



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

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

AUG 08 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED (7011 0110 0001 3590 6926)

Mr. Joshua Ray, City Manager  
City of Aztec  
201 W. Chaco  
Aztec, NM 87410

Re: Administrative Order Docket Number: CWA-06-2011-1866  
Notice of Proposed Assessment of Class I Civil Penalty  
Docket Number: CWA-06-2011-1867  
NPDES Permit Number: NM0028762

Dear Mr. Ray:

Enclosed are an Administrative Order (AO) and an Administrative Complaint (Complaint) issued to the City of Aztec for violation of Section 301(a) of the Clean Water Act. Violations were identified during our review of the permit file and Discharge Monitoring Reports (DMRs) maintained by the Environmental Protection Agency (EPA). The violations alleged include, but are not limited to, the following:

1. Failure to meet the effluent limitations for Total Aluminum and Total Residual Chlorine at Outfall 001A; and
2. failure to submit DMRs at Outfalls 001A and 001Q.

The AO requires certification of compliance with permit effluent limitations and submission of properly completed DMRs within thirty (30) days of receipt of the AO.

The Complaint assesses a monetary penalty for the effluent violations. If it can be demonstrated that the violations cited in the AO have been corrected in a timely manner, the EPA has the right to negotiate the penalty amount down or perhaps mitigate the penalty amount partially by way of a Supplemental Environmental Project (SEP). The SEP must benefit the environment in the watershed where the violations occurred and must not be required by the permit or other laws.

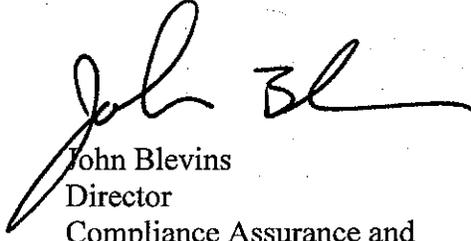
You, as the representative of the City of Aztec, have the right to request a hearing regarding the violations alleged in the Complaint and the proposed administrative civil penalty. Please refer to the enclosed Part 22, "Consolidated Rules of Practice," for information regarding hearing and settlement procedures. Note that should you fail to request a hearing within thirty (30) days of your receipt of the Complaint, you will waive your right to such a hearing, and the proposed civil penalty of nine thousand dollars (\$9,000.00) may be assessed against you without further proceedings. Whether or not you request a hearing, we invite you to confer informally with the EPA.

Re: Administrative Order  
City of Aztec

2

The EPA is committed to ensuring compliance with the requirements of the National Pollutant Discharge Elimination System program, and my staff will assist you in any way possible. If you have any questions, or wish to discuss the possibility of a settlement of this matter, please contact Ms. Sonia Hall at (214) 665-7490 or Ms. Mona Tate at (214) 665-7152.

Sincerely,



John Blevins  
Director  
Compliance Assurance and  
Enforcement Division

Enclosures

cc: Regional Hearing Clerk (6RC-D)  
U.S. EPA, Region 6  
1445 Ross Ave., Suite 1200  
Dallas, TX 75202-2733

Mr. Ron Montoya, Water and Wastewater Director  
City of Aztec Water Treatment Plant  
201 Navajo Dam Road  
Aztec, NM 87410

Mr. James Bearzi, Bureau Chief  
Surface Water Quality Bureau  
New Mexico Environmental 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**

Docket Number: CWA-06-2011-1866, NPDES Permit No.: NM0028762

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 Section 309(a) of the Clean Water Act ("Act"), 33 U.S.C. § 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. The City of Aztec ("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, the Respondent owned or operated the City of Aztec Water Treatment Plant, located one mile north of the intersection of NM 516 and U.S. 550, in Aztec, San Juan County, New Mexico ("facility"), and was, therefore, an "owner or operator" within the meaning of 40 C.F.R. § 122.2. The mailing address for the Respondent is 201 W. Chaco, Aztec, NM 87410.

3. At all times relevant, the facility was a "point source" of a "discharge" of "pollutants" with its municipal wastewater to the receiving waters of Lower Animas Ditch, thence to the Animas River in Segment 20.6.4.403 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, the 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. NM0028762 ("permit") under Section 402 of the Act, 33 U.S.C. § 1342, which became effective on April 1, 2006 and was reissued on October 1, 2009. At all relevant times, the 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 the 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 the Respondent to file with EPA certified Discharge Monitoring Reports ("DMRs") of the results of monitoring, and Noncompliance Reports when appropriate. Part III.D of the permit was violated in that the Respondent failed to submit the DMRs and parameters specified in Attachment E.

