

Harper Valley Homeowners' Association, Inc.
90 Road 6050 NBU #1001
Farmington, NM 87401

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REGIONAL HEARING CLERK
EPA REGION VI

September 25, 2014

Regional Hearing Clerk (6RC-D)
United States Environmental Protection Agency
Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Re: Administrative Complaint
Notice of Proposed Assessment of Class I Civil Penalty
Docket Number CWA-06-2014-1879
NPDES Permit No. NM0029025

Dear Sir or Madam:

I am filing an Answer to the subject Complaint. The identified violation is failure to meet permit effluent limitations for Biochemical Oxygen Demand, E. coli, Total Fecal Coliform and Total Suspended Solids. I would like to request information which will allow us to identify the discharge monitoring reports that were reviewed for the violations. We have a newly issued discharge permit which will be effective November 1, 2014. The expiration date of the permit is October 31, 2019. The permit outlines a three year timeline for our facility to connect to the newly formed Valley Water and Sanitation District (VWSD).

Last year we initiated a feasibility study to connect to VWSD. We were able to review two different alternatives for connecting to the central collection system. The cost of the engineering study was \$2,020. We have a preliminary engineering report that was commissioned this summer which is nearing completion. This report will cost \$8,000-\$10,000. The preliminary estimate for the project cost is approximately \$600,000 to \$650,000. In order to pursue funding, in April of this year we submitted our project to San Juan County for inclusion in the New Mexico Environment Department Clean Water State Revolving Fund (CWSRF) Priority List. Our project is currently listed seventh on the list for the entire State of New Mexico. Needless to say we are pleased with our ranking on the list. We met with the Lower Valley Water Users Association last year to discuss collection of our dues for the Subdivision. They perform the billing function for the VWSD. Since

the majority of the Harper Valley Homeowners' Association dues are for treatment of wastewater water they agreed to allow us to bundle our dues with their potable water bill. This partnership has enhanced our ability to collect our monthly dues and laid the necessary groundwork for our move to the VWSD. Also, as part of an effort to acquire funding for our project, the Harper Valley Subdivision is included as part of an incorporation effort by the town of Kirtland. As a City we should be better positioned to acquire funding for our project. As you can see we are moving as quickly as we can to connect to VWSD after which we would decommission our wastewater treatment facility.

We are also maintaining our thirty-six year old wastewater treatment plant in order to comply with the requirements of the National Pollutant Discharge System Program. Last year, in order to continue the operation of our waste treatment facility until we reach a future point in time for it to be decommissioned; we invested a considerable amount of time and expense in the clarifying basin infrastructure. In kind donations in the form of welding were rendered this past winter in order to replace the entire piping infrastructure. Approximately \$7,000 of in kind donations and another \$600 of material expenses were incurred in order to complete the project. This project was accomplished knowing full well that we are moving towards eventually decommissioning the facility. After our most recent EPA facility inspection we followed the inspector's recommendation to purchase a sludge monitoring tool for \$200. We also spent over \$500 on seals and bearings for our aerator gear box last month.

Due to the aforementioned progress and the challenges that lie before us, we feel that any financial resources spent on punitive fines at this stage would impede our progress towards connecting to the VWSD collection system. We would like to request an informal settlement conference to resolve the proposed civil penalty of \$1,000. We appreciate your assistance with this Administrative Complaint. We are working extremely hard to move our homeowners association out of the wastewater treatment business. As member of our Board of Directors, I am an unpaid volunteer doing all I can to maintain and operate a waste water treatment plant that is approaching obsolesce, while moving towards a viable wastewater solution. If you have any questions or need additional information, please give me a call at (505) 334-4550.

Sincerely,



Larry Hathaway

President Harper Valley Board of Directors