



REGION 6  
DALLAS, TX 75270

August 28, 2024

TRANSMITTED VIA EMAIL

Mark S. Sanchez  
Executive Director  
Albuquerque-Bernalillo County Water Utility Authority  
4201 2<sup>nd</sup> Street SW  
Albuquerque, NM 87105  
msanchez@abcwua.org

Re: Consent Agreement and Final Order  
Docket Number: CWA-06-2023-1727  
NPDES Permit: NM0022250

Dear Mr. Sanchez,

Enclosed is the proposed Consent Agreement and Final Order (CAFO) that contains the settlement terms that have been agreed upon regarding the alleged environmental violations by the Albuquerque-Bernalillo County Water Utility Authority. The United States Environmental Protection Agency (EPA) requests that you immediately confirm receipt of this e-mail and the attached CAFO by a response via e-mail. If you do not have any concerns regarding the CAFO, please sign the CAFO and e-mail it back to Ellen Chang at [chang.ellen@epa.gov](mailto:chang.ellen@epa.gov). Also, please forward a copy via e-mail of the signed CAFO to Anthony M. Loston at [loston.anthony@epa.gov](mailto:loston.anthony@epa.gov).

If you have any questions regarding this matter, please contact Anthony M. Loston, of my staff, at (214) 665-3109, or have your attorney contact Ellen Chang, of the Office of Regional Counsel, at (214) 665-7328.

Sincerely,

A handwritten signature in blue ink that reads "Cheryl T. Seager".

Digitally signed by CHERYL  
SEAGER  
Date: 2024.08.28 15:48:46 -04'00'

Cheryl T. Seager, Director  
Enforcement and  
Compliance Assurance Division

Enclosure(s)

Re: Consent Agreement and Final Order - CWA-06-2023-1727  
Albuquerque-Bernalillo County Water Utility Authority

Page 2

ec: Emily Soli  
General Counsel  
Pueblo of Isleta  
Tribal Services Complex Building "C"  
3950 Highway 47  
Isleta, NM 87105  
emily.soli@isletapueblo.com

Shelly Lemon  
Water Bureau Chief  
New Mexico Environment Department  
P.O. Box 5469  
Santa Fe, NM 87502  
shelly.lemon@env.nm.gov

Ms. Susan LucasKamat  
Surface Water Quality Bureau  
New Mexico Environment Department  
P.O. Box 5469  
Santa Fe, NM 87502  
susan.lucaskamat@env.nm.gov

**FILED**

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REGIONAL HEARING CLERK  
EPA REGION 6

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6

In the Matter of	§	
	§	
Albuquerque Bernalillo County Water Utility Authority	§	
	§	
A New Mexico municipality,	§	Docket No. CWA-06-2023-1727
	§	
Respondent	§	
	§	
NPDES Permit No. NM0022250	§	

**CONSENT AGREEMENT AND FINAL ORDER**

**I. PRELIMINARY STATEMENT**

1. This Consent Agreement and Final Order (CAFO) is issued under the authority vested in the United States Environmental Protection Agency (EPA) pursuant to Section 309(g) of the Clean Water Act (the Act), 33 U.S.C. § 1319(g). This CAFO is issued in accordance with 40 C.F.R. § 22.18, as described in the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits," 40 C.F.R. Part 22.
2. On May 30, 2023, EPA Region 6 issued to the Albuquerque Bernalillo County Water Utility Authority (Respondent) an Administrative Complaint (Complaint) under Section 309(g) of the Act, 33 U.S.C. § 1319(g), which proposed to assess a civil penalty against Respondent, and gave notice of Respondent's opportunity to request a hearing on the proposed administrative penalty assessment.
3. Respondent and EPA (collectively, Parties) agree that settlement of the relevant matters without litigation will save time and resources, that it is in the public's interest, and that the entry of this

CAFO is the most appropriate means of resolving such matters. Compliance with all the terms and conditions of this CAFO resolves only those violations alleged in the Complaint.

4. Respondent admits the jurisdictional allegations of the Complaint; however, Respondent neither admits nor denies the specific factual allegations and conclusions of law contained in the Complaint or the Findings of Fact and Conclusions of Law contained in this CAFO.
5. Respondent expressly waives any right to contest the factual allegations or conclusions of law contained in the Complaint and this CAFO and waives its right to appeal the Final Order set forth herein.
6. Before the taking of any testimony, and without adjudication of any issue of law or fact, the Parties agree to the terms of this CAFO and to its issuance. Respondent consents to the assessment and payment of a civil penalty in the amount and by the method stated below.

