



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

JUN 04 2013

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7011 3500 0000 0359 9656

Mr. John M. Stomp III, P.E.
Chief Operating Officer, Water Utility Authority
Albuquerque Bernalillo County Water Utility Authority
4201 Second Street SW
Albuquerque, NM 87105

Re: Administrative Order, Docket Number: CWA-06-2013-1807
Permit Number: NM0022250

Dear Mr. Stomp:

Enclosed is an Administrative Order (AO) issued to Albuquerque Bernalillo County Water Utility Authority (ABCWUA), for violation of the Clean Water Act (33 U.S.C. § 1251 et seq.). The violation was identified during our review of Discharge Monitoring Reports submitted by ABCWUA to the Environmental Protection Agency (EPA). The violation alleged is for failure to meet effluent limitations required by its permit.

This AO does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. The first compliance deadline is within thirty days of receipt of this AO. The AO also contains other deadlines, including 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- 1807 and NPDES Permit Number NM0022250 on your response.

If you have any questions, please contact Mr. Robert Houston, of my staff, at (214) 665-8565.

Sincerely,

A handwritten signature in black ink, appearing to read "John Blevins".

John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosures

Re: Administrative Order

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Albuquerque Bernalillo County Water Utility Authority

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

Mr. Jeffrey Romanowski
Albuquerque Bernalillo County
Water Utility Authority
Plant Manager
P.O. Box 1471
Albuquerque, NM 87105



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

Docket Number: CWA-06-2013-1807, NPDES Permit Number: NM0022250

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. Albuquerque Bernalillo County Water Utility Authority ("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 times relevant to this Order ("all relevant times"), Respondent owned or operated a wastewater treatment plant located on Second Street in the City of Albuquerque, Bernalillo 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 wastewater to the receiving waters of the Rio Grande in Segment 20.6.4.105 of the Rio Grande Basin, which is considered a "water of the United States" within the meaning of Section 502(12) and (14) of the Act, 33 U.S.C. § 1362(12), (14) 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 a water 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 Number NM0022250 ("permit") under Section 402 of the Act, 33 U.S.C. § 1342, which became effective on October 1, 2012. 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. Part I.A of the permit places certain limitations on the quality and quantity of effluent discharges by Respondent. The relevant discharge limitations are listed in Attachment A, which is incorporated by reference.

9. Certified Discharge Monitoring Reports filed by Respondent with EPA in compliance with the permit show discharges of pollutants from the facility that exceed the permitted effluent limitations established in I.A of the permit. The discharge of pollutants that exceed the permit limitations are specified in Attachment B, which is incorporated by reference.

10. Each violation of the conditions of the permit was a violation of Section 301 of the Act, 33 U.S.C. § 1311.

SECTION 309(a)(3) COMPLIANCE ORDER

Based on the foregoing Findings and pursuant to the authority of Section 309(a)(3) of the Act, EPA hereby orders Respondent to take the following action:

A. Within thirty (30) days of the effective date of this Order, Respondent shall take such steps as necessary to comply with the effluent limitation provisions of the permit cited herein.

SECTION 308 INFORMATION DEMAND

Based on the foregoing Findings and pursuant to the authority of Section 308 of the Act, Respondent is required to do the following:

A. Within thirty (30) days of the effective date of this Order, Respondent must certify compliance with the terms and conditions of the permit.

B. Within thirty (30) days of the effective date of this Order, Respondent shall provide EPA with a list of all mechanical, management and operational deficiencies and a narrative describing the specific actions taken to correct all cited violations.

C. In the event it will take Respondent longer than thirty (30) days to achieve compliance, 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 re-issued in a future administrative order.

E. To ask questions or comment on this matter, please contact Mr. Robert Houston, of my staff, at (214) 665-8565.

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

Ms. Hannah Branning
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, or the 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.

