



REGION 6

DALLAS, TX 75270

February 19, 2026

TRANSMITTED VIA E-MAIL

Mr. Joaquin Murillo
Deputy Director Wastewater
City of Las Cruces Jacob Hands Wastewater Treatment Facility
P.O. Box 20000
Las Cruces, NM 88004
murillo@lascruces.gov

RE: Administrative Order; Docket Number: CWA-06-2026-1749
City of Las Cruces Jacob Hands Wastewater Treatment Facility
NPDES Permit Number: NM0023311

Dear Mr. Murillo:

Enclosed is an Administrative Order (AO) issued to the City of Las Cruces, 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 and discharge monitoring reports submitted for the Jacob Hands Wastewater Treatment Facility. The violations alleged are for failure to meet permit effluent and monitoring requirements, and operation and maintenance requirements. The United States Environmental Protection Agency (EPA), Region 6, requests that you immediately confirm receipt of this e-mail and the attached order by a response e-mail to williams.mike@epa.gov.

The AO does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. The first compliance deadline is within thirty (30) days of the effective date of 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-06-2026-1749 and NPDES Permit Number NM0023311 on your response.

If you have any questions, please contact Mr. Michael Williams of my staff, at (281) 983-2150 or williams.mike@epa.gov.

Sincerely,

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

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Date: 2026.02.19 07:59:56 -06'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosure(s)

ec: Ms. Shelly Lemon, Chief
NMED Surface Water Quality Bureau
shellylemon@env.nm.gov

Ms. Susan Lucas Kamat, Program Manager
NMED Point Source Regulation
susan.lucaskamat@env.nm.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 6

FINDINGS OF VIOLATION AND COMPLIANCE ORDER

Docket Number: CWA-06-2026-1749; NPDES Permit Number: NM0023311

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 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 Las Cruces (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 the Jacob Hands Wastewater Treatment Plant (facility) located at 2851 West Amador Avenue in Las Cruces, Dona Ana 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 final wastewater discharge to the Rio Grande in Segment No. 20.6.4.101 of the 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. NM0023311 (permit) under Section 402 of the Act, 33 U.S.C. § 1342, which was issued on May 27, 2021, and expires on June 30, 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 contains "Limitations and Monitoring Requirements" 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.

9. Part I.A.1 of the permit requires Respondent to monitor quarterly for Whole Effluent Toxicity (WET) that includes reporting regarding test species *Ceriodaphnia dubia* that have a No Observed Effect Concentration (NOEC) limitation of 95 percent. Respondent is required to provide the WET results in its Discharge Monitoring Reports (DMRs).

10. Part I.C. of the permit also includes "Monitoring and Reporting (Major Discharges)" that require Respondent to sample and test its effluent and monitor compliance with permit conditions according to specific procedures, to determine the facility's compliance or noncompliance with the permit and applicable regulations.

11. DMRs electronically submitted by Respondent showed 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.

12. Each instance in which Respondent discharged pollutants to waters of the United States in amounts exceeding the effluent limitations contained in the permit and failed to meet the conditions of the permit as described above is 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:

GENERAL PROVISIONS

A. Take such measures as are necessary to comply with all permit conditions, including Effluent Limitations, Monitoring and Reporting Requirements no later than thirty (30) days from the effective date of the Order.

B. Within thirty (30) days of the effective date of this Order, Respondent, submit a list of the specific actions taken to correct the *E. Coli* Bacteria, Polychlorinated biphenyls [PCBs] and *Ceriodaphnia dubia* effluent violations.

C. Within thirty (30) days of the effective date of this Order, Respondent shall provide written certification to EPA Region 6 that the violations cited herein have been corrected and the facility is compliant with the requirements of the permit.

D. In the event the Respondent believes complete correction of the violations cited herein is not possible within thirty (30) days of the effective date of this Order, Respondent shall, within thirty (30) days of the effective date of this Order, submit a comprehensive written plan for the elimination of the cited violations within the shortest possible time. Such plan shall describe in detail the specific corrective actions to be taken and why such actions are sufficient to correct the violations. The plan shall include a detailed schedule for the elimination of the violations within the shortest possible time, as well as measures to prevent these or similar violations from recurring.

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

Mr. Michael Williams
williams.mike@epa.gov

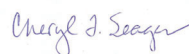
Respondent may seek federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

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 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.



