



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

July 12, 2013

CERTIFIED MAIL—RETURN RECEIPT REQUESTED: 7011 3500 0000 0360 0000

The Honorable Tommy Roberts
Mayor, City of Farmington
800 Municipal Drive
Farmington, NM 87401-2663

Re: Administrative Order, Docket Number: CWA-06-2013-1756
NPDES Permit Number: NM0020583

Dear Mr. Roberts:

Enclosed is an Administrative Order (AO) issued the City of Farmington (City) for violation of the Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.). Violations were identified during our review of the permit file for your wastewater treatment plant. The violations alleged include, but are not limited to, the following:

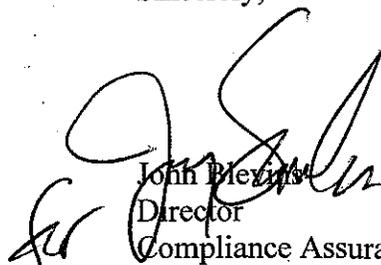
- a) Failure to meet effluent limitations for Total Residual Chlorine at Outfall 001; and
- b) failure to meet effluent limitations for Total Dissolved Solids (TDS) at Outfall 001.

In addition, this AO sets forth a compliance schedule for the City's plan of action to reduce total dissolved solids.

This AO does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. The first compliance deadline is within fifteen days of the effective date of the AO. The AO also contains other compliance deadlines and certain information demands. 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-06-2013-1756 and NPDES Permit Number NM0020583 on your response.

If you have any questions, please contact Mr. Josh Waldmeier, of my staff, at (214) 665-8064.

Sincerely,


John Mezitis
Director
Compliance Assurance and
Enforcement Division

Enclosure

Re: Administrative Order
City of Farmington

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cc: Mr. James Hogan
Acting Bureau Chief
Surface Water Quality Bureau
New Mexico Environmental Department
P.O. Box 5469
Santa Fe, NM 87502-5469



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
1445 Ross Avenue, Suite 1200, Dallas, TX 75202
FINDINGS OF VIOLATION AND COMPLIANCE ORDER AND
INFORMATION DEMAND

Docket Number: CWA-06-2013-1756; NPDES Permit Number: NM0020583

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 Sections 308 and 309(a) of the Clean Water Act ("the Act"), 33 U.S.C. § 1318 and §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 Compliance Assurance and Enforcement Division.

Findings

1. City of Farmington ("Respondent") is a municipality, chartered 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 ("all times relevant"), Respondent owned or operated a wastewater treatment plant ("WWTP"), located at 1395 South Lake Street, Farmington, San Juan County, New Mexico, and was, therefore, an "owner or operator" within the meaning of 40 C.F.R. § 122.2. The mailing address for the Respondent is 800 Municipal Drive, Farmington, NM 87401-2663.
3. At all times relevant, the facility acted as a "point source" of a "discharge" of "pollutants" with its municipal wastewater to the receiving waters of the San Juan River in Segment 20.6.4.401 of the San Juan River Basin, which is considered a "water 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 the 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. The Respondent applied for and was issued NPDES Permit No. NM0020583 ("permit") under Section 402 of the Act, 33 U.S.C. § 1342, which became effective on November 1, 2010. At all times relevant, 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. Parts III.C and III.D of the permit require 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. They also require Respondent to file with EPA certified Discharge Monitoring Reports ("DMRs") of the results of monitoring, and Noncompliance Reports when appropriate.
9. Part I.A of the permit places certain limitations on the quality and quantity of effluent discharged by Respondent. The relevant discharge limitations are specified in the enclosed Attachment A, which is incorporated herein by reference.
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. The effluent limitation exceedances are listed in the enclosed Attachment B, which is incorporated herein by reference.
11. Each instance in which the Respondent discharged pollutants to waters of the United States in amounts exceeding the effluent limitations contained in the permit was 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.
12. On June 19, 2013, Respondent submitted to EPA a plan of action to reduce Total Dissolved Solids ("TDS" Reduction Plan). The TDS Reduction Plan set forth goals for further reduction of TDS entering the treatment system thereby reducing TDS discharges.

