



**Region 6 Compliance Assurance and Enforcement Division
INSPECTION REPORT**

Inspection Date(s):	04/11/2019		
Media:	Water		
Regulatory Program(s)	CWA – NPDES		
Company Name:	Cuba, Village of		
Facility Name:	Village of Cuba Wastewater Treatment Plant		
Facility Physical Location:	Mile Marker 2 on NMSR 197		
(city, state, zip code)	Cuba, NM 87013		
Mailing address:	P.O. Box 426		
(city, state, zip code)	Cuba, NM 87013		
County/Parish:	Sandoval County		
Facility Contact:	Richard Velarde	Mayor	
	mayorvelarde@gmail.com		
FRS Number:	110009831156		
Identification/Permit Number:	NM0024848		
Media Number:			
NAICS:	221320		
SIC:	4952		
Personnel participating in inspection:			
Amy Andrews, P.E.	USEPA/6EN-WMH	Environmental Engineer	214-907-0638
Barbara Cooney	NMED-GWQB	Environmental Specialist	505-827-0212
Esther Herrera	Cuba, Village of	Clerk / Water & Sewer Department Supervisor	575-289-2020
Levi Casaus	Cuba, Village of	Wastewater Operator	575-289-2020
Paul Chavez	New Mexico Rural Water Association	Wastewater Operator	505-884-1031
EPA Lead Inspector Signature/Date	AMY ANDREWS Amy Andrews Digitally signed by AMY ANDREWS DN: c=US, o=U.S. Government, ou=Environmental Protection Agency, cn=AMY ANDREWS, 0.9.2342.19200300.100.1.1=68001003655888 Date: 2019.06.06 10:09:34 -06'00'		
Supervisor Signature/Date	CAROL PETERS-WAGNON Carol Peters Digitally signed by CAROL PETERS-WAGNON DN: c=US, o=U.S. Government, ou=Environmental Protection Agency, cn=CAROL PETERS-WAGNON, 0.9.2342.19200300.100.1.1=68001003652679 Date: 2019.06.06 17:04:02 -05'00'		
			Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

Environmental Protection Agency (EPA) Region 6 inspector Amy Andrews, and New Mexico Environment Department inspector, Barbara Cooney, arrived at the Village of Cuba Wastewater Treatment Plant at 10:25 am on April 11, 2019 for an unannounced inspection. We met with Esther Herrera, Village of Cuba Clerk/Water and Wastewater Department Supervisor; Levi Casaus, Village of Cuba Wastewater Operator; and Paul Chavez, New Mexico Rural Water Association Wastewater Operator. I presented my credentials to Ms. Herrera and informed her that this was an EPA inspection to determine compliance with the facility's National Pollutant Discharge Elimination System (NPDES) permit and the Clean Water Act (CWA). The inspection was conducted under the authority of the NPDES permit program, in accordance with the Federal CWA. This report is based on information supplied by Village of Cuba representatives (the permittee), observations made by the EPA inspector, and records and reports maintained by the permittee and the EPA.

FACILITY DESCRIPTION

The Village of Cuba WWTP is classified as a minor municipal discharger with a design flow of 0.144 million gallons per day (MGD). The wastewater discharge flows to the Rio Puerco in water quality Segment 20.6.4.131 NMAC. The designated uses for this segment of the river are warmwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact.

Raw sewage enters the WWTP via an approximately 5-mile-long collection system. Flow is transported by gravity with one lift station. The Aero-Mod Extended treatment plant constructed in 2013 is an activated sludge process utilizing a sequential oxidation (SEQUOX) biological nutrient removal process. The plant consists of a bar screen, grit tank, two first and second stage aeration tanks A& B, two secondary clarifiers and ultraviolet (UV) disinfection. Influent enters the headworks and manual bar screen, flows through a flume and ultrasonic flow meter, and then enters the grit tank. Flow is then split into two trains of aeration basins (activation basins) where aerobic and anaerobic phases occur. After the activation basins, wastewater enters the secondary clarifiers and then passes through UV disinfection. Return Activated Sludge (RAS) is sent from the secondary clarifiers back to the aeration basins. Waste Activated Sludge (WAS) is sent to the solids thickeners then to the old plant's lagoon system for storage. Flow is measured with a flume and ultrasonic flow meter prior to discharge to the Rio Puerco. After the UV system, treated effluent enters a pipe, and then flows approximately 300 feet to an outlet. The effluent pipe outlet is approximately 370 feet west of the main channel of Rio Puerco.