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Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

ATTACHMENT A
City of Las Cruces – Jacob Hands WWTP
NPDES Permit Number NM0023311
Permit Limits

POLLUTANT	30-DAY AVG, lbs/day, unless noted	7-DAY AVG lbs/day, unless noted	30-DAY AVG mg/l, unless noted (*1)	7-DAY AVG mg/l, unless noted (*1)	DAILY MAX mg/l, unless noted (*1)	MEASUREM ENT FREQUEN CY	SAMPLE TYPE
E. coli bacteria	4.25 x 10 ¹⁰ cfu (or MPN)/day (*6)	N/A	126 cfu (or MPN)/100 ml (*5)	N/A	410 cfu (or MPN)/100 ml	Daily	Grab
PCBs, interim (*7, *8)	1.1490E-04	1.2390E-04; daily max	0.00102 ug/l	N/A	0.0011 ug/l	Quarterly	12-hr Composite
PCBs, final (*8, *9)	7.20576E-05	7.55666E-05; daily max	0.00064 ug/l	N/A	0.0006711 ug/l	Once/two weeks	12-hr Composite

WHOLE EFFLUENT TOXICITY TESTING 7-DAY CHRONIC NOEC FRESHWATER (*10)	VALUE	MEASUREMENT FREQUENCY	REPORTING FREQUENCY	SAMPLE TYPE
Ceriodaphnia dubia (Limitation)	95% minimum (*9)	Quarterly	Monthly	24-hr Composite

ATTACHMENT B
City of Las Cruces – Jacob Hands WWTP
NPDES Permit Number NM0023311
Effluent Violations

Monitoring Period	Parameter	Units	Limit	DMR Value
04/30/2024	E. coli	CFU/100mL	410.	2203.
07/31/2024	Whole Effluent Toxicity [WET] - C. dubia	%	95.	1.
08/31/2024	E. coli	CFU/100mL	410.	469.9
08/31/2024	Whole Effluent Toxicity [WET] - C. dubia	%	95.	30.
09/30/2024	Whole Effluent Toxicity [WET] - C. dubia	%	95.	30.
09/30/2024	Whole Effluent Toxicity [WET] - C. dubia	%	95.	30.
10/31/2024	Polychlorinated biphenyls [PCBs]	lb/d	.00007556	.0000893
10/31/2024	Polychlorinated biphenyls [PCBs]	ug/L	.0006711	.00114
10/31/2024	Whole Effluent Toxicity [WET] - C. dubia	%	95.	30.
11/30/2024	Whole Effluent Toxicity [WET] - C. dubia	%	95.	30.
12/31/2024	E. coli	CFU/100mL	410.	483.4
12/31/2024	Polychlorinated biphenyls [PCBs]	ug/L	.0006711	.001113
12/31/2024	Whole Effluent Toxicity [WET] - C. dubia	%	95.	30.
12/31/2024	Whole Effluent Toxicity [WET] - C. dubia	%	95.	30.
01/31/2025	Whole Effluent Toxicity [WET] - C. dubia	%	95.	30.
02/28/2025	Whole Effluent Toxicity [WET] - C. dubia	%	95.	30.
03/31/2025	Whole Effluent Toxicity [WET] - C. dubia	%	95.	30.
03/31/2025	Whole Effluent Toxicity [WET] - C. dubia	%	95.	30.
04/30/2025	Whole Effluent Toxicity [WET] - C. dubia	%	95.	30.
05/31/2025	Whole Effluent Toxicity [WET] - C. dubia	%	95.	30.
06/30/2025	Whole Effluent Toxicity [WET] - C. dubia	%	95.	40.
06/30/2025	Whole Effluent Toxicity [WET] - C. dubia	%	95.	30.
08/31/2025	Whole Effluent Toxicity [WET] - C. dubia	%	95.	71.
09/30/2025	Whole Effluent Toxicity [WET] - C. dubia	%	95.	30.
09/30/2025	Whole Effluent Toxicity [WET] - C. dubia	%	95.	30.
10/31/2025	Whole Effluent Toxicity [WET] - C. dubia	%	95.	53.
12/31/2025	Whole Effluent Toxicity [WET] - C. dubia	%	95.	83.
12/31/2025	Whole Effluent Toxicity [WET] - C. dubia	%	95.	53.