SECTION 309(a)(3) COMPLIANCE ORDER

Based on the foregoing Findings and pursuant to the authority of Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), EPA hereby orders Respondent to take the following actions:

A. The Respondent shall attain sustained compliance with the 30 day average net TDS concentration limit of 400 mg/L by November 30, 2013.

B. The Respondent shall accomplish the following tasks and comply with the following schedule of activities regarding TDS:

ACTIVITY	DUE DATE
Completion of TDS baseline sampling of participating hotels	8/15/2013
Commencement of commercial and residential TDS reduction outreach program (flyers, newspaper article, presentations)	9/15/2013
Completion of TDS Reduction Plan for participating hotels	10/15/2013
Completion of commercial laundry facility TDS reduction outreach	10/15/2013
Completion of review of industrial user laundry facility pretreatment technology based on local limit	10/15/2013
Completion of TDS reduction outreach program for participating carwashes	10/15/2013

C. Within fifteen (15) calendar days of the effective date of this Order, Respondent shall contact Mr. Joshua Waldmeier, in writing, informing him whether Respondent shall comply with the terms of this Order.

SECTION 308 INFORMATION DEMAND

Based on the foregoing Findings and pursuant to the authority of Section 308 of the Act, 33 U.S.C. § 1318, Respondent is required to do the following:

A. Within fifteen (15) days after the due date for each activity listed in the above schedule, Respondent shall submit a written report detailing the specific actions taken to comply with each of the listed activities.

B. To arrange a meeting, or to ask questions or comment on this matter, please contact Mr. Joshua Waldmeier, of my staff, at (214) 665-8064.

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

Ms. Jan Walker
Water Enforcement Branch (6EN-WC)
EPA, Region 6
1445 Ross Ave., Suite 1200
Dallas, TX 75202-2733

General Provisions

Respondent may seek federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Section 706, which is set forth at <http://uscode.house.gov/download/pls/05C7.txt>, states the scope of such review.

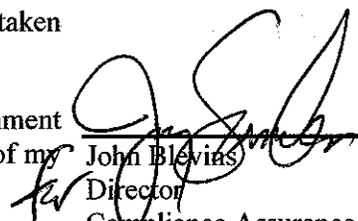
Issuance of this Section 309(a)(3) Compliance Order and the Section 308 Information Demand shall not be deemed an election by EPA to forego any administrative or judicial, civil or criminal action to seek penalties, fines, or any other relief appropriate under the Act for the violations cited herein, or other violations that become known. EPA reserves the right to seek any remedy available under the law that it deems appropriate.

Failure to comply with this Section 309(a)(3) Compliance Order, Section 308 Information Demand, or the Act can 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 the Respondent's NPDES permit, which remain in full force and effect. Compliance with the terms and conditions of this Order does not relieve the 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.

07-12-2013
Date


John Blevins
Director
Compliance Assurance and
Enforcement Division

ATTACHMENT A

DISCHARGE LIMITATIONS FOR OUTFALL 001
 PERMIT NUMBER: NM0020583

Effluent Characteristics	Discharge Limitations for Outfall 001				
	Loading		Concentration		
	kg/day	kg/day	30 Day Avg.	7 Day Avg.	Daily Max.
	(lbs./day)	(lbs./day)			
	30 Day Avg.	7 Day Avg.			
Total Dissolved Solids, Net Increase	N/A	N/A	400 mg/L	N/A	N/A

ATTACHMENT B

PERMIT EFFLUENT VIOLATIONS

Permit Number: NM0020583

Date	Outfall	Parameter	Violation	Permit Limit
Feb. 2012	001	Total Dissolved Solids 30 Day Avg.	439 mg/L	400 mg/L
Mar. 2012	001	Total Dissolved Solids 30 Day Avg.	445 mg/L	400 mg/L
Apr. 2012	001	Total Dissolved Solids 30 Day Avg.	410 mg/L	400 mg/L
May 2012	001	Total Dissolved Solids 30 Day Avg.	406 mg/L	400 mg/L
Oct. 2012	001	Total Dissolved Solids 30 Day Avg.	403 mg/L	400 mg/L
Nov. 2012	001	Total Dissolved Solids 30 Day Avg.	421 mg/L	400 mg/L
Dec. 2012	001	Total Dissolved Solids 30 Day Avg.	440 mg/L	400 mg/L