UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

November 13, 2012

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7007 3020 0002 5102 0755

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

Re: Notice of Proposed Assessment of Class I Civil Penalty
Docket Number: CWA-06-2012-1855
NPDES Permit Number: NM0028762

Dear Mr. Ray:

Enclosed is an Administrative Complaint (Complaint) that supercedes Administrative Complaint Docket Number CWA-06-2011-1867 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 001; and

2. failure to monitor for Total Dissolved Solids, Total Aluminum, and Total Residual Chlorine at Outfall 001 as required by the permit.

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. You may represent the City of Aztec, or be represented by an attorney at any conference, whether in person or by telephone. The EPA encourages all parties against whom it files a Complaint proposing assessment of a penalty to pursue the possibility of settlement as a result of an informal conference.

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. Mona Tates 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 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, TEXAS 75202-2733

November 13, 2012

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

Re: Notice of Proposed Administrative Penalty Assessment
Docket Number: CWA-06-2012-1855
NPDES Permit Number: NM0028762

Dear Mr. Hogan:

Enclosed is a copy of the Administrative Complaint (Complaint) which the Environmental Protection Agency (EPA) is issuing to the City of Aztec (Permittee), pursuant to Section 309(g) of the Clean Water Act (CWA) 33 U.S.C. § 1319(g). EPA is issuing the Complaint to administratively assess a Class I civil penalty of $9,000.00 against the Permittee for violation of the CWA. Because the violation occurred in the State of New Mexico, EPA is offering you an opportunity to confer with us regarding the proposed penalty assessment.

You may request a conference within two weeks of receipt of this letter. The conference may be in person or by telephone and may cover any matters relevant to the proposed penalty assessment. If you wish to request a conference or if you have any comments or questions regarding the matter, please contact Ms. Mona Tates, of my staff, at (214) 665-7152.

Sincerely,

John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

In the Matter of	§	Docket No. CWA-06-2012-1855
	§	
City of Aztec	§	Proceeding to Assess a Class I
	§	Civil Penalty under Section 309(g)
	§	of the Clean Water Act
Permittee	§	
	§	ADMINISTRATIVE COMPLAINT
NPDES 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 ("Act"), 33 U.S.C. § 1319(g). The Administrator of EPA has delegated the authority to issue this Complaint to the Regional Administrator of EPA Region 6, who has further 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 ("Permittee") 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. The Permittee is a municipality chartered under the laws of the State of New Mexico, and as such, the Permittee 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"), the Permittee owned or operated the City of Aztec water treatment plant, located on New Mexico Highway 173 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 relevant times, the facility was a "point source" of a "discharge" of "pollutants" with its municipal backwash water 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 Permittee owned or operated a facility that acted as a point source of discharges of pollutants to waters of the United States, Permittee 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 Permittee 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 expired on December 31, 2008. The permit was reissued on August 18, 2009 with an effective date of October 1, 2009 and will expire on September 30, 2014. At all times relevant, the Permittee 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 Permittee 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 Permittee 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 Permittee. 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 Permittee 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. On August 8, 2011, EPA issued Administrative Order Docket Number CWA-06-2011-1866 to the Permittee under the authority of Section 309(a) of the Act, 33 U.S.C. § 1319(a). That Order required the Permittee to: 1) certify compliance with permit effluent limitations for Total Aluminum and Total Residual Chlorine and provide a narrative describing the specific actions taken to correct the violations; or 2) if compliance could not be attained within thirty (30) days, then provide a list of all non-compliance related deficiencies and an approvable schedule for repair/correction of each deficiency; and 3) submit properly completed DMRs for the time periods and identified pollutants specified in the Order. However, DMRs subsequently submitted by the Permittee indicate that the parameters specified in attachment E are not being monitored as required by the permit.

12. 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.

13. Under Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), the Permittee 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.

14. 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 Permittee as required by Section 309(g)(1) of the Act, 33 U.S.C. § 1319(g)(1).

15. 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

16. 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 Permittee a civil penalty of nine thousand dollars ($9,000.00).

17. The proposed penalty amount will be 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.

18. 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 Permittee has a right to elect a hearing on the record in accordance with 5 U.S.C. § 554, and the Permittee waives this right unless the Permittee in its answer requests a hearing in accordance with 5 U.S.C. § 554.

IV. Failure to File an Answer

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

20. 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).

21. If the Permittee 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 Permittee 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 Permittee without further proceedings thirty (30) days after a final Default Order is issued.

22. The Permittee 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

The Permittee 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

23. The Answer must be signed by the Permittee, the Permittee's counsel, or other representative on behalf of the Permittee 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 Permittee and the Permittee's counsel. All other pleadings must be similarly signed and filed.

V. Notice of Opportunity to Request a Hearing

24. The Permittee 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.

25. Any request for hearing should be included in the Permittee's Answer to this Complaint; however, as discussed above, the Permittee 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.

26. 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

27. 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 Permittee may confer informally with EPA about the alleged violations or the amount of the proposed penalty. The Permittee 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. Mona Tates at (214) 665-7152.