9. Part I.A of the permit places certain limitations on the quality and quantity of effluent discharged by the Respondent. The relevant discharge limitations are specified in Attachment A for the permit effective on April 1, 2006, and in Attachment B for the permit effective on October 1, 2009.

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, as specified in Attachment C for the permit effective on April 1, 2006, and in Attachment D for the permit effective on October 1, 2009.

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.

ORDER

Based on the foregoing Findings and pursuant to the authority of Section 309 of the Act, EPA hereby orders the Respondent to take the following actions:

A. Within thirty (30) days of the effective date of this Order, the Respondent shall certify compliance with permit effluent limitations for Total Aluminum (Monthly Average) and Total Residual Chlorine (Instantaneous Maximum).

B. Within thirty (30) days of the effective date of this Order, the Respondent shall also provide the EPA with a list of all mechanical and operational deficiencies and a narrative describing the specific actions taken to correct the violations for Total Aluminum, (Monthly Average) and Total Residual Chlorine (Instantaneous Maximum).

C. In the event it will take the Respondent longer than thirty (30) days to provide an explanation as to why compliance is not possible, a listing of all non-compliance-related deficiencies and a schedule for repair/correction for each deficiency shall be submitted to the EPA for review and approval.

D. Any approved compliance schedule will be incorporated and reissued in a future administrative order.

E. Within thirty (30) days of the effective date of this Order, the Respondent shall submit properly completed DMRs for the time periods and pollutants identified in Attachment E.

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

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

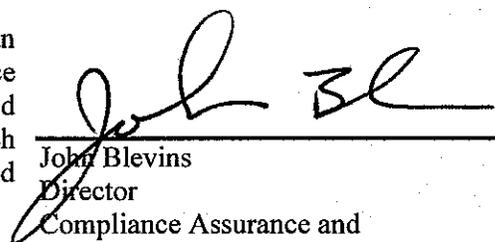
GENERAL PROVISIONS

Issuance of this Order 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 Order 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.

8.8.11  
Date

  
John Blevins  
Director  
Compliance Assurance and  
Enforcement Division

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6

In the Matter of	§ Docket No. CWA-06-2011-1867
	§
City of Aztec, a New Mexico Municipality	§
	§ Proceeding to Assess a Class I
	§ Civil Penalty under Section 309(g)
	§ of the Clean Water Act
Respondent	§
	§ ADMINISTRATIVE COMPLAINT
NPDES Permit No. NM0028762	§

I. Statutory Authority

This Complaint is issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by Section 309(g) of the Clean Water Act ("the Act"), 33 U.S.C. § 1319(g). The Administrator of EPA delegated the authority to issue this Complaint to the Regional Administrator of EPA Region 6, who delegated this authority to the Director of the Compliance Assurance and Enforcement Division of EPA Region 6 ("Complainant"). This Class I Administrative Complaint is issued in accordance with, and this action will be conducted under, "the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits," including rules related to administrative proceedings not governed by Section 554 of the Administrative Procedures Act, 40 C.F.R. §§ 22.50 through 22.52.

Based on the following Findings, Complainant finds that the City of Aztec ("Respondent") has violated the Act and the regulations promulgated under the Act and should be ordered to pay a civil penalty.

II. Findings of Fact and Conclusions of Law

1. Respondent is a municipality 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.

2. At all relevant times to this Order ("all times relevant"), the Respondent owned or operated the City of Aztec water treatment plant, located one mile north of the intersection of NM 516 and U.S. 550, in Aztec, San Juan County, New Mexico ("facility"), and was therefore an "owner or operator" within the meaning of 40 C.F.R. § 122.2.

3. At all times relevant, the facility was a "point source" of a "discharge" of "pollutants" with its municipal wastewater to the receiving waters of the Lower Animas Ditch, thence to the Animas River in Segment 20.6.4.403 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. NM0028762 ("permit") under Section 402 of the Act, 33 U.S.C. § 1342, which became effective on April 1, 2006, and was reissued on October 1, 2009. At all times relevant, the 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 the 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 non-compliance with the permit and applicable regulations. They also require the Respondent to file with EPA certified Discharge Monitoring Reports ("DMRs") of the results of monitoring, and Non-Compliance Reports when appropriate.

9. Part I.A of the permit places certain limitations on the quality and quantity of effluent discharged by the Respondent.

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.

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 of Section 301 of the Act, 33 U.S.C. § 1311.