Section II - OBSERVATIONS

After the Phase I construction of the WWTP in 2013, the Permittee has been under an enforcement action that would eliminate discharge from April 1 thru October 31 each year for past effluent violations. USEPA Docket No. CWA-06-2015-1732 dated March 16, 2015 states:

- A. *...shall accomplish the following tasks and comply with the following schedule of activities:*
 - 1. *Complete design of the Phase 2 construction project by July 31, 2015. The Phase 2 project will store and transfer effluent to a land application site where the Village will grow crops to utilize the water and nutrients in the WWTP effluent. The Phase 2 project will also enable the Village to discontinue flow to the Rio Puerco during the summer months.*
 - 2. *Complete construction of the Phase 2 project by February 28, 2016.*
- B. *...shall submit a Project Completion Report...by April 30, 2016.*

At this inspection, facility personnel stated that the construction for Phase 2 was nearly complete and that Startup would commence within the next week. Following the completion of Phase 2, treated wastewater will be stored in a newly constructed synthetically lined impoundment. Treated wastewater meeting Class 2 reuse standards (reclaimed wastewater) will be discharged to 13 individual fields within approximately 12 acres of reuse area. Wastewater not meeting Class 2 reuse standards will be discharged to a rehabilitated, concrete-lined, emergency discharge impoundment for disposal by evaporation or returned to the treatment plant headworks for further treatment. Waste activated sludge from the treatment plant will be stored in a rehabilitated, synthetically-lined, stabilization impoundment prior to being dried in newly constructed, concrete-lined, sludge drying beds with underdrains leading to the treatment plant headworks. Up to 2,700 cubic yards per year of dried sludge from the current treatment process will be land applied in the reuse area. Sludge that has accumulated at the plant since its construction in the 1970's will be consolidated in an existing impoundment and allowed to dry.

As part of Phase 2, a new laboratory building has been built and is reportedly furnished with all new laboratory analysis equipment. This new laboratory building was not yet in service as of the date of this inspection.

Section III – AREAS OF CONCERN

Requirement 1

Administrative Order Docket Number CWA-06-2015-1732, Section 309(a)(3) Compliance Order states:

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

- 2. *Complete construction of the Phase 2 project by February 28, 2016 (See Appendix 2).*

Concern 1

As of the date of this inspection (April 11, 2019) construction on Phase 2 was nearly finished, but not yet tested and implemented.

Requirement 2

Administrative Order Docket Number CWA-06-2018-1799, dated May 18, 2018, states: 12. *Part III.C.5 of the permit was violated in that Respondent did not have Standard Operating Procedures ("SOPs") available for review by the inspectors, and as such, the SOPs could not be reviewed for compliance with 40 CFR Part 136 requirements. The available documentation of bench sheets did not reference EPA approved methods, and also indicate the SOPs would not have met this requirement.* Section 309(a)(3) Compliance Order states: A. *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 in compliance with the requirement of the permit (see Appendix 3).

Concern 2

As of the date of this inspection (April 11, 2019) permittee did not have SOPs available for review, and bench sheets did not show test methods as approved in 40 CFR 136.