## II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

7. Respondent is a public water and wastewater utility entity chartered under the laws of the State of New Mexico, and as such, 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.
8. At all times relevant to this action, Respondent owned or operated a public wastewater treatment plant (WWTP) located at the Southside Reclamation Plant located at 4201 Second Street in Bernalillo County, New Mexico (facility), and was, therefore, an "owner or operator" within the meaning of 40 C.F.R. § 122.2.
9. The Complaint specified Findings of Fact and Conclusions of Law that are hereby incorporated by reference and alleged, among other things, that at the relevant times: Respondent was a

“person” that “owned or operated” a facility that was a “point source” subject to “discharges” of “pollutants” to identified “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; Respondent and the facility were subject to the provisions of the Act, 33 U.S.C. § 1251 *et seq.*, and the National Pollutant Discharge Elimination System (NPDES) program; and Respondent was alleged to have violated Section 301 of the Act, 33 U.S.C. § 1311, by discharging pollutants from its facility that exceeded effluent limitations established in its NPDES permit and by failing to properly operate and maintain its facility resulting in sanitary sewer overflows, as specified in the Complaint.

10. With the issuance of the Complaint, the New Mexico Environment Department was notified and given an opportunity to consult with EPA regarding the proposed assessment of an administrative penalty against Respondent.
11. EPA notified the public of the Complaint via the internet at <https://www.epa.gov/publicnotices> and afforded the public thirty (30) days to comment on the Complaint and proposed penalty. Prior to the expiration of the notice period, EPA received a comment from the Pueblo of Isleta. The Pueblo of Isleta also filed a Motion of Leave to Intervene.

### III. TERMS OF SETTLEMENT

#### A. Penalty Provisions

12. Based on the foregoing Findings of Fact and Conclusions of Law, EPA Region 6, considering the relevant criteria pursuant to Section 309(g)(3) of the Act, 33 U.S.C. § 1319(g)(3), and acting pursuant to the authority of Section 309(g) of the Act, 33 U.S.C. § 1319(g), hereby orders that Respondent shall pay to the United States a civil penalty in the amount of seventy-two thousand

six hundred dollars (\$72,600) to settle the violations as alleged in the Complaint, in accordance with 40 C.F.R. § 22.18(c).

13. Payment shall be made by one of the following methods within thirty (30) days of the effective date of this CAFO:

- a. By mailing a bank check, cashier's check or certified check, payable to "Treasurer of the United States," to the following address:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

- b. By wire transfer to:

Federal Reserve Bank of New York  
ABA: 021030004  
Account Number: 68010727  
SWIFT address: FRNYUS33  
33 Liberty Street  
New York, NY 10045  
Field Tag 4200 of the Fedwire message should read:  
"D 68010727 Environmental Protection Agency"

- c. By mail with signed receipt confirmation (FedEx, DHL, UPS, USPS, certified, registered, etc.) to:

U.S. Environmental Protection Agency  
Government Lockbox 979077  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101  
Phone: (513) 487-2091

d. By ACH payments to:

U.S. Treasury REX/Cashlink ACH Receiver  
ABA: 051036706  
Acct. Number: 310006  
Environmental Protection Agency  
CTX Format Transaction Code 22 – Checking  
Physical location of U.S. Treasury facility:  
5700 Rivertech Ct.  
Riverdale, MD 20737

d. By credit card, debit card, or checking account payments to <https://www.pay.gov>

Follow these steps to make a payment:

1. You do not need a username and password or account.
2. Enter SFO 1.1 in the form search box on the top left side of the screen.
3. Open the form and follow the on-screen instructions.
4. Select type of payment from the "Type of Payment" drop down menu.
5. Based on your selection, the corresponding line will open and no longer be shaded gray.
6. Enter the docket number, invoice number or other corresponding information into the field.

When paying by check, the case name and docket number ("In the Matter of Albuquerque Bernalillo County Water Utility Authority, Docket No. CWA-06-2023-1727") should be clearly marked on the check to ensure credit for payment.

