UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270-2102

April 28, 2021

TRANSMITTED VIA EMAIL

Jarel LaPan Hill
City Manager
City of Santa Fe
P.O. Box 909
Santa Fe, NM 87504-0909
jlapanhill@santafenm.gov

Re: **Notice of Potential Violation and Opportunity to Confer**
NPDES Permit: NM0022292

Dear Ms. Hill:

Information currently available to the U.S. Environmental Protection Agency, Region 6 (EPA) suggests that the City of Santa Fe may have committed violations of Section 301 of the Clean Water Act (CWA), 33 U.S.C. § 1311 and its applicable NPDES permit. By this letter, the EPA is extending to you an opportunity to advise EPA via a conference call or in writing of any further information which EPA should consider with respect to the potential violations.

As an owner/operator of a wastewater treatment facility, the City of Santa Fe, located in Santa Fe County, New Mexico, applied for and was issued an NPDES Permit, No. NM0022292 (permit), which allowed discharges of pollutants to waters of the United States from the facility, but only in compliance with the terms of the permit. The permit requires the City of Santa Fe to sample and test its effluent discharges to monitor compliance with permit limits and conditions according to specific procedures, and to determine the facility's compliance with the permit and applicable regulations. The permit also requires the City of Santa Fe to submit to EPA, monthly, certified Discharge Monitoring Reports (DMRs) documenting monthly monitoring results, and submission of Noncompliance Reports when appropriate. DMRs should be submitted to EPA using NetDMR for missing monitoring periods and may be sent via e-mail to R6.NetDMR@epa.gov. According to the DMRs submitted by the City of Santa Fe, the permit effluent limits may have been exceeded in violation of the permit as specified in Attachment A.

Under the CWA, the EPA can unilaterally seek compliance by imposing regulatory requirements and civil penalties to address violations through administrative actions that include penalty complaints and orders for compliance. However, as a courtesy, the EPA is providing you with the opportunity to confer on any further information the we should consider. **Within 7 days of receipt of this letter**, please indicate if you request an opportunity to confer with EPA regarding this matter by contacting Ms. Mona Tates of my staff at (214) 665-7152 or tates.mona@epa.gov.

Recognizing that the COVID-19 pandemic may be impacting your operations and causing hardships to your municipality, EPA also is open to discussing and considering any relevant circumstances arising from the pandemic that you may be facing. If you have any questions, please contact Ms. Mona Tates at (214) 665-7152.

Sincerely,

Bryant Smalley
Chief
Water Enforcement Branch

Enclosure

ec: Ms. Shelly Lemon, Chief
Surface Water Quality Bureau
New Mexico Environment Department
shelly.lemon@state.nm.us.

Attachment A

City of Santa Fe - NM0022292
Effluent Violations

Monitoring Period	Outfall	Parameter	Monitoring	Units	Permit Limit	DMR Value	# of Excursions
07/31/2019	001	E. coli	DAILY MX	CFU/100mL	410.	446.	1
08/31/2019	001	E. coli	DAILY MX	CFU/100mL	410.	760.	1
11/30/2019	001	Nitrogen, total [as N]	30DA AVG	mg/L	6.9	7.4	1
12/31/2019	001	Solids, total suspended	30DA AVG	mg/L	30.	52.	2
12/31/2019	001	Solids, total suspended	7 DA AVG	mg/L	45.	148.	2
01/31/2020	001	BOD, carbonaceous [5 day, 20 C]	7 DA AVG	mg/L	15.	22.	1
01/31/2020	001	E. coli	30DAVGEO	CFU/100mL	126.	145.	3
01/31/2020	001	E. coli	DAILY MX	CFU/100mL	410.	1080.	3
01/31/2020	001	Nitrogen, total [as N]	30DA AVG	lb/d	265.	281.	2
01/31/2020	001	Nitrogen, total [as N]	30DA AVG	mg/L	6.9	7.3	2
01/31/2020	001	Solids, total suspended	30DA AVG	lb/d	2127.	2327.	4
01/31/2020	001	Solids, total suspended	30DA AVG	mg/L	30.	60.	4
01/31/2020	001	Solids, total suspended	7 DA AVG	mg/L	45.	127.	4
02/29/2020	001	BOD, carbonaceous [5 day, 20 C]	30DA AVG	mg/L	10.	14.	2
02/29/2020	001	BOD, carbonaceous [5 day, 20 C]	7 DA AVG	mg/L	15.	26.	2
02/29/2020	001	E. coli	30DAVGEO	CFU/100mL	126.	346.	7
02/29/2020	001	E. coli	DAILY MX	CFU/100mL	410.	6200.	7
02/29/2020	001	Nitrogen, total [as N]	30DA AVG	lb/d	265.	472.	2
02/29/2020	001	Nitrogen, total [as N]	30DA AVG	mg/L	6.9	12.5	2
02/29/2020	001	Phosphorus, total [as P]	30DA AVG	lb/d	108.	125.	2
02/29/2020	001	Phosphorus, total [as P]	30DA AVG	mg/L	3.1	3.3	2
02/29/2020	001	Solids, suspended % removal	MO AV MN	%	85.	76.75	0
02/29/2020	001	Solids, total suspended	30DA AVG	lb/d	2127.	3395.	5
02/29/2020	001	Solids, total suspended	30DA AVG	mg/L	30.	91.	5
02/29/2020	001	Solids, total suspended	7 DA AVG	mg/L	45.	192.	5
03/31/2020	001	BOD, carbonaceous [5 day, 20 C]	30DA AVG	lb/d	709.	776.	4
03/31/2020	001	BOD, carbonaceous [5 day, 20 C]	30DA AVG	mg/L	10.	20.	4
03/31/2020	001	BOD, carbonaceous [5 day, 20 C]	7 DA AVG	mg/L	15.	36.	4
03/31/2020	001	E. coli	30DAVGEO	CFU/100mL	126.	374.	9
03/31/2020	001	E. coli	DAILY MX	CFU/100mL	410.	1800.	9

