



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

JUN 06 2013

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7011 3500 0000 0359 9687

Mr. Austin Clawson
Board President
Ramah Water and Sanitation District
P.O. Box 416
Ramah, NM 87321

Re: Administrative Order, Docket Number: CWA-06-2013-1814
NPDES Permit Number: NM0023396

Dear Mr. Clawson:

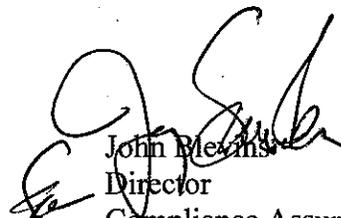
Enclosed is an Administrative Order (AO) issued to Ramah Water and Sanitation District for violation of the Clean Water Act (CWA), 33 U.S.C. § 1251 *et seq.* Violations were identified during an October 2, 2011 inspection, conducted by the Environmental Protection Agency (EPA), of your wastewater treatment facility located in Ramah, New Mexico. The violations found include, but are not limited to, the following:

- a) Failure to operate the wastewater treatment plant within the set Final Effluent Limits;
- b) failure to submit a valid sample for the Whole Effluent Toxicity test; and
- c) failure to properly operate and maintain the wastewater treatment system.

This AO does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. The first compliance deadline is immediately upon receipt of the AO. The AO contains other compliance deadlines and certain information demands. The EPA 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-06-2013-1814 and NPDES Permit Number NM0023396 on your response.

If you have any questions, please contact Mr. James Eng, of my staff,
at (281) 983-2148.

Sincerely,


John Meyers
Director
Compliance Assurance and
Enforcement Division

Enclosure

Re: Administrative Order 2
Ramah Water and Sanitation District

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



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 6 • 1445 Ross Avenue, Suite 1200 • Dallas, TX 75202-2733
FINDINGS OF VIOLATIONS and ORDER FOR COMPLIANCE and
INFORMATION DEMAND

Number: CWA-06-2013-1814, NPDES Permit No. NM0023396

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 delegated this authority to the Director of the Compliance Assurance and Enforcement Division.

FINDINGS

1. Ramah Water and Sanitation District ("Respondent") is a statutory utility district created by or under New Mexico State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, which is a "municipality" as that term is defined in Section 502(4) of the Act, 33 U.S.C. § 1362(4), 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 relevant times"), Respondent owned or operated a domestic sewage treatment facility, located at 47A North Bloomfield, Ramah, McKinley County, New Mexico ("facility"), and was, therefore, an "owner or operator" within the meaning of 40 C.F.R. § 122.2.

3. At all relevant times, the facility was a "point source" of a "discharge" of "pollutants" with its wastewater into the unclassified waters of Togeye Drain, thence to Cebolla Creek, thence to the Rio Pescado, thence to the Zuni River, thence to the Little Colorado River of the Colorado 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 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. Respondent applied for and was issued NPDES Permit No. NM0023396 under Section 402 of the Act, 33 U.S.C. § 1342, which became effective on February 1, 2008. At all relevant times, 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. On October 2, 2012, the facility was inspected by EPA Region 6 with the assistance of the New Mexico Environment Department. As a result, the findings specified in the following paragraphs were made.

9. Part 1.A of the 2008 permit was violated in that Respondent failed to meet set effluent limitations on the quality and quantity of effluent discharged from the wastewater treatment facility. The relevant discharge limitations and violations are listed in Attachments A & B, respectively, and both are incorporated herein by reference.

10. Parts I.A and I.E of the 2008 permit were violated in that Respondent failed to collect a 24-Hour Composite sample for the Whole Effluent Toxicity ("WET") test.

11. Part III.B.3.b of the 2008 permit was violated in that Respondent failed to provide adequate operating staff duly qualified to carry out operations, and maintenance and testing functions required to ensure compliance with the conditions of the permit.

12. Part III C.5 and C.6 of the 2008 permit were violated for failing to produce calibration records to show that the flow meter was capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes.

13. 40 C.F.R. § 122.41(a), *Duty to Comply*. Respondent "must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application."

14. 40 C.F.R. § 122.41(e), *Proper Operation and Maintenance*. Respondent "shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by Respondent to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by Respondent only when the operation is necessary to achieve compliance with the conditions of the permit."

15. 40 C.F.R. § 122.41(e) and Part III B.3 of the 2008 permit were violated in that solids were not being removed to maintain proper wastewater treatment system operations.