Requirement 3

NPDES Permit NM0024848, Part I: Limitations and Monitoring Requirements, 1. Outfall 001 – Final Effluent Limits: *During the period beginning the effective date of the permit [11/1/2015] and lasting through the expiration date of the permit [(unless otherwise noted), the permittee is authorized to discharge treated domestic wastewater from Outfall 001 ... Discharges are Prohibited through months from April 1 through October 31 each year.*

Concern 3

Due to the unfinished nature of Phase 2, permittee has been unable to meet the no discharge requirement between April and October during the years of 2016, 2017, and 2018. The facility was also discharging on the date of this inspection (April 11, 2019).

Requirement 4

NPDES Permit NM0024848, Part I: A.1. Outfall 001 - Final Effluent Limits - 0.144 MGD Design Flow

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS	
	lbs/day, unless noted		mg/l, unless noted (*1)				
POLLUTANT	30-DAY AVG	7-DAY AVG	30-DAY AVG	7-DAY AVG	DAILY MAX	MEASUREME NT FREQUENCY	SAMPLE TYPE
Flow	Report MGD	Report MGD	N/A	N/A	N/A	Daily	Totalized
BOD5	36	54	30	45	N/A	2/Month	Grab
TSS	36	54	30	45	N/A	2/Month	Grab
BOD ₅ % removal, minimum	≥85 (*2)	N/A	N/A	N/A	N/A	1/Month	Calculation
TSS % removal, minimum	≥85 (*2)	N/A	N/A	N/A	N/A	1/Month	Calculation
E. coli bacteria	N/A	N/A	126 cfu/100 ml	N/A	410 cfu/100 ml	2/Month	Grab
TRC	N/A	N/A	N/A	N/A	11 ug/l (*4)	Daily (*3)	Instantaneous Grab (*5)
DO (*6)	N/A	N/A	N/A	N/A	Report	1/Quarter	Instantaneous Grab (*5)
Total Phosphorus	1.2	N/A	1.0	N/A	1.5	1/Week	3-hr Composite
Total Nitrogen (*9)	12	N/A	10	N/A	15	1/Week	3-hr Composite
Total Ammonia	Report	N/A	1.0	N/A	1.5	1/Week	3-hr Composite

Footnotes:

- *1 See Appendix A of Part II of the permit for minimum quantification limits.
- *2 Percent removal is calculated using the following equation:
[average monthly influent concentration (mg/l) – average monthly effluent concentration (mg/l)] ÷ [average monthly influent concentration (mg/l)] x 100.
- *3 TRC shall be measured during periods when chlorine is used as either backup bacteria or when disinfection of plant treatment equipment is required.
- *4 The effluent limitation for TRC is the instantaneous maximum and cannot be averaged for reporting purposes
- *9 Total Nitrogen is defined as Total Kjeldahl Nitrogen plus Nitrate and Nitrite. Analyses shall be in accordance with 40 CFR 136.

Concern 4A

Permittee has started using an Excel spreadsheet to calculate DMR values, however the spreadsheet is only as good as the data entered. Several typos were noted by the inspector upon review of the spreadsheet. Typos that resulted in incorrect values reported on DMRs need to be corrected – revised DMRs should be submitted to EPA.

Concern 4B

During the month of November 2018, permittee forgot to enter the flow from the last day of the previous month into the spreadsheet, resulting in a calculated (and reported) 7-day average flow of

30.264 MGD and a calculated (and reported) 30-day average of 7.623 MGD, is well above the permitted design flow of 0.144 MGD.

Concern 4C

Permittee is reporting Total Kjeldahl Nitrogen (TKN) for Ammonia, instead of Ammonia by test method SM 4500 NH₃ (in accordance with 40 CFR 136).

Concern 4D

Permittee is using a zero value in DMR calculations when the laboratory report is below the detection limit. Guidance provided in the *NPDES Reporting Requirements Handbook* (EPA, 2004), Section XII, Question 9, states: "Unless otherwise stated in the permit, values below the detection limit are to be reported with a less than symbol (<) and the numeric value for the detection limit using the EPA approved method" (Please refer to the referenced document for additional information on this topic). During the month of November 2018, permittee reported a zero for the 30-day average and daily maximum for TSS instead of "<4" mg/l as shown on the laboratory report. Using a value of 4 mg/l to calculate the percent removal would result in a percent removal of 97% rather than the reported 100%.