12. Under Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), the Respondent is liable for a civil penalty in an amount not to exceed \$16,000 per day for each day during which a violation continues, up to a maximum of \$37,500.

13. EPA has notified the New Mexico Environment Department of the issuance of this Complaint and has afforded the State an opportunity to consult with EPA regarding the assessment of an administrative penalty against the Respondent as required by Section 309(g)(1) of the Act, 33 U.S.C. § 1319(g)(1).

14. EPA has notified the public of the filing of this Complaint and has afforded the public thirty (30) days in which to comment on the Complaint and on the proposed penalty as required by Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A). At the expiration of the notice period, EPA will consider any comments filed by the public.

### III. Proposed Penalty

15. Based on the foregoing Findings, and pursuant to the authority of Section 309(g)(1) and Section(g)(2)(A) of the Act, 33 U.S.C. §§ 1319(g)(1) and (g)(2)(A), EPA Region 6 hereby proposes to assess against the Respondent a penalty of nine thousand dollars (\$9,000.00).

16. The proposed penalty amount was determined based on the statutory factors specified in Section 309(g)(3) of the Act, 33 U.S.C. § 1319(g)(3), which includes such factors as the nature, circumstances, extent and gravity of the violation(s), economic benefits, if any, prior history of such violations, if any, degree of culpability, and such matters as justice may require.

17. Complainant has specified that the administrative procedures specified in 40 C.F.R. Part 22, Subpart I, shall apply to this case, and the administrative proceedings shall not be governed by Section 554 of the Administrative Practice Act. However, pursuant to 40 C.F.R. § 22.42(b), the Respondent has a right to elect a hearing on the record in accordance with 5 U.S.C. § 554, and the Respondent waives this right unless the Respondent in its Answer requests a hearing in accordance with 5 U.S.C. § 554.

### IV. Failure to File an Answer

18. If the Respondent wishes to deny or explain any material allegation listed in the above Findings or to contest the amount of the penalty proposed, the Respondent must file an Answer to this Complaint within thirty (30) days after service of this Complaint whether or not the Respondent requests a hearing as discussed below.

19. The requirements for such an Answer are set forth at 40 C.F.R. § 22.15 (copy enclosed). Failure to file an Answer to this Complaint within thirty (30) days of service of the Complaint shall constitute an admission of all facts alleged in the Complaint and a waiver of the right to hearing. Failure to deny or contest any individual material allegation contained in the Complaint will constitute an admission as to that finding or conclusion under 40 C.F.R. § 22.15(d).

20. If the Respondent does not file an Answer to this Complaint within thirty (30) days after service of this Complaint, a Default Order may be issued against the Respondent pursuant to 40 C.F.R. § 22.17. A Default Order, if issued, would constitute a finding of liability, and could make the full amount of the penalty proposed in this Complaint due and payable by the Respondent without further proceedings thirty (30) days after a Final Default Order is issued.

21. The Respondent must send its Answer to this Complaint, including any request for hearing, and all other pleadings to:

Regional Hearing Clerk (6RC-D)  
U.S. EPA Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

Respondent shall also send a copy of its Answer to this Complaint to the following

EPA attorney assigned to this case:

Mr. Earle A. "Rusty" Herbert (6RC-EW)  
EPA Houston Lab  
10625 Fallstone Road  
Houston, TX 77099

22. The Answer must be signed by the Respondent, the Respondent's counsel, or other representative on behalf of the Respondent and must contain all information required by 40 C.F.R. §§ 22.05 and 22.15, including the name, address, and telephone number of the Respondent and the Respondent's counsel. All other pleadings must be similarly signed and filed.

V. Notice of Opportunity to Request a Hearing

23. The Respondent may request a hearing to contest any material allegation contained in this Complaint, or to contest the appropriateness of the amount of the proposed penalty, pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g). The procedures for hearings are set out at 40 C.F.R. Part 22, with supplemental rules at 40 C.F.R. § 22.38.

24. Any request for hearing should be included in the Respondent's Answer to this Complaint; however, as discussed above, the Respondent must file an Answer meeting the requirements of 40 C.F.R. § 22.15 in order to preserve the right to a hearing or to pursue other relief.

25. Should a hearing be requested, members of the public who commented on the issuance of the Complaint during the public comment period will have a right to be heard and to present evidence at such hearing under Section 309(g)(4)(B) of the Act, 33 U.S.C. § 1319(g)(4)(B).

