



November 14, 2011

#6219322

Ms. Sonia Hall, Environmental Protection Specialist  
Water Enforcement Branch  
United States Environmental Agency Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

FILED  
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REGIONAL HEARING CLERK  
EPA REGION VI

Re: Response to Notice of Proposed Assessment of Class I Civil Penalty  
Docket Number: CWA-06-2011-1906  
NPDES Permit No. NM0024996

Dear Ms. Hall:

On behalf of the Mora Mutual Domestic Water Consumers and Mutual Sewage Works Association (MDWC&MSWA), Souder, Miller & Associates (SMA) is submitting the following regarding the Response to Notice of Proposed Assessment of Class I Civil Penalty, Docket Number CWA-06-2011-1906, NPDES Permit No. NM0024996.

Administrative Order Docket Number CWA-06-2011-1906

Since receipt of the September 18, 2008 "Public Notice of Final Permit Decision" signed by Mr. Miguel I. Flores, Director of the United States Environmental Protection Agency (USEPA) Water Quality Protection Division, numerous meetings and discussions with the New Mexico Environment Department (NMED) Ground Water Quality Bureau, the NMED Surface Water Quality Bureau, and the NMED Construction Programs Bureau have taken place. The following activities have been undertaken and completed by the Mora MDWC&MSWA, and demonstrate good faith effort and timely response to the resolution of Docket Number CWA-06-2011-1906 Findings.

**Completed Actions**

- August 21, 2009: With United States Department of Agriculture (USDA) Rural Development (RD) concurrence, an Agreement for Engineering Services was executed between the Mora MDWC&MSWA and SMA to complete a Wastewater Preliminary Engineering Report (PER) and design and construction of a wastewater improvement project. The intent of the PER and the wastewater improvement project was to address Section C a. of the Public Notice of Final Permit, NPDES Permit No. NM0024996.
- September 17, 2009: Letter submitted to Mr. Isaac Chen, Environmental Engineer, USEPA Permits & Technical Section NPDES Permits Branch, Water Quality Protection Division requesting extension to Section C.a. "evaluate and select control mechanisms".
- June 2010: Final Wastewater PER submitted to the NMED Construction Programs Bureau (CPB).
- July 14, 2010: Approval of Review of the Wastewater Preliminary Engineering Report dated June 2010. Approval included review by the NMED Ground Water Quality Bureau (GWQB) and the NMED Surface Water Quality Bureau (SWQB).
- June 24, 2011: Submittal of Environmental Report to USDA RD for Mora Wastewater Collection and Wastewater Treatment and Disposal System.

- August 11, 2011: On behalf of the Mora MDWC&MSWA, SMA submitted a draft ground water Discharge Permit Application to the NMED GWQB for a wastewater treatment system and low-pressure dose disposal field approximately ¼ mile away from the Mora River.
- September 15, 2011: Projected Timeline for Mora Wastewater Collection System and Mora Wastewater Treatment System Improvements submitted to USDA RD with copy to NMED GWQB and Willie Lane, Jr., USEPA Chief of Permits and Technical Section (copy enclosed).
- September 23, 2011: Response to Draft Discharge Permit Application from the NMED GWQB received by the Mora MDWC&MSWA and SMA.
- October 26, 2011: Authorization to bid Mora Wastewater Collection System Repair Project received from the USDA RD.
- November 9, 2011: Advertisement for bid – Mora Wastewater Collection System Repair Project.

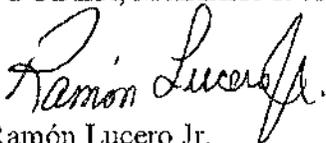
#### Future Actions

- November 16, 2011: Draft Discharge Permit Application for wastewater treatment system and preliminary design sheets to be re-submitted to NMED GWQB.
- November 22, 2011: Mandatory Pre-Bid meeting for Mora Wastewater Collection System Repair Project scheduled.
- December 13, 2011: Bid opening for Mora Wastewater Collection System Repair Project scheduled.
- Upon Approval of Discharge Permit Application and Plans: Final plans and bid process will begin for new construction and discontinuation of surface water discharge to the Mora River.

The Mora MDWC&MSWA is making every effort to ensure compliance with the requirements of the National Pollutant Discharge Elimination System by wastewater treatment system improvements that will result in cessation of discharge to the Mora River and discontinuation of the NPDES Permit Number NM0024996. , please do not hesitate to call.

The Mora MDWC&MSWA respectfully requests that the action be settled informally. If you require copies of any of the above correspondence, please do not hesitate to call or email. I can be reached at (505) 473-9211 or [ramon.lucero@soudermiller.com](mailto:ramon.lucero@soudermiller.com).

Sincerely,  
**SOUDER, MILLER & ASSOCIATES**



Ramón Lucero Jr.  
Project Manager

cc Mr. Scott McDonald (6RC-EW), Chief, Water Legal Branch, US EPA Region 6, 1445 Ross Avenue, Suite 1200, Dallas, TX 75202-2733  
Regional Hearing Clerk (6RC-D), US EPA Region 6, 1445 Ross Avenue, Suite 1200, Dallas, TX 75202-2733  
Mr. Clarence Aragón-System Manager, Mora MDWC&MSWA, P.O. Box 304 Mora, NM 87722  
Mr. Bill Olson, NMED-GWQB, 1190 St. Francis Drive, Santa Fe, NM 87502  
Mr. Robert George, NMED-GWQB, 1190 St. Francis Drive, Santa Fe, NM 87502  
Ms. Barbara Cooney, NMED-SWQB, 1190 St. Francis Drive, Santa Fe, NM 87502  
Mr. George Scott, P.E., USDA RD, 6200 Jefferson St. NE, Albuquerque, NM 87109  
United States Congressman Ben Ray Lujan, 811 St. Michaels Drive, Suite 104, Santa Fe, NM 87505