Concern 4E

Permittee is not using monthly average effluent concentration in percent removal calculations as shown in footnote *2.

Requirement 5

NPDES Permit NM0024848, Part I: Limitations and Monitoring Requirements, 1. Outfall 001 – Final Effluent Limits, Footnote *3: *TRC (total residual chlorine) shall be measured during periods when chlorine is used as either backup bacteria control or when disinfection of plant treatment equipment is required.*

Concern 5

Facility personnel stated that plant is cleaned periodically with potable water which was sanitized with chlorine. TRC testing should be done whenever chlorine may have entered the treatment stream, including when potable water is used.

Requirement 6

NPDES Permit NM0024848, Part III: Standard Conditions B.3. Proper Operation and Maintenance a. *The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by permittee 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 this permit.*

Concern 6

An ongoing leak on the WAS line is present, as identified by the healthy stands of vegetation growing next to the access hatch (see photos in Appendix 1).

Requirement 7

NPDES Permit NM0024848, Part III: Standard Conditions B.3. Proper Operation and Maintenance b. *The permittee shall provide an adequate operating staff which is duly qualified to carry out operation, maintenance and testing functions required to insure compliance with the conditions of this permit.*

Concern 7

At the time of the inspection, the facility had one full time operator with a Level 1 Wastewater certification, one full time operator who was not yet certified, and one operator with a Level 3 Wastewater certification who was contracted to visit the facility one day a week. In accordance with New Mexico Administrative Code (NMAC) 20.7.4, in order to “operate” this facility, a Level 3 Wastewater Certification is required. *Operate* is defined as “performing any activity or function or making any process control or system integrity decision regarding water quality or water quantity that has the potential to affect the proper functioning of ... a public wastewater facility or to affect human health, public welfare or the environment.”

Requirement 8

NPDES Permit NM0024848, Part III. C.4. Record Contents: *Records of monitoring information shall include: a. The date, exact place, and time of sampling or measurements; b. The individual(s) who performed the sampling or measurements; c. The date(s) and time(s) analyses were performed; d. The individual(s) who performed the analyses; e. The analytical techniques or methods used; and f. The results of such analyses.*

Concern 8

pH bench sheets are missing the time of analysis, making it impossible to verify that analysis was completed within the 15-minute holding time.

Requirement 9

NPDES Permit NM0024848, Part III. C.5.a. *Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit or approved by the Regional Administrator.*

NPDES Permit NM0024848, Part III. C.5.b. *The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to insure accuracy of measurements and shall maintain appropriate records of such activities*

Concern 9

There was no thermometer present in the refrigerator used to store the samples during compositing, and pH buffer solutions did not have received-on or opened-on dates written on the bottles. The manufacturer of these solutions, “USABlueBook” states that they must be used within 6 months after opening.

Section IV – LIST OF APPENDICES

Appendix 1 – Photo Log – 2 photos taken 4/11/2019

Appendix 2 – Administrative Order Docket No. CWA-06-2015-1732

Appendix 3 – Administrative Order Docket No. CWA-06-2018-1799

Appendix 1

Photograph Log



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 1

Location: Village of Cuba Wastewater Treatment Plant		
City: Cuba	County/Parish: Sandoval County	State: New Mexico



Photo File Name: DSCN0881.JPG

Date of Photo: 04/11/2019

Time of Photo: 2:16 PM

Photographer: Amy Andrews

Description: Ongoing leak on the WAS line, as identified by healthy stands of vegetation.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 2

Location: Village of Cuba Wastewater Treatment Plant		
City: Cuba	County/Parish: Sandoval County	State: New Mexico



Photo File Name: DSCN0882.JPG

Date of Photo: 04/11/2019

Time of Photo: 2:17 PM

Photographer: Amy Andrews

Description: Ongoing leak on the WAS line, as identified by healthy stands of vegetation.

