



NOTICE OF VIOLATION

Certified Mail - Return Receipt Requested

April 15, 2024

Michael Dozier, Director
Wastewater Management Division
City of Santa Fe
73 Paseo Real
Santa Fe, New Mexico 87507

RE: Notice of Violation, City of Santa Fe Wastewater Reclamation Facility, DP-289

Dear Michael Dozier:

On August 11, 2022, the New Mexico Environment Department (NMED) issued a Discharge Permit Renewal and Modification, DP-289, (Discharge Permit; copy enclosed) to the City of Santa Fe (Permittee) pursuant to Section 20.6.2.3109 NMAC of the Water Quality Control Commission (WQCC) Ground and Surface Water Protection Regulations (20.6.2 NMAC). Section 20.6.2.3104 NMAC requires the Permittee to comply with the terms and conditions of this Discharge Permit.

NMED has determined that the City of Santa Fe Wastewater Reclamation Facility (Facility) is operating in violation of the conditions of the Discharge Permit, the WQCC Regulations and the Water Quality Act (WQA). Please be advised that NMED requires prompt action as described herein. The Facility is located at 73 Paseo Real, Santa Fe in Section 10, Township 16N, Range 08E, Santa Fe County.

A summary of the events resulting in the determination of violations at the Facility follows.

On February 7, 2024, NMED received the Facility's 2023 fourth quarter monitoring report. In the monitoring report, it shows that the Facility exceeded the total nitrogen discharge limit of 10 mg/L with a combined result of TKN and nitrate of 11.86 mg/L. The Permittee took a confirmatory sample in accordance with the contingency plan Condition 33 with a combined result of TKN and nitrate of 29.63 mg/L. Following receipt of the results for the confirmatory sample, the Condition 33 further instructs the Permittee to complete further actions that include reporting the exceedance to NMED, increase in sampling frequency, performance of an examination of the operations at the Facility and submission of a Corrective Action Plan (CAP).

The requirements of the Discharge Permit, violations, and associated actions necessary to correct the violations are identified below.

1. Condition 10 of the Discharge Permit requires that treated wastewater discharged from the UV disinfection unit does not exceed the discharge limit for total nitrogen of 10 mg/L.

The Permittee has violated this condition because they discharged treated wastewater with a total nitrogen content above the 10 mg/L discharge.

2. Condition 33 of the Discharge Permit requires the Permittee to implement contingencies if an analytical result of treated wastewater indicates an exceedance of the total nitrogen discharge limit set by Discharge Permit Condition 10.

The Permittee has violated this condition because, to date, the Permittee failed to notify NMED of the exceedances within 7 days of the second sample analysis date indicating an exceedance, the Permittee has not switched to sampling and analyzing treated wastewater once per month instead of quarterly, the Permittee has not examined operation and maintenance logs for improper procedures, nor has the Permittee conducted a physical inspection of the treatment system to detect abnormalities. The Permittee also failed to submit a report to NMED within 30 days of correction if the Facility discovered abnormalities.

In order to correct this violation the Permittee must **submit a sampling plan indicating that the Facility will analyze total nitrogen samples monthly, a report of the evaluation of the operation and maintenance logs, and a report detailing a physical inspection of the treatment system with any abnormalities discovered and a schedule to correct them to NMED within 30 days of the issuance of this letter (by May 15, 2024).**

Pursuant to WQA § 74-6-5, NMED has authority to terminate or modify the Discharge Permit prior to its date of expiration for any of the following causes:

1. violation of any condition of the permit;
2. obtaining the permit by misrepresentation or failure to disclose fully all relevant facts;
3. violation of any provisions of the WQA, or any applicable regulations, standard of performance or water quality standards;
4. violation of any applicable state or federal effluent regulations or limitations; or
5. change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

Failure to comply with this Notice of Violation may result in NMED's issuance of a compliance order that assesses a civil penalty pursuant to WQA, Section 74-6-10. NMED may also assess civil penalties up to \$15,000 per day for each violation of the WQA, Section 74-6-5, any regulation promulgated pursuant to that section, or any permit issued pursuant to that section. NMED may assess civil penalties up to \$10,000 per day for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision.

Michael Dozier

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As an alternative to the remedies described above, NMED may commence an action in district court for appropriate relief, including injunctive relief.

Nothing in this letter shall be construed as relieving the permittee of the obligation to comply with all requirements of the Discharge Permit, the WQCC Regulations, the WQA, and other applicable federal, state, and local laws, regulations, permits or orders. This letter is intended to obtain voluntary compliance in addressing violations of certain requirements of the Discharge Permit and may not address all violations. It is the responsibility of the permittee to be familiar with and comply with the Discharge Permit.

Please note that your facility will appear on the NMED's Enforcement Watch as a result of this NOV (see: <https://www.env.nm.gov/enforcement-watch/>). Further, NMED will issue a press release to local media highlighting your facility as appearing on this webpage. Your facility will remain on the Enforcement Watch website as an active matter until this matter is fully resolved.

Pursuant to the NMED Delegation Order dated February 19, 2024, the Cabinet Secretary has delegated the authority to sign a Notice of Violation under the New Mexico Water Quality Act to the Chief of the Ground Water Quality Bureau. If you have any questions regarding this matter, please contact Jason Herman, Program Manager of the Ground Water Pollution Prevention Section, at (575) 649-3871 or Avery Young at (505) 699-8564 or submit an email to pps.general@env.nm.gov.

Sincerely,

Justin D. Ball, Chief
Ground Water Quality Bureau

JB:AY

Encl: Discharge Permit Renewal and Modification, DP-289, dated August 11, 2022

cc: John Rhoderick, Division Director, Water Protection Division
Jason Herman, PPS Program Manager
Nafis Fuad, Compliance and Enforcement Supervisor, Surface Water Quality Bureau
Susan Lucas Kamat, Program Manager, Surface Water Quality Bureau
Thomas Vigil, District Manager, NMED District II
Sandra Gabaldon, City of Santa Fe, sgabaldon@santafenm.gov
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