



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270-2102

July 6, 2023

TRANSMITTED VIA E-MAIL

The Honorable Louie Gallegos
Mayor, Village of Fort Sumner
P.O. Box 180
Fort Sumner, NM 88119
fscityhallmayor@plateautel.net

Re: Administrative Order; Docket Number: CWA-06-2023-1762
NPDES Permit Number: NM0023477

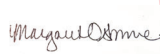
Dear Mayor Gallegos:

Enclosed is an Administrative Order (AO) issued by the United States Environmental Protection Agency, Region 6 (EPA) concerning the Village of Fort Sumner Wastewater Treatment Plant. This Order requires the Village of Fort Sumner to comply with the provisions set forth in the attached Order. The EPA requests that you immediately confirm receipt of this e-mail and the attached Order by a response e-mail to matthews.rachel@epa.gov.

This AO does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. The AO contains deadlines and information demands. The 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-06-2023-1762 and NPDES Permit Number NM0023477 on all responses.

If you have any questions, please contact Ms. Rachel Matthews, of my staff, at (214) 665-8589.

Sincerely,


Digitally signed by
MARGARET OSBOURNE
Date: 2023.07.06
15:48:39 -05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Attachments

cc: Jamie Wall, Village Clerk
fscityhalljw@plateautel.net

Ms. Shelly Lemon
NMED Water Bureau Chief
shelly.lemon@state.nm.us

Re: Administrative Order
Village of Fort Sumner

2

Ms. Susan LucasKamat
NMED Surface Water Quality Bureau
susan.lucaskamat@state.nm.us



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 6 • 1201 Elm St. Suite 500 • Dallas, TX 75270-2102
FINDINGS OF VIOLATION AND COMPLIANCE ORDER
Docket Number: CWA-06-2023-1762; Permit Number: NM0023477

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 delegated this authority to the Director of the Enforcement and Compliance Assurance Division.

FINDINGS

1. The Village of Fort Sumner (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 Village of Fort Sumner Wastewater Treatment Plant, located between Salt Cedar Street and Sewer Plant Drive, in De Baca County, New Mexico 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 municipal wastewater to the receiving waters of the Pecos River, Segment Code No. 20.6.4.207, 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 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. The Respondent applied for and was issued NPDES Permit No. NM0023477 (permit) under Section 402 of the Act, 33 U.S.C. § 1342, which became effective on May 1, 2018, with an expiration date of April 30, 2023. Respondent applied for a permit renewal within the required timeframe, therefore it continues to be in effect through administrative extension until the newly issued permit became effective on July 1, 2023. At all relevant times, the 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. The relevant discharge limitations are specified in Attachment A, which is incorporated herein by reference.
9. Part I.A of the permit 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.
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 Part I.A of the permit, as specified in Attachment B, which is incorporated herein by reference.
11. Pursuant to Part III.B of the permit, Respondent is required to properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Respondent as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants and will achieve compliance with the conditions of the permit.
12. On October 29, 2013, and March 17, 2016, inspections of the facility's wastewater treatment system were conducted by the New Mexico Environment Department (NMED). During the week of September 25, 2018, an inspection of the facility's wastewater treatment system was conducted by the EPA. As a result of the inspections, it was found that Part III.B of the permit was violated in that Respondent has failed to properly operate and maintain the sewer collection and treatment system.
13. Each violation of the permit conditions or regulations described above is a violation of Section 301 of the Act, 33 U.S.C. § 1311.

14. On March 30, 2018, the EPA issued Administrative Order (AO) Docket Number CWA-06-2018-1744 (2018 AO).

15. In compliance with the 2018 AO, Respondent submitted information detailing several actions taken to meet the schedule within the AO, however, some were unattainable, and several issues had arisen that needed to be addressed with other long-term solutions.

16. On April 28, 2020, the EPA issued AO Docket Number CWA-06-2020-1749 (2020 AO) which superseded the 2018 AO. The 2020 AO is incorporated as Attachment C for reference.

17. In compliance with the 2020 AO, Respondent submitted information detailing several actions taken to meet the schedule within the AO, which included construction plans for the rehabilitation of the WWTP. This AO supersedes the 2020 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, 33 U.S.C. § 1319(a)(3), EPA hereby orders the Respondent to take the following actions:

A. Take such measures as are necessary to comply with the conditions of the Respondent's NPDES Permit.

B. Respondent shall accomplish the following tasks and comply with the following schedule of activities:

ACTIVITY		DUE DATE
1	Submit draft Preliminary Engineering Report (PER) for WW Collection System	8/1/2023
2	Submit a copy of Schedule of the Sequence of Events per the asset management proposal contract.	8/1/2023
3	Submit copies of Summary Sheet of Prioritized Assets and costs to improve them, per the asset management proposal contract	8/1/2023
4	Submit a copy of the Rate Schedule per the asset management proposal contract	9/1/2023
5	Submit Final Preliminary Engineering Report (PER) for	9/1/2023