14. Respondent shall send simultaneous notice of payment, including a copy of the check, or other remittance, to each of the following:

(a) Lorena Vaughn  
Regional Hearing Clerk (ORCD)  
U.S. EPA, Region 6  
1201 Elm Street, Suite 500  
Dallas, TX 75270-2102  
vaughn.lorena@epa.gov

(b) Roberto Bernier  
Supervisor, Municipal & Industrial Wastewater Section (ECDWM)  
U.S. EPA, Region 6  
1201 Elm Street, Suite 500  
Dallas, TX 75270-2102  
bernier.roberto@epa.gov

(c) Scott McDonald  
Manager, Water Legal Branch (ORCEW)  
U.S. EPA, Region 6  
1201 Elm Street, Suite 500  
Dallas, TX 75270-2102  
mcdonald.scott@epa.gov

Respondent's adherence to these procedures will ensure proper credit when payment is received by EPA.

15. Respondent agrees not to claim or attempt to claim a federal income tax deduction or credit covering all or any part of the civil penalty paid to the United States Treasurer.
16. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will assess interest and late payment penalties on outstanding debts owed to the United States that are not paid by the due date and a charge to cover the cost of processing and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue thirty (30) days after the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid by the respective due date. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). Moreover, the costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. See 40 C.F.R. § 13.11(b).
17. EPA will also assess a fifteen dollar (\$15.00) administrative handling charge for administrative costs on unpaid penalties for the first thirty (30)-day period after the payment is due and an

additional fifteen dollars (\$15.00) for each subsequent thirty (30)-day period that the penalty remains unpaid. In addition, a penalty charge of up to six percent (6%) per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days. See 40 C.F.R. § 13.11(c). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. See 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

18. Pursuant to Section 309(g)(9) of the Act, 33 U.S.C. § 1319(g)(9), any person who fails to pay on a timely basis a civil penalty ordered or assessed under this section shall be required to pay, in addition to such penalty and interest, the United States' enforcement expenses including, but not limited to, attorneys' fees and costs incurred by the United States for collection proceedings, and a quarterly non-payment penalty for each quarter during which such failure to pay persists. Such non-payment penalty shall be twenty percent (20%) of the aggregate amount of such person's outstanding penalties and non-payment penalties accrued as of the beginning of each quarter.
19. Failure by Respondent to pay the penalty assessed according to the terms of this CAFO, in full, by its due date, may subject Respondent to a civil action to collect the assessed penalty and any accrued interest and penalties.
20. In the event a collection action is necessary, Respondent shall pay – in addition to any applicable penalty, fees, and interest described herein – all reasonable costs and expenses, including legal expenses and court costs, incurred by the United States for enforcement and collection proceedings for non-payment of the amounts agreed hereunder, pursuant to Section 309(g)(9)

of the Act, 33 U.S.C. § 1319(g)(9). In any such collection action, the validity, amount, and appropriateness of the penalty, and the terms of this CAFO shall not be subject to review.

21. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

**B. Supplemental Environmental Projects**

22. In response to the alleged violations of the Act and in settlement of this matter, although not required by the Act or any other federal, state, or local law, Respondent agrees to implement two Supplemental Environmental Projects (SEPs) as described in paragraph 23 and in Appendix A.
23. Respondent shall complete two SEPs consisting of: (i) funding the purchase and donation of E. coli laboratory equipment and supplies to the Pueblo of Isleta; and (ii) funding the purchase and donation of real-time water quality monitoring systems to the Pueblo of Isleta. The SEPs are more specifically described in Appendix A and incorporated herein by reference.
24. Respondent shall pay one hundred seventy-six thousand six hundred five dollars (\$176,605) to the Pueblo of Isleta, who will implement the SEPs. The Pueblo of Isleta shall use such funds to purchase the E. coli laboratory equipment and supplies described in Appendix A, and shall provide Respondent with documentation of its expenditures. Respondent shall include documentation of the expenditures made by the Pueblo of Isleta in connection with the SEPs as part of the SEP Completion Report. If the implementation of the SEPs as described in Appendix A does not expend the full amount set forth in this paragraph, the Pueblo of Isleta will purchase water quality monitoring software with the remainder, as identified in Appendix A, but in no instance will Respondent's total expenditure exceed the amount set forth in this paragraph.

