



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

JUL 18 2018

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7014 0150 0000 2454 3916

Mr. Richard Holland, Managing Partner
HRV Hotel Partners, LLC
3301 Windy Ridge Parkway, Suite 310
Atlanta, GA 30339

Re: Administrative Order; Docket Number: CWA-06-2018-1819
NPDES Facility Number: NMU001971

Dear Mr. Holland:

Enclosed is an Administrative Order (AO) issued to HRV Hotel Partners, LLC for violation of the Clean Water Act (CWA) 33 U.S.C. §§ 1251-1387. Violations were identified during a May 23, 2018 inspection of your construction site located at 1297 Bishops Lodge Road in Santa Fe, NM. The inspection was conducted by the New Mexico Environment Department on behalf of the Environmental Protection Agency (EPA). The violations stem from ten rain events of one quarter inch or greater at the site, which resulted in a discharge of pollutants from the site into waters of the United States in violation of Section 301 of the Clean Water Act.

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-06-2018-1819 and NPDES Facility Number NMU001971 on your response.

If you have any questions, please contact Ms. Stephanie Meyers, of my staff, at (214) 665-6496.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl T. Seager", is written over a horizontal line.

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

Enclosure

Re: HRV Hotel Partners, LLC
Administrative Order

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

Ms. Sarah Holcomb
Program Manager
Point Source Regulation Section
New Mexico Environment Department
sarah.holcomb@state.nm.us

Mr. Daniel Valenta
Inspector
New Mexico Environment Department
daniel.valenta@state.nm.us



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

1445 Ross Avenue, Suite 1200, Dallas, TX 75202

FINDINGS OF VIOLATION AND COMPLIANCE ORDER

Docket Number: CWA-06-2018-1819; NPDES Facility Number: NMU001971

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 309(a) of the Clean Water Act ("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 Division.

FINDINGS

1. HRV Hotel Partners, LLC ("Respondent") is a "person," as defined by Section 502(5) of the Act, 33 U.S.C. § 1362(5).

2. At all times relevant to the violations alleged herein, Respondent owned or operated Bishops Lodge, a construction site of more than five acres, located in Santa Fe, Santa Fe County, New Mexico ("facility") and was therefore an "owner or operator" within the meaning of 40 C.F.R. § 122.2.

3. At all times relevant to this Order, the facility acted as a "point source" of a "discharge" of "pollutant[s]" to the Little Tesuque Creek, thence to the Rio Grande in segment 20.6.4.121 of the Rio Grande Basin, which is considered a "water of the United States," as defined by 40 C.F.R. § 122.2. As a result, Respondent and the facility were subject to the Act and the National Pollutant Discharge Elimination System ("NPDES") program.

4. The facility is an industry identified under 40 C.F.R. § 122.26 (b) (14) (x) and is subject to the General Permit for Storm Water Discharges Associated with Construction Activity issued by EPA on February 16, 2017.

5. On May 23, 2018, the facility was inspected by the New Mexico Environment Department on behalf of EPA. As a result of this inspection, the facility was found to be in violation of Section 301 of the Act, 33 U.S.C. § 1311.

6. According to the EPA eNOI database that records all applications for storm water general permit coverage, Respondent did not submit a Notice of Intent ("NOI") for permit coverage for its activities at the facility, and was not covered by an NPDES permit at the relevant times for the relevant activities.

7. During the time period of May 23, 2017 to May 23, 2018, there were ten rainfall events of one-quarter inch or greater at the facility resulting in unauthorized discharges of pollutants from the facility. Each unauthorized discharge from the facility was a violation of Section 301 of the Act, 33 U.S.C. § 1311.

SECTION 309(a)(3) COMPLIANCE ORDER

Based on these findings and pursuant to the authority of Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), EPA orders that Respondent take the following actions upon receipt of this Order:

A. Within thirty (30) days of the effective date of this Order, Respondent shall develop and implement a site-specific Storm Water Pollution Prevention Plan and apply for NPDES permit coverage, either by filing an individual permit application or an NOI to be covered by an applicable NPDES general permit for discharges from the facility. Respondent shall cease and prevent all unpermitted discharges from the facility. The NOI should be submitted by one of the following methods:

- 1) By regular mail to:
Storm Water Notice Processing Center
U.S. EPA, MC 4203M
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460
- 2) By overnight/express mail to:
Storm Water Notice Processing Center
U.S. EPA, Room 7420
1201 Constitution Ave., NW
Washington, D.C. 20004
- 3) Via the internet at:
<http://cfpub.epa.gov/npdes/stormwater/enoi>

For a status update on your NOI, call the NOI Center at (866) 352-7755.

B. Respondent shall simultaneously forward a certified copy of the SWPPP and eNOI application to EPA at the following address:

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

C. Any other information or correspondence submitted by Respondent to EPA under this Order shall also be forwarded to the above address.

Based on the foregoing Findings and pursuant to the authority of Section 309 of the Act, 33 U.S.C. § 1319, Respondent is required to do the following:

Within thirty (30) days of the effective date of this Order, Respondent shall submit a written certification of compliance to the EPA, Region 6. All correspondence should be addressed to:

Ms. Stephanie Meyers
Water Enforcement Branch (6EN-WS)
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.

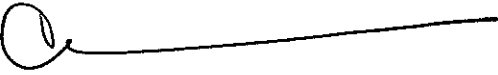
Issuance of this Section 309(a)(3) Compliance Order shall not be deemed an election by EPA to waive any administrative, judicial, civil or criminal action to seek penalties, fines, or other relief under the Act for the violations cited herein, or other violations that become known to EPA. EPA reserves 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.

Compliance with the terms and conditions of this Order does not relieve Respondent of its obligation to comply with all applicable federal, state, or local laws or regulations.

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

7-18-2018
Date


Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division