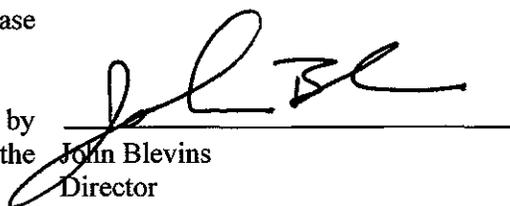
This Order does not constitute a waiver or modification of the terms or conditions of Respondent's NPDES permit which remain in full force and effect.

Compliance with the terms and conditions of this Order does not relieve Respondent of its obligations 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.

6.4.13

Date



John Blevins
Director
Compliance Assurance and
Enforcement Division

Attachment A

Part I – Requirements for NPDES Permits Section A. Limitations and Monitoring Requirements

Outfall 001: Final Effluent Limits – 76 MGD Design Flow

During the period beginning the effective date of the permit and lasting through the expiration date of the permit (unless otherwise noted), the permittee is authorized to discharge treated municipal wastewater to the Rio Grande, in Segment Number 20.6.4.105, from Outfall 001. Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS						MONITORING REQUIREMENTS	
	lbs/day, unless noted			mg/l, unless noted (*M)			MEASUREMENT FREQUENCY	SAMPLE TYPE
POLLUTANT	30-DAY AVG	DAILY MAX	7-DAY AVG	30-DAY AVG	DAILY MAX	7-DAY AVG		
Flow	Report MGD	Report MGD	Report MGD	***	***	***	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand, 5-day	709	N/A	Report	15	N/A	22.5	Daily	24-Hour Composite
Total Suspended Solids	19015	N/A	28522	30	N/A	45	Daily	24-Hour Composite
Total Suspended Solids % removal, minimum (*R)	≥85% (*P)	---	---	---	---	---	Daily	Calculation
E. Coli Bacteria cfu/100 ml (*C)	135 (*B)	Report (*B)	N/A	47 (*C)	88 (*C)	N/A	Daily	Grab
Ammonia-Nitrogen (Total as Nitrogen)	634	951	N/A	1.0	1.5	N/A	Daily	24-Hour Composite
Total Inorganic Nitrogen, (as Nitrogen) (*N)	9513	6342	N/A	10	15	N/A	Daily	24-Hour Composite
Dissolved Oxygen, minimum	N/A	N/A	N/A	5 mg/l	N/A	N/A	Daily	Grab
Mercury, Total	0.005	0.008	N/A	0.008 ug/l (*H)	0.012 ug/l (*H)	N/A	Once/week	24-Hour Composite
Total Residual Chlorine	N/A	N/A	N/A	N/A	11 ug/l	N/A	Daily	Instantaneous Grab (*T)
PCBs (*G)	N/A	Report (*G)	N/A	N/A	Report (*G)	N/A	Once (*G)	24-Hour Composite
Arsenic, Total	Report	Report	N/A	Report	Report	N/A	Once/Month	24-Hour Composite

Attachment A (cont.d)

**Part I – Requirements for NPDES Permits
Section A. Limitations and Monitoring Requirements**

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Standard Units		MEASUREMENT FREQUENCY	SAMPLE TYPE
POLLUTANT	MINIMUM	MAXIMUM		
pH	6.6	9.0	Daily	Grab

EFFLUENT CHARACTERISTICS	DISCHARGE MONITORING		MONITORING REQUIREMENTS	
	30-DAY AVG MINIMUM	7-DAY MINIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
WHOLE EFFLUENT TOXICITY LIMITS (22414) (7-Day NOEC) (*W)	61%	61%		
Ceriodaphnia dubia	Report	Report	Once/Quarter	24-Hr Composite
Pimephales promelas	Report	Report	Once/Quarter	24-Hr Composite

ADDITIONAL REPORTING	ANNUAL PRETREATMENT REPORT	
	MEASUREMENT FREQUENCY	
Pretreatment Requirements (*P)	Annual	