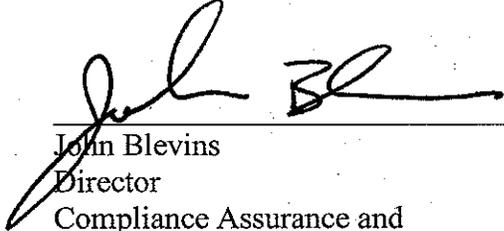
VI. Settlement

26. EPA encourages all parties against whom civil penalties are proposed to pursue the possibility of settlement through informal meetings with EPA. Regardless of whether a formal hearing is requested, the Respondent may confer informally with EPA about the alleged violations or the amount of the proposed penalty. The Respondent may wish to appear at any informal conference or formal hearing personally, by counsel or other representative, or both. To request an informal conference on the matters described in this Complaint, please contact Ms. Sonia Hall at (214) 665-7490 or Ms. Mona Tate at (214) 665-7152.

27. If this action is settled without a formal hearing and issuance of an opinion by the Presiding Officer pursuant to 40 C.F.R. § 22.27, this action will be concluded by issuance of a Consent Agreement and Final Order ("CAFO") pursuant to 40 C.F.R. § 22.18(b). The issuance of a CAFO would waive the Respondent's right to a hearing on any matter stipulated therein or alleged in the Complaint. Any person who commented on this Complaint would be notified and given an additional thirty (30) days to petition EPA to set aside any such CAFO and to hold a hearing on the issues raised in the Complaint. Such a petition would be granted and a hearing held only if the evidence presented by the petitioner's comment was material and was not considered by EPA in the issuance of the CAFO.

28. Neither assessment nor payment of a penalty in resolution of this action will affect the Respondent's continuing obligation to comply with all requirements of the Act, the applicable regulations and permits, and any separate Compliance Order issued under Section 309(a) of the Act, 33 U.S.C. § 1319(a), including one relating to the violations alleged herein.

8.8.11  
Date

  
\_\_\_\_\_  
John Blevins  
Director  
Compliance Assurance and  
Enforcement Division

CERTIFICATE OF SERVICE

I certify that the foregoing Class I Administrative Complaint was sent to the following persons, in the manner specified, on the date below:

Original hand-delivered: Regional Hearing Clerk (6RC-D)  
U.S. EPA Region 6  
1445 Ross Ave., Suite 1200  
Dallas, TX 75202-2733

Copy by certified mail,  
return receipt requested: Mr. Joshua Ray, City Manager  
City of Aztec  
201 W. Chaco  
Aztec, NM 87410

Copy: Mr. Ron Montoya, Water and Wastewater Director  
City of Aztec Water Treatment Plant  
201 Navajo Dam Road  
Aztec, NM 87410

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

Copy hand-delivered: Mr. Scott McDonald (6RC-EW)  
Office of Regional Counsel  
U.S. EPA, Region 6  
1445 Ross Ave., Suite 1200  
Dallas, TX 75202-2733

Dated: \_\_\_\_\_

Attachment A  
 Permit Effluent Limits NM0028762

Permit effective April 1, 2006

Outfall 001A (Monthly Reporting)

Effluent Characteristics	Discharge Limitations for Outfall 001A		
	Loading (lbs./day)	Concentration	
	30 Day Average	30 Day Average	Daily Maximum
Flow	Report MGD	N/A	Report MGD
Total Suspended Solids	N/A	20 mg/L	30 mg/L
Total Residual Chlorine	N/A	N/A	19 µg/L
Aluminum, Total	N/A	0.5 mg/L	0.75 mg/L

Outfall 001Q (Quarterly Reporting)

Effluent Characteristics	Discharge Limitations for Outfall 001Q		
	Loading (lbs./day)	Concentration	
	30 Day Average	30 Day Average	Daily Maximum
Total Dissolved Solids	Report	Report	Report

Attachment B  
Permit Effluent Limits NM0028762

Permit effective October 1, 2009

Outfall 001A (Monthly Reporting)

Effluent Characteristics	Discharge Limitations for Outfall 001A			
	Loading (lbs./day)		Concentration	
	30 Day Average	Daily Maximum	30 Day Average	Daily Maximum
Flow	Report MGD	Report MGD	Report MGD	N/A
Total Suspended Solids	Report	Report	20 mg/L	30 mg/L
Total Residual Chlorine	Report	Report	N/A	19 µg/L

Outfall 001Q (Quarterly Reporting)

