



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-06-2022-1733; TPDES Permit Number: NM0028088

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), 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. Glorieta Camps (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 Glorieta Camps Wastewater Treatment Plant (facility) located at I-25 North to Exit 299 East, Santa Fe County, New Mexico, 87535; 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 from Outfall 001 into Glorieta Creek, in the Pecos 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.
7. Respondent applied for and was issued NPDES Permit No. NM0028088 (permit) under Section 402 of the Act, 33 U.S.C. § 1342, which was issued on October 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. On May 10, 2021, EPA issued an Administrative Order (AO) Docket No. CWA-06-2021-1732. The AO cited violation(s) of Section 301 of the Act, 33 U.S.C. § 1311. This AO (Docket No. CWA-06-2022-1733) supersedes the previous AO (Docket No. CWA-06-2021-1732).
9. The permit includes “Monitoring and Reporting Requirements” that 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 submit to EPA and the New Mexico Environment Department (NMED) certified Discharge Monitoring Reports (DMR) conveying the results of monitoring, and Noncompliance Reports when appropriate.
10. The permit contains “Effluent 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.
11. 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, 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 was a violation of the permit and 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:

A. Respondent shall complete the following tasks listed in the Schedule of Activities to achieve compliance with the requirements of the Act:

SCHEDULE OF ACTIVITIES	
Project Activity	Due Date
Procurement of Engineering Services	3/31/2022
Preliminary Engineering Report	11/30/2022
Engineering Design and Construction Documents	12/31/2023
Advertise for Bid and Award Construction	3/29/2024
Construction, Start up, Trial Operations	10/31/2025
Completion, Operation, and Contingencies	12/31/2025

B. Within forty-five (45) days after the completion date for each task, Respondent shall submit to EPA a Project Completion Report for each task listed in table "A" directly above. The Project Completion Report shall contain the following information:

- 1) a detailed description of the Project as implemented;
- 2) a description of any operating problems encountered and the solutions thereto;
- 3) documented and itemized costs of the Project, e.g., including copies of purchase orders and receipts or cancelled checks, and copies of monthly reports regarding labor costs, equipment costs, and materials purchased;
- 4) certification that the Project has been fully implemented pursuant to the provisions of this Order;
- 5) photographs of the Project construction activities, equipment costs, and materials purchased; and
- 6) photographs of the Project construction activities from the issue date of this Order to conclusion of the Project.

C. 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 listed above. The annual progress reports are due on March 31 of each year and will cover the activities during the previous calendar year. The first annual progress report will be due on March 31, 2023.

D. In the Project Completion Report, submitted to EPA pursuant to this Administrative 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 immediately responsible for obtaining the 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. Any information or correspondence submitted by Respondent to EPA under this Order, including to arrange any meeting, shall be addressed to the following:

Mr. Damon McElroy
Water Enforcement Branch (ECDWM)
U.S. EPA, Region 6
1201 Elm St. Suite 500
Dallas, TX 75270-2102
and mcelroy.damon@epa.gov

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 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.

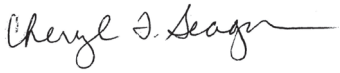
Failure to comply with this Section 309(a)(3) Compliance Order or the Act may result in further administrative action, or a civil judicial action initiated by the United States Department of Justice.

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.

January 10, 2022

Date



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