



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

April 5, 2021

TRANSMITTED VIA EMAIL

Honorable Charles Griego
Village of Los Lunas
660 Main Street
Los Lunas, NM 87031
griegoc@loslunasnm.gov

Re: PWS Identification Number: NM3525332
Administrative Order; Docket Number: SDWA-06-2021-1276

Dear Mayor Griego:

Enclosed is an Administrative Order issued by the United States Environmental Protection Agency, Region 6 (EPA) concerning the Los Lunas Water System. The Order requires the Village of Los Lunas (Respondent) to comply with the provisions set forth in the attached Order. The EPA requests that you immediately confirm receipt of this letter and the attached Order by a response e-mail to hall.chelo@epa.gov. This Order is effective immediately upon receipt.

As an owner/operator of a public water system (PWS) and as a supplier of water, Respondent is required to comply with the Safe Drinking Water Act (SDWA) and the National Primary Drinking Water Regulations (NPDWRs). Pursuant to 40 C.F.R. §141.40(a)(2), community water systems (CWSs) serving more than 10,000 must comply with the monitoring and reporting requirements of the Unregulated Contaminant Monitoring Rule 4 (UCMR 4). Pursuant to 40 C.F.R. §141.40(a)(4)(i), CWSs serving 10,000 individuals are required to collect UCMR 4 samples and report the sample results using EPA's Safe Drinking Water Accession and Review System (SDWARS), no later than December 31, 2020. Respondent failed to monitor and report UCMR 4 in SDWAR by December 31, 2020, in violation of 40 C.F.R. §141.40(a)(2). The Order requires Respondent to conduct and report in compliance with UCMR 4 requirements.

EPA acknowledges that the COVID-19 pandemic may impact your community. If this is the case, please contact us regarding any specific issues you need to discuss. If you need assistance, or have questions regarding the Order, please contact Chelo Hall, of my staff, at (214) 665-2716.

Sincerely

A handwritten signature in black ink, reading "Cheryl T. Seager", is positioned above the typed name.

Digitally signed by CHERYL SEAGER
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Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosure

cc: Michael Jaramillo, Public Works Director, jaramillom@loslunasnm.gov

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

In the Matter of	§	
	§	
	§	
Village of Los Lunas	§	
	§	DOCKET NO. SDWA-02-2021-1276
	§	
Respondent	§	
	§	
PWS ID. No. NM3525332	§	

ADMINISTRATIVE ORDER

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 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C Section 300g-3(g). The Administrator delegated the authority to issue this Order to the Regional Administrator of EPA Regio 6, who delegated such authority to the Director of the Enforcement and Compliance Assurance Division.

FINDINGS

1. Village of Los Lunas (Respondent) is a “person” as defined by Section 1401(12) of the Act, 42 U.S.C. § 300f(12).
2. At all times relevant to the violations alleged herein (relevant time period), Respondent owned or operated the public water system (PWS), as defined by Section 1401(4) of the Act, 42 U.S.C. § 300f(4), located in Los Lunas, Valencia County, New Mexico (facility), designated as PWS number NM3525332.
3. During the relevant time period, Respondent’s PWS served more than 10,000 individuals year-round and is considered a “community water system,” (CWS) as defined by Section 1401(15) of the Act, 42 U.S.C. §300f(15) and is subject to the requirements of the Act, 42 U.S.C. §300g-1, and its implementing regulations, 40 C.F.R. Part 141.
4. The New Mexico Environment Department (NMED) administers the Public Water Supply Supervision Program in New Mexico pursuant to Section 1413 of the SDWA, 42 U.S.C.

§300g-2. NMED is the primacy agency pursuant to Section 1413(a) of the SDWA, 42 U.S.C. §300g-2(a). However, EPA retains primary enforcement authority regarding UCMR 4 pursuant to 40 C.F.R. Part 141, Subpart E.