Effluent Characteristics	Discharge Limitations for Outfall 001Q			
	Loading (lbs./day)		Concentration	
	30 Day Average	Daily Maximum	30 Day Average	Daily Maximum
Aluminum, Total	Report	Report	Report	Report
Total Dissolved Solids	Report	Report	Report	Report

Attachment C  
Permit Effluent Violations for Permit Effective April 1, 2006 NM0028762

Date	Outfall	Parameter	Violation	Permit Limit
February 2007	001A	Aluminum, Total (Monthly Average)	2.77 mg/L	0.5 mg/L
February 2007	001A	Aluminum, Total (Daily Maximum)	2.77 mg/L	0.75 mg/L
March 2007	001A	Aluminum, Total (Monthly Average)	0.82 mg/L	0.5 mg/L
March 2007	001A	Aluminum, Total (Daily Maximum)	0.82 mg/L	0.75 mg/L
March 2007	001A	Total Residual Chlorine (Instantaneous Maximum)	26 µg/L	19 µg/L
April 2007	001A	Total Residual Chlorine (Instantaneous Maximum)	32 µg/L	19 µg/L
May 2007	001A	Aluminum, Total (Monthly Average)	0.64 mg/L	0.5 mg/L
June 2007	001A	Aluminum, Total (Monthly Average)	0.8 mg/L	0.5 mg/L
June 2007	001A	Aluminum, Total (Daily Maximum)	0.8 mg/L	0.75 mg/L
July 2007	001A	Total Residual Chlorine (Instantaneous Maximum)	19.2 µg/L	19 µg/L
August 2007	001A	Aluminum, Total (Monthly Average)	0.65 mg/L	0.5 mg/L
August 2007	001A	Total Residual Chlorine (Instantaneous Maximum)	19.09 µg/L	19 µg/L
September 2007	001A	Aluminum, Total (Monthly Average)	0.91 mg/L	0.5 mg/L
September 2007	001A	Aluminum, Total (Daily Maximum)	0.91 mg/L	0.75 mg/L
October 2007	001A	Aluminum, Total (Monthly Average)	0.63 mg/L	0.5 mg/L

Attachment C  
Permit Effluent Violations for Permit Effective April 1, 2006 NM0028762

Date	Outfall	Parameter	Violation	Permit Limit
October 2007	001A	Total Residual Chlorine (Instantaneous Maximum)	29 µg/L	19 µg/L
November 2007	001A	Aluminum, Total (Monthly Average)	0.85 mg/L	0.5 mg/L
November 2007	001A	Aluminum, Total (Daily Maximum)	0.85 mg/L	0.75 mg/L
November 2007	001A	Total Residual Chlorine (Instantaneous Maximum)	32 µg/L	19 µg/L
December 2007	001A	Aluminum, Total (Monthly Average)	1.17 mg/L	0.5 mg/L
December 2007	001A	Aluminum, Total (Daily Maximum)	1.17 mg/L	0.75 mg/L
December 2007	001A	Total Residual Chlorine (Instantaneous Maximum)	34 µg/L	19 µg/L
January 2008	001A	Aluminum, Total (Monthly Average)	0.67 mg/L	0.5 mg/L
January 2008	001A	Total Residual Chlorine (Instantaneous Maximum)	54 µg/L	19 µg/L
February 2008	001A	Aluminum, Total (Monthly Average)	1.51 mg/L	0.5 mg/L
February 2008	001A	Aluminum, Total (Daily Maximum)	1.51 mg/L	0.75 mg/L
February 2008	001A	Total Residual Chlorine (Instantaneous Maximum)	35 µg/L	19 µg/L
March 2008	001A	Aluminum, Total (Monthly Average)	0.81 mg/L	0.5 mg/L
March 2008	001A	Aluminum, Total (Daily Maximum)	0.81 mg/L	0.75 mg/L
March 2008	001A	Total Residual Chlorine (Instantaneous Maximum)	94 µg/L	19 µg/L

Attachment C  
Permit Effluent Violations for Permit Effective April 1, 2006 NM0028762