Appendix 2
Administrative Order
Docket No. CWA-06-2015-1732



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

MAR 16 2015

CERTIFIED MAIL—RETURN RECEIPT REQUESTED: 7005 1820 0003 7458 6749

The Honorable Mark Hatzenbuehler
Mayor, Village of Cuba
P.O. Box 426
Cuba, NM 87013

Re: Administrative Order; Docket Number: CWA-06-2015-1732
NPDES Permit Number: NM0024848

Dear Mayor Hatzenbuehler:

Enclosed is an Administrative Order (AO) issued to the Village of Cuba for violation of the Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.). Violations were identified during a compliance file review of your Wastewater Treatment Facility, conducted by the Environmental Protection Agency (EPA). The violation alleged is for exceedances of effluent limitations.

This AO does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. The first compliance deadline is within thirty days of receipt of this AO. The AO also contains other compliance deadlines and information demands. 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-06-2015-1732 and NPDES Permit Number NM0024848 on your response.

If you have any questions, please contact Robert Houston, of my staff, at (214) 665-8565.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Blevins", is written over the typed name.

John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosures

cc: Mr. Bruce Yurdin
Acting Bureau Chief
Surface Water Quality Bureau
New Mexico Environment Department

Mr. Frank C. Salazar
Sutin, Thayer & Browne
P.O. Box 1945
Albuquerque, NM 87103-1945

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

1445 Ross Avenue, Suite 1200, Dallas, Texas 75202

**FINDINGS OF VIOLATION AND COMPLIANCE ORDER AND
INFORMATION DEMAND**

Docket Number: CWA-06-2015-1732, NPDES Permit Number: NM0024848

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 308 and 309(a) of the Clean Water Act ("the Act"), 33 U.S.C. §§ 1318 and 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 Compliance Assurance and Enforcement Division.

Findings

1. The Village of Cuba ("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 a wastewater treatment plant ("WWTP"), located approximately 1.3 miles south of Highway 197-Rio Puerco Bridge, in the Village of Cuba, Sandoval County, New Mexico ("facility"), and was, therefore, an "owner or operator" within the meaning of 40 C.F.R. § 122.2. The mailing address for the Respondent is P.O. Box 426, Cuba, NM 87013.

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 Rio Puerco-Arroyo Chijuilla to the Northern boundary of Cuba, between Segments 20.6.4.105 and 20.6.4.109 of the Rio Grande Basin, 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 the 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 Number NM0024848 ("permit") under Section 402 of the Act, 33 U.S.C. § 1342, which became effective on September 1, 2010. 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 the Respondent. The relevant discharge limitations are listed in Attachment A, which is incorporated herein by reference.

9. Parts III.C and III.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. Parts III.C and D also require Respondent to file with EPA certified Discharge Monitoring Reports ("DMRs") of the results of monitoring, and Noncompliance Reports when appropriate.

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. The discharge of pollutants that exceeded the permit limitations are specified in Attachment B, which is incorporated herein by reference.

11. 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. 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.

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 Respondent to take the following actions:

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

1. Complete design of the Phase 2 construction project by July 31, 2015. The Phase 2 project will store and transfer effluent to a land application site where the Village will grow crops to utilize the water and nutrients in the WWTP effluent. The Phase 2 project will also enable the Village to discontinue flow to the Rio Puerco during the summer months.
2. Complete construction of the Phase 2 project by February 28, 2016.

B. Respondent shall submit a Project Completion Report, based on the construction activities at the WWTP, to EPA by April 30, 2016. The Project Completion Report shall contain the following information:

PROJECT COMPLETION REPORT	
a.	a detailed description of the Project as implemented;
b.	a description of any operating problems encountered and the solutions thereto;
c.	a documented, itemized costs of the Project, e.g., by copies of purchase orders and receipts or cancelled checks, and copies of monthly reports regarding labor costs, equipment costs, and materials purchased;
d.	certification that the Project has been fully implemented pursuant to the provisions of this Order;
e.	photographs of the Project construction activities from issue date of this Order to Project conclusion; and
f.	a description of the environmental and public health benefits resulting from implementation of this Project (with a quantification of the benefits and pollutant reductions).