5. On December 20, 2016, EPA promulgated a final rule that describes the design for the fourth cycle of the Unregulated Contaminant Monitoring Regulation (UCMR 4). The UCMR 4 became effective January 19, 2017, and is regulated under 40 C.F.R. Part 141 Subparts D and E. The UCMR 4 monitoring shall occur from 2018-2020 and includes monitoring for a total of 30 chemical contaminants: 10 cyanotoxins (nine cyanotoxins and one cyanotoxin group) and 20 additional contaminants (two metals, eight pesticides plus one pesticide manufacturing byproduct, three brominated haloacetic acid (HAA) disinfection byproducts groups, three alcohols, and three semi-volatile organic chemicals (SVOCs)). Implementation of the UCMR 4 will benefit the environment by providing EPA and other interested parties with scientifically valid data on the occurrence of these contaminants in drinking water, thereby permitting the assessment of the population potentially being exposed and the levels of that exposure. These data are the primary source of occurrence and exposure data for the EPA to determine whether to regulate these contaminants.
6. Pursuant to 40 C.F.R. §141.40(a)(2), CWSs serving more than 10,000 individuals, including those that purchase some or all their water supply from another public water system, must comply with the monitoring and reporting requirements for UCMR 4.
7. Pursuant to 40 C.F.R. §141.40(a)(4)(i), CWSs serving more than 10,000 individuals are required to collect samples according to the schedule assigned by EPA or the schedule the CWS revised using EPA's Safe Drinking Water Accession and Review System (SDWARS) on or before December 31, 2017.
8. Pursuant 40 C.F.R. §141.40(a), Table 1 requires that UCMR 4 sample collection be completed no later than December 31, 2020.
9. EPA provided a UCMR 4 monitoring schedule to Respondent for 2020; however, Respondent failed to monitor and report UCMR 4 in SDWARS in 2020 in violation of 40 C.F.R. §141.40(a)(2). To date, Respondent has not submitted the UCMR 4 data to SDWARS.

ORDER

Based on the foregoing findings and pursuant to the authority of Section 1414(g) of the SDWA, of the Act, 42 U.S.C. § 300g-3(g), EPA orders that Respondent take the following actions and continue taking such actions until informed otherwise by EPA:

- A. Within five (5) days upon receipt of this Order, Respondent shall contact the UCMR Sampling Coordinator by sending an e-mail to ucmr_sampling_coordinator@epa.gov to reschedule and confirm and/or modify the current SDWARS inventory. The e-mail must include the PWS name and ID number, the month your PWS requests to start monitoring, as well as a reason for the request. In addition, copy hall.chelo@epa.gov and mistry.jatin@epa.gov on all correspondence with the UCMR Sampling Coordinator. Any changes or modifications to your assigned schedule must be approved by EPA.
- B. Within five (5) days of coordinating with the UCMR Sampling Coordinator, Respondent shall confirm to hall.chelo@epa.gov and mistry.jatin@epa.gov the schedule and the monitoring sites that have been approved by the UCMR Sampling Coordinator.
- C. Within twenty-one (21) days upon receipt of this Order, Respondent shall make arrangement with an EPA approved laboratory to receive and analyze UCMR 4 samples. Approved EPA laboratories can be found at <https://www.epa.gov/dwucmr/list-laboratories-approved-epa-fourth-unregulated-contaminant-monitoring-rule-ucmr-4>. Once the arrangements have been made with an approved laboratory, within 5 days after the arrangements are made, Respondent shall email hall.chelo@epa.gov and mistry.jatin@epa.gov identifying the laboratory.
- D. Within five (5) days after UCMR 4 sampling events are undertaken pursuant to the monitoring schedule provided to Respondent by EPA, Respondent shall email hall.chelo@epa.gov and mistry.jatin@epa.gov indicating that the sampling event has occurred.
- E. Within five (5) days after Respondent enters the UCMR 4 monitoring data to SDWARS, Respondent shall email hall.chelo@epa.gov and mistry.jatin@epa.gov indicating that the data has been entered to SDWARS.

GENERAL PROVISIONS

This Order is effective upon receipt by Respondent.

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

This Section 1414(g) Compliance Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. Part 141 or other applicable federal and state requirements, which remain in full force and effect. Issuance of this Section 1414(g) Compliance Order is not an election by EPA to forego any civil or any criminal action otherwise authorized under the Act.

Violation of any term of this Section 1414(g) Compliance Order may subject Respondents to an administrative civil penalty of up to \$41,120 under Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), or a civil penalty of not more than \$59,017 per day per violation, assessed by an appropriate United States District Court under Section 1414(g)(3)(A) of the Act, 42 U.S.C. § 300g-3(g)(3)(A).

April 5, 2021

Date



Digitally signed by CHERYL SEAGER
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Cheryl T. Seager
Director
Enforcement and
Compliance Division