



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 6, P.O. Box 50625, Dallas, Texas 75250-0625

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-06-2010-1879, NPDES Facility Number: NMU001651

FILED

2011 MAR -7 AM 10:49

New Mexico Department of Cultural Affairs ("Respondent") is a "person," within the meaning of Section 502(5) of the Clean Water Act ("Act"), 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

filing with the Regional Hearing Clerk, pursuant to 40 C.F.R. § 22.31(b). Within thirty (30) days of filing this ESA, Respondent shall submit via certified mail: a bank, cashiers, or certified check, with case name and docket number noted, for the amount specified above payable to the Treasurer, United States of America, to:

Attached is an Expedited Settlement Offer Deficiencies Form ("Form"), which is incorporated by reference. By its signature, the Environmental Protection Agency, Region 6 ("EPA") finds that Respondent is responsible for the deficiencies specified in the Form.

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

Respondent's activities caused or resulted in the unauthorized discharge of pollutants carried by storm water during rainfall events that occurred during the months of July, September, October, 2009, and January 2010, into the Santa Fe River, in violation of Section 301(a) of the Act, 33 U.S.C. § 1311. Respondent failed to submit a Notice of Intent to obtain required permit coverage for activities conducted at the Center for New Mexico Archaeology construction site, located on Caja Del Rio Road, BLM Lot #23, Santa Fe, Santa Fe County, New Mexico. Respondent also failed to obtain coverage under a National Pollutant Discharge Elimination System ("NPDES") permit at the relevant times for the relevant activities.

This ESA settles and resolves EPA's civil penalty claim against Respondent for violations of the Act alleged in this Agreement. EPA does not waive its right to take enforcement action against Respondent for any other past, present, or future civil or criminal violation of the Act, or for any other violation of federal statute or regulation. EPA does not waive its right to issue a compliance order for any uncorrected deficiencies or violation described in the Form. EPA has determined this ESA to be appropriate.

This ESA is binding on the parties signing below and effective upon filing.

EPA finds, and Respondent admits, that Respondent is subject to Section 301(a) of the Act, 33 U.S.C. § 1311, and that EPA has jurisdiction over any person who discharges pollutants from a "point source" to "waters of the United States." Respondent neither admits nor denies the deficiencies specified in the Form.

APPROVED BY EPA:

Signature: [Handwritten Signature] Date: Feb 23, 2011

John Blevins
Director
Compliance Assurance and Enforcement Division

EPA is authorized to enter into this Expedited Settlement Agreement ("ESA") under the authority vested in the Administrator of EPA by Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), and by 40 C.F.R. § 22.13(b). The parties enter into this ESA in order to settle the civil violation(s) alleged in the ESA for a penalty of two thousand dollars (\$2,000). Respondent consents to the assessment of this penalty, and waives the right to: 1) contest the finding(s) specified in the Form; 2) a hearing pursuant to Section 309(g)(2) of the Act, 33 U.S.C. § 1319(g)(2); and 3) an appeal pursuant to Section 309(g)(8) of the Act, 33 U.S.C. § 1319(g)(8).

APPROVED BY RESPONDENT:

Name (print): STUART A. ASHTON
Title (print): CABINET SECRETARY
Signature: [Handwritten Signature] Date: 2/8/10

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that any deficiencies identified in the Form have been corrected. Respondent shall submit a written report, along with this ESA, detailing the specific actions taken to correct the violations cited herein.

Public Notice of and reasonable opportunity to comment on the proposed issuance of this Order was provided pursuant to Section 309(g)(4)(A), and EPA received no comments concerning this matter.

Having determined that this ESA is authorized by law, it is so ordered:

Signature: [Handwritten Signature] Date: 03/03/2011
Regional Judicial Officer
EPA, Region 6

Respondent understands that this ESA is effective upon

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of March, 2010, the original of the foregoing Consent Agreement and Final Order was hand-delivered to the Regional Hearing Clerk, U.S. EPA, Region 6 (6RC-D), 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733, and that a true and correct copy was placed in the United States mail, by certified mail, return receipt requested, addressed to the following:

Mr. Stuart A. Ashman, Cabinet Secretary
New Mexico Department of Cultural Affairs.
P.O. Box 2087
Santa Fe, NM 87504-2087

with a copy, first class postage prepaid, to:

Mr. Glenn Saums
Acting Bureau Chief
Surface Water Quality Bureau
New Mexico Environment Department
P.O. Box 5469
Santa Fe, NM 87502-5469