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, 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. To ask questions or comments on this matter, please contact Mr. Robert Houston, of my staff, at (214) 665-8565.

E. Any information or correspondence submitted by Respondent to EPA under this Order and the schedule portion of this Order shall be addressed to the following:

Ms. Gladys Gooden-Jackson
Water Enforcement Branch (6EN-WC)
EPA, Region 6
1445 Ross Ave., Suite 1200
Dallas, TX 75202-2733

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 and the Section 308 Information Demand shall not be deemed an election by EPA to forego 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, Section 308 Information Demand, 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 the Respondent's NPDES permit, which remain in full force and effect. Compliance with the terms and conditions of this Order does not relieve the 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.

3.16.15

Date

John Blevins

Director

Compliance Assurance and
Enforcement Division

Attachment A – Final Effluent Limits
Effective on September 1, 2010

0.144 MGD design flow

During the period beginning on the date of three years from the effective date of this permit and lasting through the expiration date of this permit, the Permittee is authorized to discharge from outfall serial number 001. Discharges are prohibited through the months from April 1 through October 31 of each year. Discharges from November 1 through March 31 each year shall be limited and monitored by the Permittee as specified below:

Effluent Characteristics		Discharge Limitations					Monitoring Requirements	
Pollutant	STORET CODE	30-Day Avg.	7-Day Avg.	30-Day Avg.	7-Day Avg.	Daily Max.	Measurement Frequency	Sample Type
Flow	50050	Report MGD	Report MGD	N/A	N/A	N/A	Continuous	Totalizing Meter
Biochemical Oxygen Demand, 5-day	00310	36 lbs./day	54 lbs./day	30 mg/L	45 mg/L	N/A	2/Month	Grab
Total Suspended Solids	00530	36 lbs./day	54 lbs./day	30 mg/L	45 mg/L	N/A	2/Month	Grab
E. Coli Bacteria	51040	N/A	N/A	548	N/A	2,507 mg/L	2/Month	Grab
Total Residual Chlorine	50060	N/A	N/A	N/A	N/A	19 ug/L	Daily	Instantaneous Grab
Total Nitrogen	00600	12	N/A	10	N/A	15	1/2-Week	3-Hr. Composite
Total Phosphorus	00665	1.2	N/A	1.0	N/A	1.5	1/2-Week	3-Hr. Composite
Total Ammonia	00610	Report	N/A	1.0	N/A	1.5	1/2-Week	3-Hr. Composite
Total Aluminum	01105	N/A	N/A	Report	N/A	Report	1/Month	3-Hr. Composite
Dissolved Aluminum	01106	N/A	N/A	Report	N/A	Report	1/Month	3-Hr. Composite

The pH shall be less than 6.6 standard units or greater than 8.8 standard units.

Attachment B - Effluent Violations

Date	Outfall	Parameter	Permit Limit	Violation
2/28/14	001	Biochemical Oxygen Demand, 5-Day, 30-Day Avg.	30 mg/L	31 mg/L
2/28/14	001	Biochemical Oxygen Demand, 5-Day, 7-Day Avg.	45 mg/L	756 mg/L
1/31/14	001	Total Nitrogen, 30-Day Avg.	10 mg/L	34 mg/L
1/31/14	001	Total Nitrogen, Daily Max.	15 mg/L	35 mg/L
2/28/14	001	Total Nitrogen, 30-Day Avg.	10 mg/L	31 mg/L
2/28/14	001	Total Nitrogen, Daily Max.	15 mg/L	32 mg/L
3/31/14	001	Total Nitrogen, 30-Day Avg.	10 mg/L	32 mg/L
3/31/14	001	Total Nitrogen, Daily Max.	15 mg/L	35 mg/L
3/31/14	001	Total Nitrogen, 30-Day Avg.	12 lbs/day	13 lbs/day
1/31/14	001	Total Ammonia, 30-Day Avg.	1 mg/L	31 mg/L
1/31/14	001	Total Ammonia, Daily Max.	1.5 mg/L	31 mg/L
2/28/14	001	Total Ammonia, 30-Day Avg.	1 mg/L	20 mg/L
2/28/14	001	Total Ammonia, Daily Max.	1.5 mg/L	30 mg/L
3/31/14	001	Total Ammonia, 30-Day Avg.	1 mg/L	30 mg/L
3/31/14	001	Total Ammonia, Daily Max.	1.5 mg/L	34 mg/L
2/28/14	001	Total Phosphorus, 30-Day Avg.	1 mg/L	2 mg/L
2/28/14	001	Total Phosphorus, Daily Max.	1.5 mg/L	3 mg/L

