



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270-2102

June 1, 2021

TRANSMITTED VIA EMAIL

Jarel LaPan Hill
City Manager
City of Santa Fe
P.O. Box 909
Santa Fe, NM 87504-0909
jlapanhill@santafenm.gov

Re: Administrative Order Docket Number: CWA-06-2021-1725
NPDES Permit: NM0022292

Dear Ms. Hill:

Enclosed is an Administrative Order (AO) issued to the City of Santa Fe 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 Santa Fe Wastewater Treatment Facility. The violations alleged are for failure to meet permit effluent limitations. The EPA requests that you immediately confirm receipt of this e-mail and the attached order by a response e-mail to tates.mona@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-06-2021-1725 and NPDES Permit Number NM0022292 on your response.

EPA acknowledges that the COVID-19 pandemic may impact your city. If this is the case, please contact us regarding any specific issues you need to discuss.

If you have any questions, please contact Ms. Mona Bates of my staff, at (214) 665-7152 or tates.mona@epa.gov.

Sincerely,

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

Digitally signed by CHERYL SEAGER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=CHERYL SEAGER,
0.9.2342.19200300.100.1.1=68001003651793
Date: 2021.06.01 10:13:50 -05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosure

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

Susan Kucas Kamat
Acting Program Manager
Surface Water Quality Bureau
New Mexico Environment Department
susan.lucaskamat@state.nm.us



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-06-2021-1725; NPDES Permit Number: NM0022292

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 further delegated this authority to the Director of the Enforcement and Compliance Assurance Division.

FINDINGS

1. The City of Santa Fe (Respondent) is a municipality which was incorporated under the laws of the State of New Mexico, and as such, 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, Respondent owned or operated a municipal wastewater treatment facility located at Airport Road, Santa Fe, Santa Fe County, New Mexico, 87504 (facility), and was, therefore, an "owner or operator" within the meaning of 40 C.F.R. § 122.2.

3. At all times relevant, the facility was a "point source" of a "discharge" of "pollutants" with its municipal wastewater to the receiving waters of Santa Fe River in Segment No. 20.6.4.113 of the Rio Grande Basin which is "waters 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. NM0022292 (herein the permit) under Section 402 of the Act, 33 U.S.C. § 1342, which became effective on September 1, 2016 and expires on August 31, 2021. 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. Part I.A of the permit places certain limitations on the quality and quantity of effluent discharged by Respondent. The relevant discharge limitations are as indicated in the attached Table A.

9. Part I.C. of the permit requires the 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. It also requires the Respondent to file with EPA certified Discharge Monitoring Reports (DMRs) of the results of monitoring, and Noncompliance Reports when appropriate.

10. Certified DMRs filed by the Respondent with EPA in compliance with the permit show discharges of pollutants from the facility that exceed the permitted effluent limitations established in Part I.A of the permit, as specified in the attached Table B.

11. Each instance in which Respondent discharged pollutants to waters of the United States in amounts exceeding the effluent limitations contained in the permit is a violation of the permit and Section 301 of the Act, 33 U.S.C. § 1311. 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

Based on the foregoing Findings and pursuant to the authority of Section 309 of the Act, EPA hereby orders Respondent to take the following actions:

A. Within thirty (30) days of the effective date of this Order, Respondent shall submit a list of the specific actions taken to correct the reporting and effluent violations cited in this Order.

B. 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 that the facility is in compliance with the requirements of the permit.

C. In the event that 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.

D. If Respondent would like to arrange a meeting with EPA to discuss the allegations in this Order, it should contact EPA within forty-five (45) days of the effective date of this Order. The meeting will be held at the Region 6 offices, 1201 Elm Street, Dallas, Texas, and Respondent can provide any information it believes is relevant to this Order. Respondent shall submit to EPA all information or materials it considers relevant to EPA at least ten (10) days prior to the meeting.

E. To arrange a meeting, or to ask questions or comment on this matter, please contact Ms. Mona Bates, of my staff, at (214) 665-7152 or tates.mona@epa.gov.

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

Ms. Nancy Williams
Water Enforcement Branch (6ECD-WA)
EPA, Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270-2102
and williams.nancy@epa.gov

GENERAL PROVISIONS

Issuance of this Section 309(a)(3) Compliance Order shall not be deemed an election by EPA to forego any administrative, judicial, civil or criminal action to seek penalties, fines, or any other relief appropriate 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.

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

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 remains 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 the Respondent.