16. 40 C.F.R. § 122.41(e) and Part III B.3 of the 2008 permit was violated in that the chlorine contact chamber was not properly operated. The designed disinfection detention time in the chlorine contact chamber was reduced because of solids build up.

17. 40 C.F.R. § 122.41(e) and Part III B.3 of the 2008 permit were violated in that the treatment plant clarifiers were not properly operated or maintained as designed.

18. 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(a).

SECTION 309(a)(3) COMPLIANCE ORDER

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

A. Within ten (10) days of the effective date of this Order, Respondent shall perform WET testing

according to the sampling conditions required by the permit.

- B. Within ten (10) days of the effective date of this Order, Respondent shall provide adequate staffing at the facility in order to ensure proper operation and maintenance of the plant on a day-to-day basis.
- C. Within ten (10) days of the effective date of this Order, Respondent shall service the wastewater treatment plant clarifiers, allowing proper separation of the activated sludge and the treated wastewater.
- D. Within ten (10) days of the effective date of this Order, Respondent shall remove and dispose of the stockpiled biosolids in accordance with its Sludge Disposal Plan submitted in response to Administrative Order Docket Number CWA-06-2011-1774.
- E. Within ten (10) days of the effective date of this Order, Respondent shall have the flow measurement device accurately calibrated to within $\pm 10\%$ deviations or less from true discharge rates throughout the range of expected discharge volumes and in accordance with methods consistent with accepted scientific practices. Records of such calibration shall be maintained by Respondent and a copy of the calibration records submitted to the EPA.
- F. Within fifteen (15) days of the effective date of this Order, Respondent shall remove solids from the chlorine contact chamber and properly dispose of them.

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 thirty (30) days of the effective date of this Order, Respondent shall submit to EPA a plan to eliminate the effluent limit violations listed in Attachment B. Such plan shall describe in detail the specific corrective actions to be taken and why such actions are sufficient to correct the violations. The

plan shall include a detailed schedule for the elimination of the violations, as well as measures to prevent these or similar violations from recurring.

- B. Within one hundred and twenty (120) days of completing each requirement cited above, Respondent shall submit to EPA a certified summary of each completed requirement, with documentation, and photographs to demonstrate the completed work.
- C. To arrange a meeting, or to ask question or comments on this matter, please contact Mr. James Eng, of my staff, at (281) 983-2148.
- D. Any information or correspondence submitted by Respondent to EPA under this Order shall be addressed to the following:

Mr. James Eng
Water Enforcement Branch (6EN-WM)
EPA, Region 6
10625 Fallstone Road
Houston, TX 77099

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 alleged herein, or other violations that become known to EPA. 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 Respondent's NPDES permit, which remain in full force and effect. Compliance with the terms and conditions of this Order does not relieve 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 Respondent.

JUN 06 2013

Date



John Blevins
Director
Compliance Assurance and
Enforcement Division

SW

**ATTACHMENT A
PERMIT LIMITATIONS NM0023396**

Final Effluent limits - 0.058 mgd design flow.

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from outfall 001. Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS Standard Units		MONITORING REQUIREMENTS	
POLLUTANT	STORET CODE	MINIMUM	MAXIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
PH	00400	6.0	9.0	Once/Month	Grab

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS	
POLLUTANT	STORET CODE	lbs/day, unless noted		mg/l, unless noted			MEASUREMENT FREQUENCY	SAMPLE TYPE
		30-DAY AVG	7-DAY AVG	30-DAY AVG	7-DAY AVG	DAILY MAX		
Flow	50050	Report MGD	Report MGD	***	***	***	Twice/Week	Instantaneous
Biochemical Oxygen Demand, 5-day	00310	14.5	21.7	30	45	N/A	Once/Month	Grab
Total Suspended Solids	00530	14.5	21.7	30	45	N/A	Once/Month	Grab
<i>E. coli</i> Bacteria	51040	N/A	N/A	Report (*1)	N/A	Report (*1)	Once/Month	Grab
<i>E. coli</i> Bacteria	51040	N/A	N/A	548 (*1)	N/A	2507 (*1)	Once/Month	Grab
Total Residual Chlorine	50060	N/A	N/A	N/A	N/A	11 ug/l (*2)	Once/Month	Grab (*2)
Total Dissolved Solids	70296	Report	N/A	N/A	Report	N/A (*3)	Once/3-Months	Grab

