



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TEXAS 75202-2733

JUN 26 2015

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7005 1820 0003 7449 5607

Mr. Tom Church, Cabinet Secretary
New Mexico Department of Transportation
P.O. Box 1149
Santa Fe, NM 87504-1149

Re: Bicentennial Rest Area
Administrative Order; Docket Number: SDWA-06-2015-1218
PWS ID: NM3595426

Dear Mr. Church:

Enclosed is an Administrative Order for violation of the Safe Drinking Water Act (SDWA) 42 U.S.C. § 300f, et seq., and its implementing regulations, 40 C.F.R. Part 141, issued to the New Mexico Department of Transportation (NMDOT) by the Environmental Protection Agency (EPA). EPA finds that the NMDOT owns or operates the public water system at the Bicentennial Rest Area and is subject to the Act and its implementing regulations.

This Order requires certain actions and information demands. It also requires immediate compliance with the Ground Water Rule, as set forth in Section 1412, 42 U.S.C. § 300g-1. NMDOT must correct all significant deficiencies at Bicentennial Rest Area identified during a sanitary survey. Please be aware that failure to comply with this Order may subject NMDOT to additional enforcement action, including the initiation of legal proceedings to seek monetary penalties.

The PWS is also required to comply with all applicable New Mexico Environment Department regulations and provisions of 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141. If you need assistance, or have questions regarding the Order, please contact Jenna Manheimer, of my staff, at (214) 665-7318.

Sincerely,

A handwritten signature in black ink, appearing to read "John Blevins", is written over a horizontal line.

John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure

Re: Bicentennial Rest Area
Administrative Order

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cc: Mr. Wayne Martinez, Facility Manager
New Mexico Department of Transportation
P.O. Box 4127
Santa Fe, NM 87502

Maria J. Medina, Enforcement Coordinator
New Mexico Environment Department
Drinking Water Bureau
P.O. Box 5469
Santa Fe, NM 87502-5469



U.S. ENVIRONMENTAL PROTECTION AGENCY-REGION 6

FINDINGS OF VIOLATION, COMPLIANCE ORDER, AND INFORMATION DEMAND

In the Matter of Bicentennial Rest Area

Owned/Operated by the New Mexico Department of Transportation, Respondent

Docket No. SDWA-06-2015-1218; PWS ID No. NM3595426

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 1414(g) and 1445 of the Safe Drinking Water Act ("the Act"), 42 U.S.C. §§ 300g-3(g) and 300j-4. The Administrator delegated the authority to issue this Order to the Regional Administrator of EPA Region 6, who delegated such authority to the Director of the Compliance Assurance and Enforcement Division.

FINDINGS

1. The New Mexico Department of Transportation ("NMDOT") ("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 Bicentennial Rest Area water system, a public water system ("PWS"), as defined by Section 1401(4) of the Act, 42 U.S.C. § 300f(4), located in Santa Fe County, New Mexico, designated as PWS ID NM3595426 ("facility").

3. During the relevant time period, Respondent's PWS served as a "transient, non-community water system," as defined by Section 1401(16) of the Act, 42 U.S.C. § 300f(16).

4. The PWS is a "supplier of water" by providing water for human consumption to approximately 330 people at the Bicentennial Rest Area.

5. As a PWS and "supplier of water," Respondent is subject to the regulations promulgated by EPA pursuant to Section 1412 of the Act, 42 U.S.C. § 300g-1, entitled "National Primary Drinking Water Regulations."

6. The New Mexico Environment Department ("NMED") and EPA have enforcement responsibility for the PWS provisions of the Act in the State of New Mexico. NMED and EPA have consulted regarding this Order, and it has been agreed that EPA will initiate this enforcement action.

7. Pursuant to 40 C.F.R. § 141.401, a sanitary survey inspection was conducted by NMED on December 27, 2013, in order to evaluate the source of water supply, pumps and pumping facilities, treatment, distribution systems, laboratory facilities, management and operator qualifications. The following significant deficiencies were identified by NMED under the Ground Water Rule ("GWR"), pursuant to 40 C.F.R. § 141.403:

- a. Inadequate number of operators;
- b. no written sampling plan for Total Coliform Rule and nitrate-nitrite samples;
- c. lack of an operations and maintenance plan, or necessary operational policies;
- d. no emergency response plan; and
- e. no or inadequate system maps.