Date	Outfall	Parameter	Violation	Permit Limit
April 2008	001A	Aluminum, Total (Monthly Average)	1.14 mg/L	0.5 mg/L
April 2008	001A	Aluminum, Total (Daily Maximum)	1.14 mg/L	0.75 mg/L
April 2008	001A	Total Residual Chlorine (Instantaneous Maximum)	75 µg/L	19 µg/L
May 2008	001A	Aluminum, Total (Monthly Average)	1.33 mg/L	0.5 mg/L
May 2008	001A	Aluminum, Total (Daily Maximum)	1.33 mg/L	0.75 mg/L
May 2008	001A	Total Residual Chlorine (Instantaneous Maximum)	33 µg/L	19 µg/L
June 2008	001A	Aluminum, Total (Monthly Average)	0.55 mg/L	0.5 mg/L
June 2008	001A	Total Residual Chlorine (Instantaneous Maximum)	33 µg/L	19 µg/L
July 2008	001A	Aluminum, Total (Monthly Average)	0.64 mg/L	0.5 mg/L
July 2008	001A	Total Residual Chlorine (Instantaneous Maximum)	26 µg/L	19 µg/L
September 2008	001A	Aluminum, Total (Monthly Average)	0.74 mg/L	0.5 mg/L
October 2008	001A	Aluminum, Total (Monthly Average)	0.82 mg/L	0.5 mg/L
October 2008	001A	Aluminum, Total (Daily Maximum)	0.82 mg/L	0.75 mg/L
October 2008	001A	Total Residual Chlorine (Instantaneous Maximum)	37 µg/L	19 µg/L
November 2008	001A	Aluminum, Total (Monthly Average)	0.65 mg/L	0.5 mg/L

Attachment C  
Permit Effluent Violations for Permit Effective April 1, 2006 NM0028762

Date	Outfall	Parameter	Violation	Permit Limit
November 2008	001A	Total Residual Chlorine (Instantaneous Maximum)	22 µg/L	19 µg/L
December 2008	001A	Aluminum, Total (Monthly Average)	0.9 mg/L	0.5 mg/L
December 2008	001A	Aluminum, Total (Daily Maximum)	0.9 mg/L	0.75 mg/L
December 2008	001A	Total Residual Chlorine (Instantaneous Maximum)	47 µg/L	19 µg/L
January 2009	001A	Aluminum, Total (Monthly Average)	1.6 mg/L	0.5 mg/L
January 2009	001A	Aluminum, Total (Daily Maximum)	1.6 mg/L	0.75 mg/L
February 2009	001A	Aluminum, Total (Monthly Average)	1.8 mg/L	0.5 mg/L
February 2009	001A	Aluminum, Total (Daily Maximum)	1.8 mg/L	0.75 mg/L

Attachment D  
Permit Effluent Violations for Permit Effective October 1, 2009 NM0028762

Date	Outfall	Parameter	Violation	Permit Limit
August 2010	001A	Total Residual Chlorine (Instantaneous Maximum)	37 µg/L	19 µg/L
December 2010	001A	Total Residual Chlorine (Instantaneous Maximum)	44 µg/L	19 µg/L
January 2011	001A	Total Residual Chlorine (Instantaneous Maximum)	95 µg/L	19 µg/L

Attachment E  
DMRs/Parameters Not Submitted NM0028762

DMRs Not Submitted

DMR Date	Outfall	Type
September 2007	001Q	Quarterly Reporting
July 2009	001A	Monthly Reporting
August 2009	001A	Monthly Reporting
September 2009	001A	Monthly Reporting
September 2009	001Q	Quarterly Reporting

Attachment E  
DMRs/Parameters Not Submitted NM0028762

Parameters Not Submitted

DMR Date	Outfall	Parameter
March 2007	001Q	Monthly Average (lbs/day) Total Suspended Solids
March 2007	001Q	Daily Maximum (mg/L) Total Suspended Solids
April 2007	001A	Monthly Average (mg/L) Aluminum, Total
April 2007	001A	Daily Maximum (mg/L) Aluminum, Total
June 2007	001Q	Monthly Average (lbs/day) Total Suspended Solids
June 2007	001Q	Daily Maximum (mg/L) Total Suspended Solids
March 2008	001Q	Monthly Average (lbs/day) Total Suspended Solids
June 2008	001Q	Monthly Average (lbs/day) Total Suspended Solids
December 2009	001A	Monthly Average (lbs/day) Total Suspended Solids
December 2009	001A	Daily Maximum (lbs/day) Total Suspended Solids
December 2009	001Q	Monthly Average (lbs/day) Aluminum, Total
December 2009	001Q	Daily Maximum (lbs/day) Aluminum, Total
December 2009	001Q	Monthly Average (lbs/day) Total Dissolved Solids
December 2009	001Q	Monthly Average (lbs/day) Total Dissolved Solids
March 2010	001Q	Monthly Average (lbs/day) Total Dissolved Solids
March 2010	001Q	Monthly Average (lbs/day) Total Dissolved Solids