25. Respondent shall complete the SEPs within three-hundred and sixty-five (365) days after the effective date of this Consent Agreement and Final Order.
26. Identification of SEP Recipient.
  - a. Respondent has selected the Pueblo of Isleta to receive the SEPs, which will include receipt of E. coli laboratory equipment and the real-time water quality monitoring systems.
  - b. The EPA had no role in the selection of any SEP recipient or specific equipment identified in the SEP, nor shall this CAFO be construed to constitute EPA approval or endorsement of any SEP recipient or specific equipment identified in this CAFO.
27. The SEPs are consistent with applicable EPA policy and guidelines, specifically EPA's 2015 Update to the 1998 Supplemental Environmental Projects Policy, (March 10, 2015). The SEPs advance an objective of the Act which is to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." The SEPs are not inconsistent with any provision of the Act and relate to the alleged violations through the following:
  - a. The E. coli laboratory SEP would improve, protect, and reduce risks to the environment by allowing the Pueblo to regularly gather E. coli data from the Rio Grande River and from irrigation ditches on Pueblo lands. Upon a finding of E. coli contamination at a specific level by the in-house laboratory, the Pueblo could immediately notify the public and water users in order to avoid primary contact with the water.
  - b. The water quality monitors would provide the Pueblo's Natural Resources Department and irrigation officials with real-time data on the dissolved oxygen, nitrates, pH, ammonium, and turbidity levels in the Rio Grande River. The monitors would provide

instant and automated notification to Pueblo staff if levels exceed the Pueblo's programmed thresholds, allowing staff discretion to close off the Pueblo's surface irrigation systems that are connected to the River. By helping keep pollutants out of these irrigation systems, this program would benefit the greater ecosystem, as the irrigation ditches cannot dilute contaminated waters to the degree the much larger Rio Grande River does.

28. Respondent certifies the truth and accuracy of each of the following:
- a. That all cost information provided to the EPA in connection with the EPA's approval of the SEPs is complete and accurate and that the Respondent in good faith estimates that the cost to implement the SEPs is one hundred seventy-six thousand six hundred five dollars (\$176,605);
  - b. That, as of the date of executing this CAFO, Respondent is not required to perform or develop the SEPs by any federal, state, or local law or regulation and is not required to perform or develop the SEPs by agreement, grant, or as injunctive relief awarded in any other action in any forum;
  - c. That the SEPs are not projects that Respondent was planning or intending to construct, perform, or implement other than in settlement of the claims resolved in this CAFO;
  - d. That Respondent has not received and will not have received credit for the SEPs in any other enforcement action;
  - e. That Respondent will not receive reimbursement for any portion of the SEPs from another person or entity;

- f. That for federal income tax purposes, Respondent agrees that it will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in performing the SEPs;
  - g. That Respondent is not a party to any open federal financial assistance transaction that is funding or could fund the same activity as the SEPs described in Appendix A; and
  - h. That Respondent has inquired of the Pueblo of Isleta whether it is party to an open federal financial assistance transaction that is funding or could fund the same activity as the SEPs and has been informed by the Pueblo of Isleta that it is not a party to such a transaction.
29. Any public statement, oral or written, in print, film, or other media, made by Respondent or a representative of Respondent making reference to the SEPs under this CAFO from the date of execution of this CAFO shall include the following language: "This project was undertaken with the consent of the Pueblo of Isleta and in connection with the settlement of an enforcement action taken by the U.S. Environmental Protection Agency for alleged violations of the federal laws."
30. SEP Report.
- a. Respondent shall submit a SEP Completion Report to EPA within thirty (30) days of completion of the SEPs, using information provided to Respondent by the Pueblo of Isleta. The SEP (Completion) Report shall contain the following information, with supporting documentation:
    - i. A detailed description of the SEP as implemented;
    - ii. A description of any operating problems encountered and the solutions thereto;
    - iii. Itemized costs;