8. In a letter dated January 28, 2014, NMED notified Respondent of all significant deficiencies, requiring Respondent to consult with the Drinking Water Bureau within thirty (30) days, and to correct all significant deficiencies within one hundred and twenty (120) days of receipt of the letter, or to establish and maintain an approved schedule for corrective action.

9. Pursuant to 40 C.F.R. § 141.404(a), Respondent did not take corrective action in accordance with any applicable State plan review process or other State guidance and direction, including state-specified interim actions and measures, nor is Respondent in compliance with a state-approved corrective action plan or schedule, as specified in the NMED correspondence dated January 28, 2014; therefore, Respondent violated 40 C.F.R. § 141.404(a). Failure to meet these requirements is a violation of the GWR treatment technique requirements.

SECTION 1414(g) COMPLIANCE ORDER

10. Based on these findings and pursuant to the authority of Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), EPA orders Respondent to take the following actions:

- A. Within fifteen (15) calendar days of the effective date of this Order, Respondent shall contact Jenna Manheimer, in writing, informing her whether Respondent shall comply with the terms of this Order.

- B. Respondent shall correct all five significant deficiencies as soon as possible, or within sixty (60) days of receipt of this Order. If immediate compliance is not possible, Respondent shall submit a schedule for corrective action to both EPA and NMED within thirty (30) days.
- C. In the event that public notice ("PN") regarding the violations specified in paragraphs 7-9 has not yet been issued, Respondent shall, within thirty (30) days of the effective date of this Order, provide PN for all violations, as set forth in 40 C.F.R. § 141.201. Respondent shall submit a copy of the PN distributed to EPA and NMED within forty (40) days of the issuance of this Order.

SECTION 1445 INFORMATION DEMAND

11. Based on these findings and pursuant to the authority of Section 1445 of the Act, 42 U.S.C. § 300j-4, Respondent is required to do the following:

- D. Within sixty (60) days of receipt of this Order, Respondent shall provide to EPA a written response documenting the completion of corrective actions for all significant deficiencies, including photographs or other necessary documentation. The corrective actions must be completed in accordance with applicable state plan review processes or other state guidance and direction, including state-specified interim actions and measures.
- E. If additional time is necessary to complete the corrective actions, Respondent shall provide EPA with a written response for review and approval that documents the reason additional time is necessary, along with a specific schedule for correcting all significant deficiencies. The request for additional time cannot exceed ninety (90) days from receipt of this Order.
- F. All reporting required by this Order must be provided by the Respondent to both EPA and NMED at the following addresses:

Jenna Manheimer
Water Enforcement Branch (6EN-WR)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733
Manheimer.Jennifer@epa.gov

and

Maria J. Medina, Enforcement Coordinator
New Mexico Environment Department
Drinking Water Bureau
P.O. Box 5469
Santa Fe, NM 87502-5469
Maria.Medina@state.nm.us

GENERAL PROVISIONS

This Order is effective upon receipt by Respondent.

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

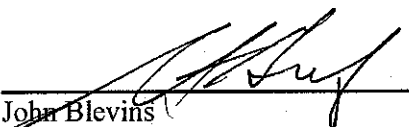
This Section 1414(g) Compliance Order and the Section 1445 Information Demand do not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. Part 141 or other applicable federal and state requirements, which remain in full force and effect. Issuance of this Section 1414(g) Compliance Order and Section 1445 Information Demand 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 and the Section 1445 Information Demand may subject Respondent to an administrative civil penalty of up to \$32,500 under Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), or a civil penalty of not more than \$37,500 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).

This Order shall be binding on the PWS cited herein and all its successors, and assignees. No change in ownership of the PWS shall alter the responsibility of the PWS under this Order.

JUN 26 2015

Date


John Blevins
Director
Compliance Assurance and
Enforcement Division