



REGION 6

DALLAS, TX 75270

August 16, 2024

TRANSMITTED VIA E-MAIL

Michael Limon, Village Clerk
Village of Bosque Farms
1455 West Bosque Loop
Bosque Farms, NM 87068
clerkadmin@bosquefarmsnm.gov

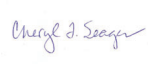
Re: Administrative Order; Docket Number: CWA-06-2024-1796
Bosque Farms Wastewater Treatment Plant
NPDES Permit Number: NM0030279

Dear Mr. Limon:

Enclosed is an Administrative Order (AO) issued to the Village of Bosque Farms, for violations of the Clean Water Act (CWA), 33 U.S.C. §§ 1251–1387. Violations were identified during a review of the permit file and discharge monitoring reports submitted for the Bosque Farms Wastewater Treatment Facility. The violations alleged are for failure to meet monitoring requirements. The EPA requests that you immediately confirm receipt of this e-mail and the attached order by a response e-mail to mcelroy.damon@epa.gov.

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 the effective date of the AO. The Environmental Protection Agency 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-06-2024-1796 and NPDES Permit Number NM0030279 on your response. If you have any questions, please contact Mr. Damon McElroy of my staff, at (214) 665-7159 or mcelroy.damon@epa.gov.

Sincerely,

 Digitally signed by CHERYL
SEAGER
Date: 2024.08.16 13:53:45 -05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosure(s)

ec: shelly.lemon@env.nm.gov
susan.lucaskamat@env.nm.gov
mayor@bosquefarmsnm.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 6

FINDINGS OF VIOLATION AND COMPLIANCE ORDER

Docket Number: CWA-06-2024-1796; NPDES Permit Number: NM0030279

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. The Village of Bosque Farms (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 Bosque Farms Wastewater Treatment Plant (facility) located at 1355 Desmet Road, Bosque Farms, Valencia County, New Mexico, 87042, 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 the Rio Grande River in Waterbody Segment Code No. 20.6.4.105 of the Rio Grande Basin, 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 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. NM0030279 (permit) under Section 402 of the Act, 33 U.S.C. § 1342, which was issued on March 22, 2018, expired on April 30, 2023, administratively continued until December 31, 2024, and then reissued on January 1, 2024. 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.

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, 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 (DMRs) conveying the results of monitoring, and Noncompliance Reports when appropriate.

10. The Respondent did not submit DMRs in accordance with the Permit requirements from September 2023 to the present as 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 *E. coli* permitted effluent limitations, as specified in Attachment B, which is incorporated herein by reference.

12. 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

13. 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. Take such measures as are necessary to comply with all permit conditions, including Effluent Limitations and Monitoring and Reporting Requirements, no later than thirty (30) days from the effective date of the Order.

B. Within thirty (30) days of the effective date of this Order, Respondent shall submit a list of the specific actions taken to correct the DMR non-submittal and E. Coli violations.

C. 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 compliant with the permit requirements.

D. In the event the Respondent believes complete correction of the violations cited herein is not possible within thirty (30) days of the effective date of this Order, Respondent shall, within thirty (30) days of the effective date of this Order, submit a comprehensive written plan for the elimination of the cited violations within the shortest possible time. Such plan shall describe in detail the specific corrective actions to be taken and why such actions are sufficient to correct the violations. The plan shall include a detailed schedule for the elimination of the violations within the shortest possible time, as well as measures to prevent these or similar violations from recurring.

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

Mr. Damon McElroy, P.E.
mcelroy.damon@epa.gov

and

Ms. Nancy Williams
williams.nancy@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.

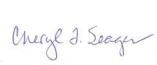
Failure to comply with this Section 309(a)(3) Compliance Order or the Act may result in further administrative action, or a civil judicial action initiated by the United States Department of Justice.

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.

August 16, 2024

Date

 Digitally signed by CHERYL
SEAGER
Date: 2024.08.16 13:50:41 -05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Attachment A
Permit Number: NM0030279

Village of Bosque Farms WWTP
DMRs Not Received Table

DMRs Status Table, Outfall 001A:

BOD, 5-day				
Unit:	Lbs./day	Lbs./day	Mg/L	Mg/L
Statistical Base:	30-Day Ave.	7-Day Ave.	30-Day Ave.	7-Day Ave.
9/30/23	Not Received	Not Received	Not Received	Not Received
10/31/23	Not Received	Not Received	Not Received	Not Received
11/30/23	Not Received	Not Received	Not Received	Not Received
12/31/23	Not Received	Not Received	Not Received	Not Received
1/31/24	Not Received	Not Received	Not Received	Not Received
2/29/24	Not Received	Not Received	Not Received	Not Received
3/31/24	Not Received	Not Received	Not Received	Not Received
4/30/24	Not Received	Not Received	Not Received	Not Received
5/31/24	Not Received	Not Received	Not Received	Not Received
6/30/24	Not Received	Not Received	Not Received	Not Received
Solids, total suspended (TSS)				
Unit	Lbs./day	Lbs./day	Mg/L	Mg/L
Statistical Base	30-Day Ave.	7-Day Ave.	30-Day Ave.	7-Day Ave.
9/30/23	Not Received	Not Received	Not Received	Not Received
10/31/23	Not Received	Not Received	Not Received	Not Received
11/30/23	Not Received	Not Received	Not Received	Not Received
12/31/23	Not Received	Not Received	Not Received	Not Received
1/31/24	Not Received	Not Received	Not Received	Not Received
2/29/24	Not Received	Not Received	Not Received	Not Received
3/31/24	Not Received	Not Received	Not Received	Not Received
4/30/24	Not Received	Not Received	Not Received	Not Received
5/31/24	Not Received	Not Received	Not Received	Not Received
6/30/24	Not Received	Not Received	Not Received	Not Received
<i>E. coli</i>, colony forming units (cfu) per 100 ml				
Unit	Billion cfu/day	Cfu/100 mL	Cfu/100 mL	NA
Statistical Base	7-day Geo.	30-Day Geo.	Daily Max.	---
9/30/23	Not Received	Not Received	Not Received	---
10/31/23	Not Received	Not Received	Not Received	---
11/30/23	Not Received	Not Received	Not Received	---
12/31/23	Not Received	Not Received	Not Received	---
1/31/24	Not Received	Not Received	Not Received	---
2/29/24	Not Received	Not Received	Not Received	---
3/31/24	Not Received	Not Received	Not Received	---
4/30/24	Not Received	Not Received	---	---
5/31/24	Not Received	Not Received	---	---
6/30/24	Not Received	Not Received	---	---
pH				
Unit	Standard Units	Standard Units	NA	NA

Statistical Base	Min.	Max.	---	---
9/30/23	Not Received	Not Received	---	---
10/31/23	Not Received	Not Received	---	---
11/30/23	Not Received	Not Received	---	---
12/31/23	Not Received	Not Received	---	---
1/31/24	Not Received	Not Received	---	---
2/29/24	Not Received	Not Received	---	---
3/31/24	Not Received	Not Received	---	---
4/30/24	Not Received	Not Received	---	---
5/31/24	Not Received	Not Received	---	---
6/30/24	Not Received	Not Received	---	---
Flow				
Unit	MGD	MGD	NA	NA
Statistical Base	30-Day Ave.	7-Day Ave.	---	---
9/30/23	Not Received	Not Received	---	---
10/31/23	Not Received	Not Received	---	---
11/30/23	Not Received	Not Received	---	---
12/31/23	Not Received	Not Received	---	---
1/31/24	Not Received	Not Received	---	---
2/29/24	Not Received	Not Received	---	---
3/31/24	Not Received	Not Received	---	---
4/30/24	Not Received	Not Received	---	---
5/31/24	Not Received	Not Received	---	---
6/30/24	Not Received	Not Received	---	---
Chlorine, total residual (TRC)				
Unit	Mg/L	NA	NA	NA
Statistical Base	Inst. Max.	---	---	---
9/30/23	Not Received	---	---	---
10/31/23	Not Received	---	---	---
11/30/23	Not Received	---	---	---
12/31/23	Not Received	---	---	---
1/31/24	Not Received	---	---	---
2/29/24	Not Received	---	---	---
3/31/24	Not Received	---	---	---
4/30/24	Not Received	---	---	---
5/31/24	Not Received	---	---	---
6/30/24	Not Received	---	---	---
Nitrogen, ammonia total				
Unit	Mg/L	NA	NA	NA
Statistical Base	Daily Max.	---	---	---
1/31/24	Not Received	---	---	---
2/29/24	Not Received	---	---	---
3/31/24	Not Received	---	---	---
4/30/24	Not Received	---	---	---
5/31/24	Not Received	---	---	---
6/30/24	Not Received	---	---	---

Attachment B
Permit Number: NM0030279

Village of Bosque Farms WWTP
E. coli Permit Exceedances Outfall 001A:

***E. coli* Violations Table:**

Date	Statistical Base	Limit Unit	Permit Limit Value	DMR Value
07/31/2022	7-day Geo.	BCFU/d	2.39	110.0
08/31/2022	7-day Geo.	BCFU/d	2.39	132.0
09/30/2022	7-day Geo.	BCFU/d	2.39	4.75
02/28/2023	30-Day Geo.	CFU/100mL	126.0	131.0
02/28/2023	7-day Geo.	BCFU/d	2.39	6.7
03/31/2023	7-day Geo.	BCFU/d	2.39	17.7
04/30/2023	7-day Geo.	BCFU/d	2.39	2.91
07/31/2023	30-Day Geo.	CFU/100mL	126.0	806.0
07/31/2023	7-day Geo.	BCFU/d	2.39	53.0
08/31/2023	30-Day Geo.	CFU/100mL	126.0	306.0
08/31/2023	7-day Geo.	BCFU/d	2.39	3.82