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 the 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.

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

G. All information, and/or correspondence, shall be electronically submitted to:

Ms. Rachel Matthews
matthews.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.

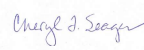
Issuance of this Section 309(a)(3) Compliance Order shall not be deemed an election by EPA to waive any administrative, judicial, civil or criminal action to seek penalties, fines or other relief under the Act for the violations cited herein, or other violations that become known to EPA. EPA reserves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

For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 1.162-21(b)(2), performance of [insert applicable Sections/Paragraphs to be identified] is restitution, remediation, or required to come into compliance with the law.

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



Digitally signed by CHERYL
SEAGER
Date: 2025.10.29 14:08:07 -05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Attachment A

Administrative Order, Docket Number: CWA-06-2026-1710

Pascualito M. Maestas, Mayor

Councilmembers:

**Marietta S. Fambro
Darien D. Fernandez
Corilia I. Ortega
Genevieve Oswald**

Lupe Martinez, Town Manager



**Taos Municipal Building
400 Camino de la Placita
Taos, New Mexico 87571
(575) 751-2000
Fax (575) 751-2026**

**Visit us on our Website at:
www.taosnm.gov**

October 10, 2025

Ms. Rachel Matthews
Municipal & Industrial Wastewater Section
Enforcement and Compliance Assurance Div.
U.S. EPA Region 6 (ECDWM)
1201 Elm St. Suite 500
Dallas, TX 75270
(214)665-8589
Via email: Matthews.Rachel@epa.gov

Dear Ms. Matthews,

The Town of Taos is in receipt of the Administrative Order (AO) – Docket #CWA-06-2024-1766 issued to the Town of Taos Wastewater Treatment Facility (WWTF). The Town of Taos respectfully requests your consideration to grant an extension for the items listed below.

Task #4 – “Submit copy of engineering plans, with cost estimates, indicating 30% of the design has been completed by the contracted firm for the septic receiving station by due date, or within 5 days of receipt”. Due November 30, 2025.

- The Town of Taos has engaged Living Design Group Architects in Taos, New Mexico, to design and engineer the Town of Taos Septage Receival Station. A Purchase Order was issued on June 12, 2025. On October 2, 2025, the Town of Taos was provided with 63% complete design documents. The Town of Taos is expecting 100% complete design documents in December 2025.
- The Town of Taos has identified the Taos Waste Water Treatment Facility as #1 and the Septage Receival Station as #2 on our New Mexico Legislature Capital Outlay Request Priorities for the 2027 Legislative Session.
- If the Capital Outlay Request for the Septage Receival Station is granted, the Town of Taos will utilize the funding immediately to begin the construction of the project.
- If the Town of Taos is granted partial funding or not granted any funding by the Legislature, the Town of Taos will proceed to identify funding through its General Fund or other funding sources to begin the construction of the project.

Task #6 – “Order 2nd half of membrane modules. Submit invoice copy by due date”. Due Date January 31, 2025.

- On February 21, 2025, the Town of Taos issued VEOLIA a check to initiate the order and delivery of the membrane modules. The new modules and additional new cassette frames arrived in September 2025. Installation of the new modules and cassette frames began on September 30, 2025. We are anticipating the completion of the installation on October 17, 2025.



Task #8 – “Submit the final PER”. Due December 15, 2025.

- **Final PER - The Town of Taos issued a Purchase Order to Miller Engineering (Souder, Miller & Associates- SMA) on January 28, 2025, to “Provide Planning Services for a PER for the Wastewater Treatment Plant”. SMA has informed the Town of Taos that the final draft document with alternatives will be submitted to the EPA and NMED on October 15, 2025. It is anticipated that the final completed document will be submitted by December 15, 2025.**

Task #9 – “Submit the final PMP”. Due December 15, 2025.

- **The draft PMP plan was submitted to the EPA and NMED in June 2025, and was also submitted to the NMED GWQB in August 2025. No Comments were received regarding the PMP.**
- **The PMP will be finalized and submitted to the EPA and NMED along with the PER on October 15, 2025. It is anticipated that the final completed document will be submitted by December 15, 2025.**

Task #10 – “Submit copy of engineering plans, with cost estimates, indicating 90% of the design has been completed by the contracted firm for the septic receiving station by due date, or within 5 days of receipt”. Due June 30, 2026.

- **It is anticipated that the 100% complete design and engineering documents will be provided to the Town of Taos in December 2025.**

Task #11 - “Submit copy of engineering plans, with cost estimates, indicating 90% of the design has been completed by the contracted firm for the septic receiving station by due date, or within 5 days of receipt”. Due September 30, 2026.

- **It is anticipated that the 100% complete design and engineering documents will be provided to the Town of Taos in December 2025.**

Task #12 – Install 2nd half of membrane modules. Submit a Project Completion Report by the due date. Due September 15, 2026.

- **It is anticipated that the membrane module and cassette installation will be completed on October 17, 2025**
- **Once the project is completed, a Project Completion Report will be submitted.**

Task #13 – Complete the relocation of the new septic receiving station and the closure of the current location. Submit a Project Completion Report by the due date. Due March 30, 2027.

- **The Town of Taos has placed the Septic Receiving Station on its 2027 – 2031 ICIP.**
- **The Town of Taos will be requesting Legislative Capital Outlay Appropriations for the construction of the Septic Receiving Station.**
- **If the Capital Outlay Request for the Septage Receival Station is granted, the Town of Taos will utilize the funding immediately to begin the construction of the project.**
- **If the Town of Taos is granted partial funding or not granted any funding by the Legislature, the Town of Taos will proceed to identify funding through its General Fund or other funding sources to begin the construction of the project.**



Please reach out to us with any questions or for additional information. Thank you in advance for your consideration.

Respectfully,

Mark T. Flores II

Assistant Town Manager
Town of Taos
(575)770-2359

cc. Ms. Shelley Lemon, NMED Water Bureau Chief, shelly.lemon@env.nm.gov
cc. Ms. Susan LucasKamat, NMED Surface Water Quality Bureau, susan.lucaskamat@env.nm.gov
cc. Paul Kennedy, Senior Manager, SMA, paul.kennedy@soudermiller.com
cc. Phillip Webster, Plant Manager, Gallatin Operations, phillip.webster@gallatinoperations.com
cc. Reynold Vasquez, Public Works Director, Town of Taos, rvasquez@taosnm.gov
cc. Sharon Voight, Public Works Project Manager, Town of Taos, sharonv@taosnm.gov
cc. Lupe E. Martinez, Town Manager, Town of Taos, lemartinez@taosnm.gov
cc. Pascualito Maestas, Mayor, Town of Taos, pmaestas@taosnm.gov