	WW Collection System, including system map	
6	Submit Draft 5-year Capital Improvement Plan (CIP)	10/2/2023
7	Submit Final 5-year CIP	11/1/2023
8	Complete all rehabilitation, upgrades, and/or new construction, of wastewater treatment components per construction plans dated December 2021 and submitted to EPA.	1/5/2025
9	Finalize, and implement, a comprehensive Asset Management Program to pursue and achieve sustainable infrastructure and to efficiently manage capital assets for long-term performance for the WWTP and the collection system	6/1/2026
10	Submit copies of cost estimates on all projects, including estimated annual operating budgets, debts, etc. per page 7 of the collection system PER proposal contract	Within 5 days of receipt from contractor
11	Submit copies of monthly progress reports, including invoices, from contracted engineering firm for all contracts regarding the WWTP, collection system, and asset management plan.	Within 5 days of receipt from contractor

C. Within thirty (30) days of completion of tasks 8 and 9 in paragraph "B" above, Respondent shall submit to EPA a "Project Completion Report". The Project Completion Report shall include the following information:

- 1) A detailed description of the project tasks as implemented,
- 2) A detailed description of any problems encountered, and the solutions thereto, and
- 3) A detailed description of unexpected costs, and associated solutions and/or funding.

D. If Respondent would like to arrange a meeting with EPA to discuss the allegations in this 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.

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

F. All 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 the Respondent.

July 6, 2023

Date

 Digitally signed by
MARGARET OSBOURNE
Date: 2023.07.06
15:49:33 -05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

PART I**SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.****1. Effluent limits – 0.21 MGD design flow – OUTFALL 001**

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit (unless otherwise noted), the permittee is authorized to discharge treated municipal wastewater to Pecos River, in Segment Number 20.6.4.207, from outfall number 001. Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Standard Units			
POLLUTANT	MINIMUM	MAXIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
pH	6.6	9	Five/Week	Instantaneous Grab

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS						MONITORING REQUIREMENTS	
	lbs/day, unless noted			mg/l, unless noted				
POLLUTANT	30-DAY AVG	DAILY MAX	7-DAY AVG	30-DAY AVG	DAILY MAX	7-DAY AVG	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow	Report MGD	Report MGD	Report MGD	***	***	***	Daily	Totalizing Meter
Biochemical Oxygen Demand, 5-day	52.54	N/A	78.81	30	N/A	45	Twice/Month	Grab
Biochemical Oxygen Demand, 5-day % removal, minimum	≥ 85% (1)	---	---	---	---	---	Once/Month	Calculation (1)
Total Suspended Solids	52.54	N/A	78.81	30	N/A	45	Twice/Month	Grab
Total Suspended Solids % removal, minimum	≥ 85% (1)	---	---	---	---	---	Once/Month	Calculation (1)
E. Coli Bacteria	N/A	N/A	N/A	548 (2)	2507 (2)		Three/Month	Grab
Total Residual Chlorine	N/A	N/A	N/A	N/A	19 ug/l (3)	N/A	Daily (3)	Instantaneous Grab (3)

EFFLUENT CHARACTERISTICS	DISCHARGE MONITORING	MONITORING REQUIREMENTS	
WHOLE EFFLUENT TOXICITY LIMITS (7-Day Chronic NOEC) (4)	VALUE	MEASUREMENT FREQUENCY	SAMPLE TYPE
Ceriodaphnia dubia	37%	Once/6 Months	24-Hr Composite
Pimephales promelas	37%	Once/6 Months	24-Hr Composite

FOOTNOTES:

1. Percent removal is calculated using the following equation: $(\text{average monthly influent concentration} - \text{average monthly effluent concentration}) \div \text{average monthly influent concentration}$.
2. Colony forming units (cfu) per 100 ml or most probable number (MPN), depending on the analytical method used.
3. TRC shall be measured during periods when chlorine is used as either backup bacteria control or when disinfection of plant treatment equipment is required. Regulations at 40 CFR Part 136 define "instantaneous grab" as analyzed within 15 minutes of collection. The effluent limitation for TRC is the instantaneous maximum and cannot be averaged for reporting purposes.
4. Monitoring and reporting requirements begin on the effective date of this permit. Compliance with the Whole Effluent Toxicity limitations is required on the effective date of the permit. See PART II, Whole Effluent Toxicity Testing Requirements for additional WET monitoring and reporting conditions.