Fact Sheet – Concluded Enforcement Action

Date Submitted For Signature	02/11/2015
Final Order/CD Date	
Facility Name	Cuba, Village of
Facility Location	Cuba, NM
Type of Action	Administrative Order
Docket Number	CWA-06-2015-1732
Facility ID Number	NM0024848
Documents to Sign	Cover Letter and Administrative Order
Background	Several previous Orders have been issued to the Village of Cuba. This AO is for effluent exceedances BOD, Total Nitrogen, Total Ammonia, and Total Phosphorous.
Proposed Penalty/ Environmental Impact	N/A
Challenges	
Recommendation	Sign Cover Letter and AO
Case Summary DO NOT include any Enforcement Sensitive Information in the summary	On <Enter Date>, EPA Region 6 issued an Administrative Order (AO) under its authority pursuant to Section 309 of the Clean Water Act to the Village of Cuba (Respondent) located in Cuba, New Mexico. The AO was issued in response to violations of its National Pollutant Discharge Elimination System Permit Number NM0024848. The AO requires the Respondent to obtain compliance. Respondent must respond to EPA Region 6 (thirty)days after issuance of the AO. For more information, see documents, below.
Program Contact	Robert Houston:
Program Supervisor	Carol Peters:
Legal Contact	Scott McDonald:
Other Contacts	
Additional Information	

Cells highlighted in YELLOW will be published on the Internet, along with a copy of the enforcement document (order, consent decree, etc) – therefore DO NOT include any ENFORCEMENT SENSITIVE INFORMATION in these cells.

Appendix 3
Administrative Order
Docket No. CWA-06-2018-1799



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

**Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733**

MAY 18 2018

CERTIFIED MAIL—RETURN RECEIPT REQUESTED: 7005 1820 0003 7458 3755

The Honorable Richard R. Velarde
Mayor, Village of Cuba Wastewater Treatment Plant
P.O. Box 426
Cuba, NM 87013

Re: Administrative Order; Docket Number: CWA-06-2018-1799
NPDES Facility Number: NM0024848

Dear Mayor Velarde:

Enclosed is an Administrative Order (AO) issued to Village of Cuba for violations of the Clean Water Act (CWA) (33 U.S.C. § 1251 *et seq.*). Violations were identified during an October 16, 2017 inspection of your Wastewater Treatment Plant laboratory located at Mile Marker 2 on NMSR 197, Cuba, Sandoval County, New Mexico. The inspection was conducted by Environmental Protection Agency, Region 6 (EPA) inspectors. The violations are for utilizing instrumentation and standard operating procedures that do not satisfy the requirements under 40 C.F.R. § 136.

This AO does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. The first compliance deadline is within thirty days of receipt of this AO. The AO also contains other compliance deadlines and specified information. 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-06-2018-1799 and NPDES Permit Number NM0024848 on your response.

If you have any questions, please contact Ms. Magdeleine Dallemagne, of my staff, at (214) 665-7396.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cheryl Seager", is written over the typed name.