28. 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 Permittee'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.

29. Neither assessment nor payment of a penalty in resolution of this action will affect the Permittee'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.

NOV 13 2012
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

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

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

Copy hand-delivered:

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

Dated:_____

Attachment A
Permit Effluent Limits NM0028762

Permit effective April 1, 2006

Outfall 001

PARAMETERS/STORET CODES	DISCHARGE LIMITATIONS/REPORTING REQUIREMENTS		
	QUANTITY/LOADING lbs/day	QUALITY/CONCENTRATION (mg/L UNLESS STATED)	
	MONTHLY AVG	MONTHLY AVG	DAILY MAX
Flow STORET: 50050	Report MGD	N/A	Report MGD
TSS STORET: 00530	N/A	20	30
TRC (*1) STORET: 50060	N/A	N/A	19 ug/l
Total Aluminum (*2) STORET: 01105	N/A	0.5	0.75
TDS (*3, *4) STORET: 70295	Report	Report	Report

Footnotes:

*1 After treatment and prior to final disposal, the effluent shall contain NO MEASURABLE total residual chlorine (TRC) at any time. NO MEASURABLE will be defined as no detectable concentration of TRC as determined by any approved method established in 40 CFR 136. If during the term of this permit the minimum quantification level for TRC becomes less than 19 ug/l, then 19 ug/l shall become the effluent limitation. The maximum TRC shall be monitored daily by grab sample.

*2 If any individual analytical test result is less than the minimum quantification level listed at Part II.A of this permit, a value of zero (0) may be used for that individual result for the Discharge Monitoring Report (DMR) calculations and reporting requirements.

*3 If the discharge of salinity has potential to exceed 1 ton per day or 350 tons per year, whichever is less, the permittee shall develop a program to ensure compliance with the "Policy for Implementation of Colorado River Salinity Standards through the NPDES Permit Program" prepared by the Colorado River Basin Salinity Control Forum, February 28, 1977, and shall provide for full implementation of salinity control measures, if needed, as soon as practicable, but in no case later than one year after the effective date of the permit.

*4 Salinity (TDS) is determined by either the "calculation method" (sum of constituents) or the filterable residue method.

Attachment B
Permit Effluent Limits NM0028762

Permit effective October 1, 2009

Final Effluent Limits - Outfall 001 - Intermittent Flow

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
		lbs/day, unless noted		mg/l, unless noted			
POLLUTANT	STORET CODE	MONTHLY AVG	DAILY MAX	MONTHLY AVG	DAILY MAX	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow	50050	Report MGD	Report MGD	***	***	2/Week (*1)	Estimate (*2)
Total Suspended Solids	00530	Report	Report	20	30	1/Week (*1)	Grab
Total Residual Chlorine	50060	Report	Report	N/A	19 ug/l	1/Day (*1)	Grab
Aluminum, Dissolved	01106	Report	Report	Report	Report	1/Quarter (*1)	Grab
Total Dissolved Solids	70295	Report	Report	Report	Report	1/Quarter (*1)	Grab

Footnotes:

*1 When discharging.

*2 "Estimate" flow measurements shall not be subject to the accuracy provisions established at Part III.C.6. Flow may be estimated using sound analytical techniques.

*3 Monitoring and reporting requirements begin on the effective date of this permit. Compliance with the Whole Effluent Toxicity limitations is required on Permit Effective Date. See PART II, Whole Effluent Toxicity Testing Requirements for additional WET monitoring and reporting conditions.

*4 Once per permit term. The test is to be performed during the first spring time after the permit effective date, during the irrigation season when irrigation return flows in the lower Animas Ditch likely discharge back to the Animas River when most sensitive juvenile life forms are likely to be present in the receiving water and colder ambient temperatures might adversely affect treatment processes. This permit does not establish requirements to automatically increase the WET testing frequency after a test failure, or to begin a toxicity reduction evaluation (TRE) in the event of multiple test failures. However, upon failure of any WET test, the permittee must report the test results to EPA and NMED, Surface Water Quality Bureau, in writing, within 5 business days of notification the test failure. EPA and NMED will review the test results and determine the appropriate action necessary, if any.