June 1, 2021

Date



Digitally signed by CHERYL SEAGER
DN: c=US, o=U.S. Government, ou=Environmental
Protection Agency, cn=CHERYL SEAGER,
0.9.2342.19200300.1001.1=68001003651793
Date: 2021.06.01 10:05:29 -05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Table A
Permit Limits
City of Santa Fe
NM0022292

Effluent Characteristics	Discharge Limitations for Outfall 001A			
	Loading (lbs/day)	Concentration (mg/l), unless noted		
	30 Day Avg.	30 Day Avg.	7 Day Avg.	Daily Max.
Carbonaceous Biochemical Oxygen Demand, CBOD (5-Day)	709	10	15	N/A
Total Suspended Solids, TSS	2127	30	45	N/A
E. coli Bacteria	N/A	126 cfu/100 ml	N/A	410 cfu/100 ml
Total Phosphorous	108	3.1	N/A	Report
Total Nitrogen	256	6.9	N/A	Report

Attachment B

City of Santa Fe - NM0022292 Effluent Violations

Monitoring Period	Outfall	Parameter	Monitoring	Units	Permit Limit	DMR Value	# of Excursions
07/31/2019	001	E. coli	DAILY MX	CFU/100mL	410.	446.	1
08/31/2019	001	E. coli	DAILY MX	CFU/100mL	410.	760.	1
11/30/2019	001	Nitrogen, total [as N]	30DA AVG	mg/L	6.9	7.4	1
12/31/2019	001	Solids, total suspended	30DA AVG	mg/L	30.	52.	2
12/31/2019	001	Solids, total suspended	7 DA AVG	mg/L	45.	148.	2
01/31/2020	001	BOD, carbonaceous [5 day, 20 C]	7 DA AVG	mg/L	15.	22.	1
01/31/2020	001	E. coli	30DAVGEO	CFU/100mL	126.	145.	3
01/31/2020	001	E. coli	DAILY MX	CFU/100mL	410.	1080.	3
01/31/2020	001	Nitrogen, total [as N]	30DA AVG	lb/d	265.	281.	2
01/31/2020	001	Nitrogen, total [as N]	30DA AVG	mg/L	6.9	7.3	2
01/31/2020	001	Solids, total suspended	30DA AVG	lb/d	2127.	2327.	4
01/31/2020	001	Solids, total suspended	30DA AVG	mg/L	30.	60.	4
01/31/2020	001	Solids, total suspended	7 DA AVG	mg/L	45.	127.	4
02/29/2020	001	BOD, carbonaceous [5 day, 20 C]	30DA AVG	mg/L	10.	14.	2
02/29/2020	001	BOD, carbonaceous [5 day, 20 C]	7 DA AVG	mg/L	15.	26.	2
02/29/2020	001	E. coli	30DAVGEO	CFU/100mL	126.	346.	7
02/29/2020	001	E. coli	DAILY MX	CFU/100mL	410.	6200.	7
02/29/2020	001	Nitrogen, total [as N]	30DA AVG	lb/d	265.	472.	2
02/29/2020	001	Nitrogen, total [as N]	30DA AVG	mg/L	6.9	12.5	2
02/29/2020	001	Phosphorus, total [as P]	30DA AVG	lb/d	108.	125.	2
02/29/2020	001	Phosphorus, total [as P]	30DA AVG	mg/L	3.1	3.3	2
02/29/2020	001	Solids, suspended % removal	MO AV MN	%	85.	76.75	0
02/29/2020	001	Solids, total suspended	30DA AVG	lb/d	2127.	3395.	5
02/29/2020	001	Solids, total suspended	30DA AVG	mg/L	30.	91.	5
02/29/2020	001	Solids, total suspended	7 DA AVG	mg/L	45.	192.	5
03/31/2020	001	BOD, carbonaceous [5 day, 20 C]	30DA AVG	lb/d	709.	776.	4
03/31/2020	001	BOD, carbonaceous [5 day, 20 C]	30DA AVG	mg/L	10.	20.	4
03/31/2020	001	BOD, carbonaceous [5 day, 20 C]	7 DA AVG	mg/L	15.	36.	4
03/31/2020	001	E. coli	30DAVGEO	CFU/100mL	126.	374.	9
03/31/2020	001	E. coli	DAILY MX	CFU/100mL	410.	1800.	9