Attachment B - Docket # CWA-06-2023-1762

Fort Sumner - NPDES # NM0023477

Effluent Violations from 9-2019 to 5-2023

<u>Monitoring Period</u>	<u>Parameter</u>	<u>DMR Value Qualifier</u>	<u>DMR Value</u>	<u>Permit Limit</u>	<u>% Exceedance</u>
9/30/2020	E. coli (Colony Forming Units per 100ml)	=	16000	2507	538
2/28/2022	E. coli (Colony Forming Units per 100ml)	<=	3500	2507	40
2/28/2023	E. coli (Colony Forming Units per 100ml)	<=	16000	2507	538



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6**

1201 Elm St. Suite 500
Dallas, TX 75270

April 28, 2020

VIA E-MAIL

The Honorable Louie Gallegos
Mayor, Village of Fort Sumner
P.O. Box 180
Fort Sumner, NM 88119
fscityhallmayor@plateautel.net

Re: Administrative Order; Docket Number: CWA-06-2020-1749
NPDES Permit Number: NM0023477

Dear Mayor Gallegos:

Enclosed is an Administrative Order (AO) issued by the United States Environmental Protection Agency, Region 6 (EPA) concerning the Village of Fort Sumner Wastewater Treatment Plant. This Order requires the Village of Fort Sumner to comply with the provisions set forth in the attached Order. The EPA requests that you immediately confirm receipt of this e-mail and the attached Order by a response e-mail to matthews.rachel@epa.gov.

This AO does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. The AO contains deadlines and information demands. The 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-06-2020-1749 and NPDES Permit Number NM0023477 on all responses.

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 black ink that reads "Cheryl T. Seager".

Cheryl T. Seager
Director
Enforcement and Compliance
Assurance Division

Digitally signed by CHERYL SEAGER
DN: c=US, o=U.S. Government, ou=Environmental Protection
Agency, cn=CHERYL SEAGER,
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Date: 2020.04.27 17:46:50 -05'00'

Attachments

cc: Jamie Wall, Village Clerk
fscityhalljw@plateautel.net

Ms. Shelly Lemon, Chief
SWQB, NMED
Shelly.Lemon@state.nm.us



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
1201 Elm St. Suite 500, Dallas, TX 75270
FINDINGS OF VIOLATION AND COMPLIANCE ORDER
Docket Number: CWA-06-2020-1749, NPDES Facility or Permit Number: NM0023477

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 Sections 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 delegated this authority to the Director of the Enforcement and Compliance Assurance Division.

Findings

1. The Village of Fort Sumner ("Respondent") is a municipality chartered under the laws of the State of New Mexico, and as such, 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 Village of Fort Sumner Wastewater Treatment Plant, located between Salt Cedar Street and Sewer Plant Drive, in De Baca 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 waters of the Pecos River, which is considered 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. NM0023477 ("permit") under Section 402 of the Act, 33 U.S.C. § 1342, which became effective on May 1, 2018. 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. Parts I.A, I.C, and II.E 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 Discharge Monitoring Reports ("DMRs") and Noncompliance Reports of the results of monitoring, including Whole Effluent Toxicity ("WET") reports.
9. Pursuant to Part III.B of the permit, Respondent is required to properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Respondent as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants and will achieve compliance with the conditions of the permit.
10. Part III.C of the permit places certain monitoring and records requirements on Respondent.
11. Pursuant to Part III.D of the permit, Respondent is required to report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Respondent becomes aware of the circumstances. A written submission shall be provided within five (5) days of the time the Respondent becomes aware of the circumstances.
12. On October 29, 2013 and March 17, 2016, inspections of the wastewater treatment system were conducted by the New Mexico Environment Department ("NMED"). As a result of the inspections, it was found that Parts I.C, III.B, III.C, and III.D of the permit were violated in that:
 - a. Respondent failed to conduct pH test procedures;
 - b. Respondent failed to calibrate flow measurement devices;
 - c. Respondent failed to provide thermometer calibration records;
 - d. Respondent failed to maintain and provide sampling records, operation and maintenance records, and monitoring records;

- e. Respondent failed to report a sanitary sewer overflow;
- f. Respondent failed to properly operate and maintain the sewer collection and treatment system; and
- g. Respondent failed to provide adequate operating staff duly qualified to carry out operation, maintenance, and testing functions.

13. On November 22, 2016, EPA issued Administrative Order (“AO”) Docket Number CWA-06-2016-1833 (“Original AO”) which cited multiple violations of the permit, including those listed above as well as for failure to submit monthly DMRs. On March 30, 2018, EPA issued AO Docket Number CWA-06-2018-1744 (“2018 AO”), replacing the Original AO. The 2018 AO cited violations of the permit for failure to ensure the proper operation and maintenance of the facility and included a long-term schedule of compliance.