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

Date	Outfall	Parameter	Violation	Permit Limit
February 2007	001	Aluminum, Total (Monthly Average)	2.77 mg/L	0.5 mg/L
February 2007	001	Aluminum, Total (Daily Maximum)	2.77 mg/L	0.75 mg/L
March 2007	001	Aluminum, Total (Monthly Average)	0.82 mg/L	0.5 mg/L
March 2007	001	Aluminum, Total (Daily Maximum)	0.82 mg/L	0.75 mg/L
March 2007	001	Total Residual Chlorine (InstantaneousMaximum)	26 µg/L	19 µg/L
April 2007	001	Total Residual Chlorine (Instantaneous Maximum)	32 µg/L	19 µg/L
May 2007	001	Aluminum, Total (Monthly Average)	0.64 mg/L	0.5 mg/L
June 2007	001	Aluminum, Total (Monthly Average)	0.8 mg/L	0.5 mg/L
June 2007	001	Aluminum, Total (Daily Maximum)	0.8 mg/L	0.75 mg/L
July 2007	001	Total Residual Chlorine (Instantaneous Maximum)	19.2 µg/L	19 µg/L
August 2007	001	Aluminum, Total (Monthly Average)	0.65 mg/L	0.5 mg/L
August 2007	001	Total Residual Chlorine (Instantaneous Maximum)	19.09 µg/L	19 µg/L
September 2007	001	Aluminum, Total (Monthly Average)	0.91 mg/L	0.5 mg/L
September 2007	001	Aluminum, Total (Daily Maximum)	0.91 mg/L	0.75 mg/L
October 2007	001	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	001	Total Residual Chlorine (Instantaneous Maximum)	29 µg/L	19 µg/L
November 2007	001	Aluminum, Total (Monthly Average)	0.85 mg/L	0.5 mg/L
November 2007	001	Aluminum, Total (Daily Maximum)	0.85 mg/L	0.75 mg/L
November 2007	001	Total Residual Chlorine (Instantaneous Maximum)	32 µg/L	19 µg/L
December 2007	001	Aluminum, Total (Monthly Average)	1.17 mg/L	0.5 mg/L
December 2007	001	Aluminum, Total (Daily Maximum)	1.17 mg/L	0.75 mg/L
December 2007	001	Total Residual Chlorine (Instantaneous Maximum)	34 µg/L	19 µg/L
January 2008	001	Aluminum, Total (Monthly Average)	0.67 mg/L	0.5 mg/L
January 2008	001	Total Residual Chlorine (Instantaneous Maximum)	54 µg/L	19 µg/L
February 2008	001	Aluminum, Total (Monthly Average)	1.51 mg/L	0.5 mg/L
February 2008	001	Aluminum, Total (Daily Maximum)	1.51 mg/L	0.75 mg/L
February 2008	001	Total Residual Chlorine (Instantaneous Maximum)	35 µg/L	19 µg/L
March 2008	001	Aluminum, Total (Monthly Average)	0.81 mg/L	0.5 mg/L
March 2008	001	Aluminum, Total (Daily Maximum)	0.81 mg/L	0.75 mg/L
March 2008	001	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	001	Aluminum, Total (Monthly Average)	1.14 mg/L	0.5 mg/L
April 2008	001	Aluminum, Total (Daily Maximum)	1.14 mg/L	0.75 mg/L
April 2008	001	Total Residual Chlorine (Instantaneous Maximum)	75 µg/L	19 µg/L
May 2008	001	Aluminum, Total (Monthly Average)	1.33 mg/L	0.5 mg/L
May 2008	001	Aluminum, Total (Daily Maximum)	1.33 mg/L	0.75 mg/L
May 2008	001	Total Residual Chlorine (Instantaneous Maximum)	33 µg/L	19 µg/L
June 2008	001	Aluminum, Total (Monthly Average)	.55 mg/L	0.5 mg/L
June 2008	001	Total Residual Chlorine (Instantaneous Maximum)	33 µg/L	19 µg/L
July 2008	001	Aluminum, Total (Monthly Average)	0.64 mg/L	0.5 mg/L
July 2008	001	Total Residual Chlorine (Instantaneous Maximum)	26 µg/L	19 µg/L
August 2008	001	Total Residual Chlorine (Instantaneous Maximum)	22 µg/L	19 µg/L
September 2008	001	Aluminum, Total (Monthly Average)	0.74 mg/L	0.5 mg/L
October 2008	001	Aluminum, Total (Monthly Average)	0.82 mg/L	0.5 mg/L
October 2008	001	Aluminum, Total (Daily Maximum)	0.82 mg/L	0.75 mg/L
October 2008	001	Total Residual Chlorine (Instantaneous Maximum)	37 µg/L	19 µg/L
November 2008	001	Aluminum, Total (Monthly Average)	0.65 mg/L	0.5 mg/L
November 2008	001	Total Residual Chlorine (Instantaneous Maximum)	22 µg/L	19 µg/L

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

Date	Outfall	Parameter	Violation	Permit Limit
December 2008	001	Aluminum, Total (Monthly Average)	0.9 mg/L	0.5 mg/L
December 2008	001	Aluminum, Total (Daily Maximum)	0.9 mg/L	0.75 mg/L
December 2008	001	Total Residual Chlorine (Instantaneous Maximum)	47 µg/L	19 µg/L
January 2009	001	Aluminum, Total (Monthly Average)	1.6 mg/L	0.5 mg/L
January 2009	001	Aluminum, Total (Daily Maximum)	1.6 mg/L	0.75 mg/L
February 2009	001	Aluminum, Total (Monthly Average)	1.8 mg/L	0.5 mg/L
February 2009	001	Aluminum, Total (Daily Maximum)	1.8 mg/L	0.75 mg/L
September 2009	001	Aluminum, Total (Monthly Average)	.54 mg/L	0.5 mg/L

Attachment D

Permit Effluent Violations for Permit Effective October 1, 2009 NM0028762

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