- iv. Certification that the SEP has been fully implemented pursuant to the provisions of this CAFO; and
  - v. A description of the environmental and public health benefits resulting from implementation of the SEP (with a quantification of the benefits and pollutant reductions, if feasible).
- b. Respondent agrees that failure to submit the SEP Completion Report shall be deemed a violation of this CAFO and Respondent shall become liable for stipulated penalties pursuant to paragraph 32 below.
  - c. Respondent shall submit all notices and reports required by this CAFO to Anthony Loston at [anthony.loston@epa.gov](mailto:anthony.loston@epa.gov).
  - d. In itemizing its costs in the SEP Completion Report, Respondent shall clearly identify and provide acceptable documentation for all eligible SEP costs. Where the SEP completion report includes costs not eligible for SEP credit, those costs must be clearly identified as such. For purposes of this Paragraph, "acceptable documentation" includes invoices, purchase orders, or other documentation that specifically identifies and itemizes the individual costs of the goods and/or services for which payment is being made. Canceled drafts do not constitute acceptable documentation unless such drafts specifically identify and itemize the individual costs of the goods and/or services for which payment is being made.
31. EPA Acceptance of SEP Report.
- a. After receipt of the SEP Completion Report described in paragraph 30 above, EPA will, in writing to the Respondent, either:

- i. Identify any deficiencies in the SEP Completion Report itself along with a grant of an additional thirty (30) days for Respondent to correct any deficiencies; or
  - ii. Indicate that EPA concludes that the project has been completed satisfactorily; or
  - iii. Determine that the project has not been completed satisfactorily and seek stipulated penalties in accordance with paragraph 32 herein.
- b. If EPA elects to exercise option (i) above, i.e., if the SEP Report is determined to be deficient but EPA has not yet made a final determination about the adequacy of SEP completion itself, Respondent may object in writing to the notification of deficiency given pursuant to this paragraph within ten (10) days of receipt of such notification. EPA and Respondent shall have an additional thirty (30) days from the receipt by EPA of the notification of objection to reach agreement on changes necessary to the SEP Report. If agreement cannot be reached on any such issue within this thirty (30) day period, EPA shall provide a written statement of its decision on adequacy of the completion of the SEP to Respondent, which decision shall be final and binding upon Respondent.

32. Stipulated Penalties.

- a. Except as provided in subparagraphs (b) and (c) below, if Respondent fails to satisfactorily complete the requirements regarding the SEP specified in Appendix A by the deadline in Paragraph 25, Respondent agrees to pay, in addition to the civil penalty in Paragraph 12, the following per day per violation stipulated penalty for each day the Respondent is late meeting the applicable SEP requirement:
  - i. \$250 per day for days 1-30
  - ii. \$300 per day for days 31-60

- iii. \$350 per day for 60 or more days
- b. If Respondent fails to timely submit any SEP reports, in accordance with the timelines set forth in this CAFO, Respondent agrees to the following per day stipulated penalty for each day after the report was due until Respondent submits the report in its entirety:
  - i. \$100 per day for days 1-30
  - ii. \$150 per day for days 31-60
  - iii. \$200 per day for 60 or more days
- c. If Respondent does not satisfactorily complete the SEPs, including spending the minimum amount on the SEPs set forth in paragraph 24 above, Respondent shall pay a stipulated penalty to the United States in the amount of One Hundred Ninety-Four Thousand Two Hundred Sixty-Five Dollars (\$194,265). "Satisfactory completion" of the SEP is defined as Respondent spending no less than \$176,605 toward the items outlined by paragraph 23, above and Appendix A, within three-hundred and sixty-five (365) days after the effective date of this Consent Agreement and Final Order. The determinations of whether the SEPs have been satisfactorily completed shall be in the sole discretion of EPA.
- d. EPA retains the right to waive or reduce a stipulated penalty at its sole discretion.
- e. Respondent shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties. The method of payment shall be in accordance with the provisions of paragraph 13 above. Interest and late charges shall be paid as stated in paragraph 16.

IV. GENERAL PROVISIONS

33. To execute this Agreement, Respondent shall forward this copy of the CAFO, with original signature, to:

Ellen Chang (ORCEW)  
U.S. EPA, Region 6  
1201 Elm Street, Suite 500  
Dallas, TX 75270-2102  
chang.ellen@epa.gov

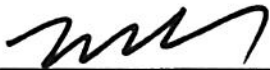
34. Respondent shall also send a copy of the CAFO to the following EPA staff assigned to this case via mail or email:

Anthony Loston (ECDWM)  
U.S. EPA, Region 6  
1201 Elm Street, Suite 500  
Dallas, TX 75270-2102  
loston.anthony@epa.gov