ADDITIONAL REPORTING	CMOM WITH EMPHASIS ON FOG POLICY	
	MEASUREMENT FREQUENCY	
CMOM Fats, Oil and Grease Policy (FOG) (*F)	One time due 1 year after permit effective date (*F)	

EFFLUENT CHARACTERISTICS	DISCHARGE MONITORING (*M)	MONITORING REQUIREMENTS	
		MEASUREMENT FREQUENCY	SAMPLE TYPE
Expanded Effluent Testing (*E)	Report	1 each in 2 nd , 3 rd , & 4 th years of the permit (*E)	24-Hr Composite (*S)

Footnotes:

- *M See **Appendix A of Part II** of the permit for minimum quantification limits.
- *R Percent removal is calculated using the following equation:

$$\left[\frac{\text{average monthly influent concentration (mg/l)} - \text{average monthly effluent concentration (mg/l)}}{\text{average monthly influent concentration (mg/l)}} \right] \times 100$$
- *C Colony forming units (cfu) per 100 ml. Reporting for E. coli bacteria for the 30-day average is the geometric mean of the daily values.
- *B Billion (1.0 × 10⁹) cfu/day. Loading limit calculated as follows; [Flow in MGD × 47 cfu/100 ml × 3.79 × 10⁷]
- *N Total Inorganic Nitrogen (TIN) shall be calculated as the sum of: Ammonia (NH₃) + Ammonium (NH₄) + Nitrate (NO₃) + Nitrite (NO₂), expressed as Nitrogen.

Attachment A (cont.d)

**Part I – Requirements for NPDES Permits
Section A. Limitations and Monitoring Requirements**

- *T Regulations at 40 CFR Part 136 define "instantaneous grab" as analyzed within 15 minutes of collection. The effluent limitation for TRC is the instantaneous maximum and cannot be averaged for reporting purposes.
- *H Mercury testing shall use Method 1631 specified in Footnote (*1) of Appendix A of Part II of the permit.
- *G PCB Testing shall be one time during the first 12-months after the permit effective date. Test shall use Method 1668A, as revised: Chlorinated Biphenyl Congeners in Water, Soil, Sediment and Tissue by High Resolution Gas Chromatography/High Resolution Mass Spectrometry (HRGC/HRMS).
 - *W Monitoring and reporting requirements begin on the effective date of this permit. See Appendix B of Part II of the permit for Whole Effluent Toxicity testing requirements for additional WET monitoring and reporting conditions.
- *P See Appendix C of Part II of the permit for pretreatment requirements.
 - *E See NPDES Permit Application Form 2A; Tables A.12, B.6, and Part D for the list of pollutants to include in this testing. Samples are to be taken on the same day as the WET test event for that year. The permittee shall report the results as a separate attachment in tabular form sent to the Permits and Technical Assistance Section Chief of the Water Quality Protection Division within 60 days of receipt of the lab analysis.
- *S 24-Hour composite samples are required for all except E. Coli bacteria, pH, TRC and DO, which are grab samples.
 - *F Capacity, Management, Operation and Maintenance (CMOM) with emphasis on Fats, Oil and Grease Policy (FOG) is due one (1) year after the permit effective date. See Part II of the Permit for FOG Policy requirements.

Attachment B
Monitoring Requirements

Date	Permitted Feature (Outfall)	Parameter	Violation	Permit Limit
October 31, 2012	001 A	Mercury, Total	0.013 ug/L	0.012 ug/L
October 31, 2012	001 A	Carbonaceous Biochemical Oxygen Demand, 5-Day	1,261lbs./day	709 lbs./day
November 30, 2012	001 A	Carbonaceous Biochemical Oxygen Demand, 5-Day	1,235 lbs./day	709 lbs./day
December 31, 2012	001 A	Carbonaceous Biochemical Oxygen Demand, 5-Day	1,230 lbs./day	709 lbs./day
January 31, 2013	001 A	Carbonaceous Biochemical Oxygen Demand, 5-Day	1,277 lbs./day	709 lbs./day