14. Since the 2018 AO was issued, certified DMRs filed by Respondent in compliance with the permit show discharges of pollutants from the facility that exceed the permitted effluent limitations established in the permit in violation of Part I.A. The effluent limitations, including the WET limits, are incorporated herein as Attachment A for reference. Specified violations are incorporated herein as Attachment B for reference.

15. Pursuant to Parts I.C and II.E of the permit, Respondent is required to submit monthly DMRs no later than the 28th day of the month following the reporting period. WET results are required to be submitted on the appropriate DMRs in accordance with the permit. Parts I.C. and II.E of the permit were violated in that Respondent failed to submit WET results for 2019. Specified violations are incorporated herein as Attachment C for reference.

16. Each violation of the permit conditions or regulations described above is a violation of Section 301 of the Act, 33 U.S.C. § 1311.

17. In compliance with the 2018 AO, Respondent submitted information detailing several actions taken to meet the schedule within the AO, however, some were unattainable, and several issues have arisen that need to be addressed with other long-term solutions. This AO supersedes the 2018 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, 33 U.S.C. § 1319(a)(3), EPA hereby orders the Respondent to take the following actions:

A. Take such measures as are necessary to comply with the conditions of the Respondent’s NPDES Permit.

B. Respondent shall accomplish the following tasks and comply with the following schedule of activities:

ACTIVITY	DUE DATE
<u>1</u> Have one completed WET test sampled and submitted to an appropriate lab, and two more samples pre-scheduled for 2020, per permit requirements	June 1, 2020
<u>2</u> Submit the NM Community Development Block Grant (“CDBG”) application for wastewater treatment plant (“WWTP”) upgrades	June 11, 2020
<u>3</u> Finalize the draft rate/fee study for determination of appropriate customer rates/fees for adequate operation, maintenance, and staffing levels for the WWTP and collection system	Sept 14, 2020
<u>4</u> Develop a draft 5-year Capital Improvement Plan (CIP) for all operations and maintenance needs for the WWTP and collection system for EPA comment	Nov 1, 2020
<u>5</u> Begin utilizing the Check-Up Program for Small Systems (“CUPSS”) for all WWTP assets to reflect/concur with items identified in CIP plan.	Feb 1, 2021
<u>6</u> Ensure funding is adequate, based on the rate study, for the long-term operation and maintenance, which includes staffing levels, of the WWTP and collection system.	Feb 1, 2021
<u>7</u> Finalize the draft 5-year CIP for all expected expenses for the operations and maintenance of the WWTP and collection system	May 1, 2021
<u>8</u> Design Plans completed for upgrades to the wastewater treatment system	Feb 1, 2022

C. Within thirty (30) days, after the completion of each task in paragraph B above, Respondent shall submit to EPA a “Project Completion Report”. The Project Completion Report shall include the following information:

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

D. In the Project Completion Report, Respondent shall sign and certify under penalty of law, that the information contained in such report is true, accurate, and complete 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. In addition, Respondent shall submit Annual Progress Reports that describe in detail the specific actions taken and the progress made on compliance with the schedule of activities above. The Annual Progress Reports are due on January 31st of each year and will cover the progress of the previous year.

F. If Respondent would like to arrange a meeting, or virtual conference call, with EPA to discuss the allegations in this Section 309(a)(3) Compliance Order, it should contact EPA within ninety (90) days of the effective date of this Order. The meeting will be held at the Region 6 offices, 1201 Elm St., Dallas, Texas, and the Respondent can provide any information it believes is relevant to this Order. Respondent shall submit, or email, to EPA all information or materials it considers relevant to EPA at least ten (10) days prior to the meeting.

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

H. Any information or correspondence submitted by Respondent to EPA under this Order shall be addressed to:

Nancy Williams
Water Enforcement Branch (6ECD-WC)
EPA, Region 6
1201 Elm St. Suite 500
Dallas, TX 75270
And via email: williams.nancy@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 or judicial, civil or criminal action to seek penalties, fines, or any other relief appropriate under the Act for the violations cited herein, or other violations that become known. EPA reserves the right to seek any remedy available under the law that it deems appropriate.

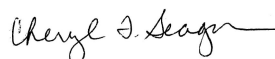
Failure to comply with this Section 309(a)(3) Compliance Order, or the Act, can result in further administrative action, or a civil judicial action initiated by the United States Department of Justice.

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.

April 28, 2020

Date



Digitally signed by CHERYL SEAGER
DN: c=US, o=U.S. Government, ou=Environmental Protection Agency,
cn=CHERYL SEAGER, o.9.2342.19200300.100.1.1=68001003651793
Date: 2020.04.27 17:37:56 -0500

Cheryl T. Seager
Director
Enforcement and Compliance
Assurance Division