35. Issuance of this CAFO does not relieve Respondent from responsibility to comply with all requirements of the Act and the requirements of any permits issued thereunder, as described in Section 309(g)(7) of the Act, 33 U.S.C. § 1319(g)(7), nor does it constitute a waiver by EPA of its right to enforce compliance with the requirements of Respondent's permits or other requirements of the Act by actions pursuant to Section 309 of the Act, 33 U.S.C. § 1319.
36. The provisions of this CAFO shall be binding upon Respondent, its officers or officials, managers, employees, and their successors or assigns, in their capacity on behalf of Respondent.
37. Each party agrees to bear its own costs and attorneys' fees in this matter, except to the extent that Respondent may be responsible for reasonable costs and expenses of enforcement and collection proceedings for failure to comply with the terms of this CAFO.

38. Each undersigned representative of the Parties to this agreement certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this agreement and to execute and legally bind that party to it.
39. The effective date of this CAFO is the date when the CAFO is filed with the Regional Hearing Clerk.

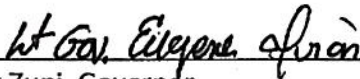
In recognition and acceptance of the foregoing:



\_\_\_\_\_  
Mark S. Sanchez, Executive Director  
Albuquerque-Bernalillo County Water Authority

09/23/2024

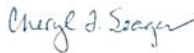
Date



\_\_\_\_\_  
Max Zuni, Governor  
Pueblo of Isleta, Pending Intervenor

9/17/24

Date



Digitally signed by CHERYL  
SEAGER  
Date: 2024.09.26 13:06:34  
-05'00'

\_\_\_\_\_  
Cheryl T. Seager, Director  
Enforcement and  
Compliance Assurance Division

September 26, 2024

Date

FINAL ORDER

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing Consent Agreement is hereby ratified. This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order shall resolve only those causes of action alleged in the Complaint. Nothing in this Final Order shall be construed to waive, extinguish, or otherwise affect Respondent's (or its officers', agents', servants', employees', successors', or assigns') obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. Respondent is ordered to comply with the terms of settlement and the civil penalty payment instructions as set forth in the Consent Agreement. Pursuant to 40 C.F.R. § 22.31(b), this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Issuance Date: \_\_\_\_\_

**THOMAS  
RUCKI**

Digitally signed by THOMAS  
RUCKI  
Date: 2024.09.26 15:40:46  
-04'00'

\_\_\_\_\_  
Thomas Rucki, Regional Judicial Officer  
EPA, Region 6

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order was delivered to the Regional Hearing Clerk, U.S. EPA, Region 6, 1201 Elm Street, Dallas, Texas 75270-2102 via email at vaughn.lorena@epa.gov, and that a true and correct copy was sent this day in the following manner to the addresses:

Copy by email:

Mark S. Sanchez  
Executive Director  
Albuquerque-Bernalillo County Water Utility Authority  
4201 2<sup>nd</sup> Street SW  
Albuquerque, NM 87105  
msanchez@abcwua.org

Christopher Mendez  
General Counsel  
Albuquerque-Bernalillo County Water Utility Authority  
4201 2<sup>nd</sup> Street SW  
Albuquerque, NM 87105  
cmelendrez@abcwua.org

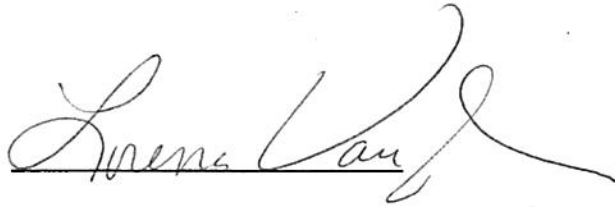
Emily Soli  
General Counsel  
Pueblo of Isleta  
Tribal Services Complex Building "C"  
3950 Highway 47  
Isleta, NM 87105  
emily.soli@isletapueblo.com

Shelly Lemon  
Bureau Chief  
Surface Water Quality Bureau  
New Mexico Environment Department  
P.O. Box 5469  
Santa Fe, NM 87502  
shelly.lemon@env.nm.gov

Ellen Chang  
Senior Assistant Regional Counsel  
U.S. EPA, Region 6  
1201 Elm Street, Suite 500  
Dallas, TX 75270-2102  
chang.ellen@epa.gov

Dated:

9/26/2024

A handwritten signature in cursive script, appearing to read "Ellen Chang", written over a horizontal line.