03/31/2020	001	Nitrogen, total [as N]	30DA AVG	lb/d	265.	654.	2
03/31/2020	001	Nitrogen, total [as N]	30DA AVG	mg/L	6.9	16.5	2
03/31/2020	001	Phosphorus, total [as P]	30DA AVG	lb/d	108.	196.	2
03/31/2020	001	Phosphorus, total [as P]	30DA AVG	mg/L	3.1	4.8	2
03/31/2020	001	Solids, suspended % removal	MO AV MN	%	85.	60.57	0
03/31/2020	001	Solids, total suspended	30DA AVG	lb/d	2127.	5910.	5
03/31/2020	001	Solids, total suspended	30DA AVG	mg/L	30.	148.	5
03/31/2020	001	Solids, total suspended	7 DA AVG	mg/L	45.	242.	5
04/30/2020	001	BOD, carbonaceous [5 day, 20 C]	7 DA AVG	mg/L	15.	16.	1
04/30/2020	001	E. coli	30DAVGEO	CFU/100mL	126.	643.	8
04/30/2020	001	E. coli	DAILY MX	CFU/100mL	410.	#####	8
04/30/2020	001	Nitrogen, total [as N]	30DA AVG	lb/d	265.	454.	2
04/30/2020	001	Nitrogen, total [as N]	30DA AVG	mg/L	6.9	14.5	2
04/30/2020	001	Phosphorus, total [as P]	30DA AVG	lb/d	108.	237.	2
04/30/2020	001	Phosphorus, total [as P]	30DA AVG	mg/L	3.1	7.6	2
04/30/2020	001	Solids, total suspended	30DA AVG	mg/L	30.	36.	2
04/30/2020	001	Solids, total suspended	7 DA AVG	mg/L	45.	103.	2
05/31/2020	001	E. coli	30DAVGEO	CFU/100mL	126.	316.	6
05/31/2020	001	E. coli	DAILY MX	CFU/100mL	410.	1460.	6
05/31/2020	001	Nitrogen, total [as N]	30DA AVG	lb/d	265.	268.	2
05/31/2020	001	Nitrogen, total [as N]	30DA AVG	mg/L	6.9	12.9	2
05/31/2020	001	Phosphorus, total [as P]	30DA AVG	mg/L	3.1	4.5	1
05/31/2020	001	Solids, total suspended	7 DA AVG	mg/L	45.	57.	1
06/30/2020	001	E. coli	DAILY MX	CFU/100mL	410.	640.	2
06/30/2020	001	Nitrogen, total [as N]	30DA AVG	mg/L	6.9	8.8	1
07/31/2020	001	E. coli	DAILY MX	CFU/100mL	410.	960.	1
07/31/2020	001	Nitrogen, total [as N]	30DA AVG	mg/L	6.9	7.9	1
08/31/2020	001	Nitrogen, total [as N]	30DA AVG	lb/d	265.	288.	2
08/31/2020	001	Nitrogen, total [as N]	30DA AVG	mg/L	6.9	11.3	2
09/30/2020	001	Nitrogen, total [as N]	30DA AVG	mg/L	6.9	8.9	1
10/31/2020	001	Nitrogen, total [as N]	30DA AVG	lb/d	265.	268.	2
10/31/2020	001	Nitrogen, total [as N]	30DA AVG	mg/L	6.9	7.7	2
10/31/2020	001	Phosphorus, total [as P]	30DA AVG	lb/d	108.	110.	2
10/31/2020	001	Phosphorus, total [as P]	30DA AVG	mg/L	3.1	3.2	2
11/30/2020	001	Nitrogen, total [as N]	30DA AVG	mg/L	6.9	7.2	1
11/30/2020	001	Phosphorus, total [as P]	30DA AVG	lb/d	108.	244.	2
11/30/2020	001	Phosphorus, total [as P]	30DA AVG	mg/L	3.1	7.1	2
12/31/2020	001	Nitrogen, total [as N]	30DA AVG	lb/d	265.	433.	2
12/31/2020	001	Nitrogen, total [as N]	30DA AVG	mg/L	6.9	10.7	2
12/31/2020	001	Phosphorus, total [as P]	30DA AVG	lb/d	108.	345.	2

12/31/2020	001	Phosphorus, total [as P]	30DA AVG	mg/L	3.1	8.6	2
01/31/2021	001	E. coli	DAILY MX	CFU/100mL	410.	920.	1
01/31/2021	001	Nitrogen, total [as N]	30DA AVG	lb/d	265.	852.	2
01/31/2021	001	Nitrogen, total [as N]	30DA AVG	mg/L	6.9	21.4	2
01/31/2021	001	Phosphorus, total [as P]	30DA AVG	lb/d	108.	188.	2
01/31/2021	001	Phosphorus, total [as P]	30DA AVG	mg/L	3.1	4.7	2
02/28/2021	001	E. coli	30DAVGEO	CFU/100mL	126.	160.	2
02/28/2021	001	E. coli	DAILY MX	CFU/100mL	410.	920.	2
02/28/2021	001	Nitrogen, total [as N]	30DA AVG	lb/d	265.	536.	2
02/28/2021	001	Nitrogen, total [as N]	30DA AVG	mg/L	6.9	11.9	2
02/28/2021	001	Phosphorus, total [as P]	30DA AVG	lb/d	108.	314.	2
02/28/2021	001	Phosphorus, total [as P]	30DA AVG	mg/L	3.1	6.9	2