Cheryl Seager
Director
Compliance Assurance and
Enforcement Division

Enclosure

Re: Administrative Order
Village of Cuba

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cc: Ms. Shelly Lemon
Bureau Chief
Surface Water Quality Bureau
New Mexico Environment Department
shelly.lemon@state.nm.us

Ms. Sarah Holcomb
Program Manager
New Mexico Environment Department
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Barbara Cooney
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Ms. Esther Herrera
Water Clerk
Village of Cuba
cubawater@gmail.com



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

1445 Ross Avenue, Suite 1200, Dallas, TX 75202

FINDINGS OF VIOLATION and COMPLIANCE ORDER

Docket Number: CWA-06-2018-1799; NPDES Permit Number: NM0024848

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 delegated the authority to issue this Order to the Regional Administrator of EPA Region 6, who delegated this authority to the Director of the Compliance Assurance and Enforcement Division.

FINDINGS

1. Village of Cuba ("Respondent"), 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 Cuba Wastewater Treatment Plant ("WWTP"), located at Mile Marker 2 on NMSR 197, in Cuba, Sandoval County, New Mexico ("facility"), and was, therefore, an "owner or operator" within the meaning of 40 C.F.R. § 122.2. The mailing address for Respondent is P.O. Box 426, Village of Cuba, NM 87013.

3. At all relevant times, the facility acted as a "point source" of a "discharge" of "pollutants" with its wastewater to receiving waters named the Rio Puerco, Segment No. 20.6.4.131, of the Grande River Basin, 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. Respondent applied for and was issued NPDES Permit Number NM0024848 ("permit") under Section 402 of the Act, 33 U.S.C. § 1342, which became effective on June 1, 2015.

7. 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. On October 6 and 7, 2017, the facility's laboratory, instrumentation and documentation were inspected by EPA inspectors. As a result, the findings specified in the following paragraphs were made:

9. Part III.B.3. of the permit ("Proper Operation and Maintenance") requires Respondent to properly operate and maintain all facilities and systems which are used to achieve compliance with the conditions of the permit. This includes laboratory controls and appropriate quality control procedures.

10. Part III.B.3. of the permit was violated in that Respondent was not maintaining and calibrating the instrumentation to satisfy the maintenance and calibration requirements under 40 C.F.R. § 136.7. Maintenance requirements were not satisfied in that the storage of samples and that of testing and calibration reagents were not temperature controlled nor was the temperature recorded to satisfy regular maintenance procedures.

11. Part III.C.5. of the permit ("Monitoring Procedures") requires Respondent to conduct monitoring procedures according to test procedures approved under 40 C.F.R. Part 136, and calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals frequent enough to ensure accuracy of measurements.

12. Part III.C. 5 of the permit was violated in that Respondent did not have Standard Operating Procedures ("SOPs") available for review by the inspectors, and as such, the SOPs could not be reviewed for compliance with 40 C.F.R. Part 136 requirements. The available documentation of bench sheets did not reference EPA approved methods, and also indicate the SOPs would not have met this requirement.

13. 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.

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 Respondent to take the following action upon receipt of this Order:

A. 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 in compliance with the requirements of the permit.

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

MAY 18 2018

B. In the event that compliance cannot be achieved immediately, Respondent shall submit a report to EPA within thirty days (30) citing specific actions taken to address the violations cited herein. This report shall also include descriptions of the work needed to achieve compliance, the estimated capital and operational costs, and projected completion dates of any construction needed to come into compliance with the violations cited herein.

Date


Cheryl T. Seager
Director

Compliance Assurance and
Enforcement Division

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

Ms. Magda Dallemagne
Water Enforcement Branch (6EN-WS)
EPA, Region 6
1445 Ross Ave., Suite 1200
Dallas, TX 75202-2733

GENERAL PROVISIONS

Issuance of this Section 309(a)(3) Compliance Order shall not be deemed an election by EPA to forego any administrative, 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 to EPA. EPA reserves the right to seek any remedy available under the law that it deems appropriate.

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

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 remains 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.