EFFLUENT CHARACTERISTICS		DISCHARGE MONITORING		MONITORING REQUIREMENTS	
WHOLE EFFLUENT TOXICITY TESTING (48-Hour Static Renewal)		30-DAY AVG MINIMUM	48-HR MINIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
Daphnia pulex		Report	Report	Once/First Year of Permit (*4, 5)	24-Hr Composite

Attachment B

Effluent Violations NM0023396

DATE	OUTFALL	PARAMETER	VIOLATION	PERMIT LIMIT
January 2013	001	E.coli bacteria, 30 Day Average	1,046.2 CFU/100ml	548 CFU/100ml
November 2012	001	Biochemical Oxygen Demand 30 Day Average	35 mg/L	30 mg/L
November 2012	001	Total Suspended Solids, 30 Day Average	41 mg/L	30 mg/L
November 2012	001	E.coli bacteria, 30 Day Average	15,531.0 CFU/100ml	548 CFU/100ml
September 2012	001	Biochemical Oxygen Demand 30 Day Average	22.5 lbs./day	14.5 lbs./day
September 2012	001	Biochemical Oxygen Demand Daily Maximum	22.5 lbs./day	21.7 lbs./day
September 2012	001	Biochemical Oxygen Demand 30 Day Average	95 mg/L	30 mg/L
September 2012	001	Biochemical Oxygen Demand 7 Day Average	95 mg/L	45 mg/L
September 2012	001	Total Suspended Solids, 30 Day Average	85.3 lbs./day	14.5 lbs./day
September 2012	001	Total Suspended Solids, Daily Maximum	85.3 lbs./day	21.7 lbs./day
September 2012	001	Total Suspended Solids, 30 Day Average	360 mg/L	30 mg/L
September 2012	001	Total Suspended Solids, 7 Day Average	360 mg/L	45 mg/L
September 2012	001	Total Residual Chlorine, Daily Maximum	20 ug/L	11 ug/L
September 2012	001	E.coli bacteria, 30 Day Average	>2,419.6 CFU/100ml	548 CFU/100ml
September 2012	001	E.coli bacteria, Daily Maximum	>2,419.6 CFU/100ml	2,507 CFU/100ml
July 2012	001	E.coli bacteria, 30 Day Average	>2,419.6 CFU/100ml	548 CFU/100ml
July 2012	001	E.coli bacteria, Daily Maximum	>2,419.6 CFU/100ml	2,507 CFU/100ml
April 2012	001	E.coli bacteria, 30 Day Average	770.1 CFU/100ml	548 CFU/100ml
April 2012	001	Total Residual Chlorine, Daily Maximum	20 ug/L	11 ug/L
March 2012	001	Total Residual Chlorine, Daily Maximum	20 ug/L	11 ug/L
February 2012	001	E.coli bacteria, 30 Day Average	>2,419.6 CFU/100ml	548 CFU/100ml
February 2012	001	E.coli bacteria, Daily Maximum	>2,419.6 CFU/100ml	2,507 CFU/100ml
February 2012	001	Total Suspended Solids, 30 Day Average	40 mg/L	30 mg/L
December 2011	001	Total Residual Chlorine, Daily Maximum	20 ug/L	11 ug/L
November 2011	001	Total Residual Chlorine, Daily Maximum	20 ug/L	11 ug/L
October 2011	001	Total Residual Chlorine, Daily Maximum	30 ug/L	11 ug/L
September 2011	001	E.coli bacteria, 30 Day Average	>2,419.6 CFU/100ml	548 CFU/100ml
September 2011	001	E.coli bacteria, Daily Maximum	>2,419.6 CFU/100ml	2,507 CFU/100ml
August 2011	001	Total Residual Chlorine, Daily Maximum	360 mg/L	11 mg/L

Attachment B

Effluent Violations NM0023396

DATE	OUTFALL	PARAMETER	VIOLATION	PERMIT LIMIT
July 2011	001	E.coli bacteria, 30 Day Average	770.1 CFU/100ml	548 CFU/100ml
June 2011	001	E.coli bacteria, 30 Day Average	>2419.6 CFU/100ml	548 CFU/100ml
June 2011	001	E.coli bacteria, Daily Maximum	>2419.6 CFU/100ml	2507 CFU/100ml
March 2011	001	Total Suspended Solids, 30 Day Average	44 mg/L	30 mg/L

NOTE: E.coli bacteria, Daily Maximum were reported as excursions by Ramah. The limit of 2507 CFU/100ml was never met due to the laboratory failure to run a dilution.