03/31/2020	001	Nitrogen, total [as N]	30DA AVG	lb/d	265.	654.	2
03/31/2020	001	Nitrogen, total [as N]	30DA AVG	mg/L	6.9	16.5	2
03/31/2020	001	Phosphorus, total [as P]	30DA AVG	lb/d	108.	196.	2
03/31/2020	001	Phosphorus, total [as P]	30DA AVG	mg/L	3.1	4.8	2
03/31/2020	001	Solids, suspended % removal	MO AV MN	%	85.	60.57	0
03/31/2020	001	Solids, total suspended	30DA AVG	lb/d	2127.	5910.	5
03/31/2020	001	Solids, total suspended	30DA AVG	mg/L	30.	148.	5
03/31/2020	001	Solids, total suspended	7 DA AVG	mg/L	45.	242.	5
04/30/2020	001	BOD, carbonaceous [5 day, 20 C]	7 DA AVG	mg/L	15.	16.	1
04/30/2020	001	E. coli	30DAVGEO	CFU/100mL	126.	643.	8
04/30/2020	001	E. coli	DAILY MX	CFU/100mL	410.	10000.	8
04/30/2020	001	Nitrogen, total [as N]	30DA AVG	lb/d	265.	454.	2
04/30/2020	001	Nitrogen, total [as N]	30DA AVG	mg/L	6.9	14.5	2
04/30/2020	001	Phosphorus, total [as P]	30DA AVG	lb/d	108.	237.	2
04/30/2020	001	Phosphorus, total [as P]	30DA AVG	mg/L	3.1	7.6	2
04/30/2020	001	Solids, total suspended	30DA AVG	mg/L	30.	36.	2
04/30/2020	001	Solids, total suspended	7 DA AVG	mg/L	45.	103.	2
05/31/2020	001	E. coli	30DAVGEO	CFU/100mL	126.	316.	6
05/31/2020	001	E. coli	DAILY MX	CFU/100mL	410.	1460.	6
05/31/2020	001	Nitrogen, total [as N]	30DA AVG	lb/d	265.	268.	2
05/31/2020	001	Nitrogen, total [as N]	30DA AVG	mg/L	6.9	12.9	2
05/31/2020	001	Phosphorus, total [as P]	30DA AVG	mg/L	3.1	4.5	1
05/31/2020	001	Solids, total suspended	7 DA AVG	mg/L	45.	57.	1
06/30/2020	001	E. coli	DAILY MX	CFU/100mL	410.	640.	2
06/30/2020	001	Nitrogen, total [as N]	30DA AVG	mg/L	6.9	8.8	1
07/31/2020	001	E. coli	DAILY MX	CFU/100mL	410.	960.	1
07/31/2020	001	Nitrogen, total [as N]	30DA AVG	mg/L	6.9	7.9	1
08/31/2020	001	Nitrogen, total [as N]	30DA AVG	lb/d	265.	288.	2
08/31/2020	001	Nitrogen, total [as N]	30DA AVG	mg/L	6.9	11.3	2
09/30/2020	001	Nitrogen, total [as N]	30DA AVG	mg/L	6.9	8.9	1
10/31/2020	001	Nitrogen, total [as N]	30DA AVG	lb/d	265.	268.	2
10/31/2020	001	Nitrogen, total [as N]	30DA AVG	mg/L	6.9	7.7	2
10/31/2020	001	Phosphorus, total [as P]	30DA AVG	lb/d	108.	110.	2
10/31/2020	001	Phosphorus, total [as P]	30DA AVG	mg/L	3.1	3.2	2
11/30/2020	001	Nitrogen, total [as N]	30DA AVG	mg/L	6.9	7.2	1
11/30/2020	001	Phosphorus, total [as P]	30DA AVG	lb/d	108.	244.	2
11/30/2020	001	Phosphorus, total [as P]	30DA AVG	mg/L	3.1	7.1	2
12/31/2020	001	Nitrogen, total [as N]	30DA AVG	lb/d	265.	433.	2
12/31/2020	001	Nitrogen, total [as N]	30DA AVG	mg/L	6.9	10.7	2
12/31/2020	001	Phosphorus, total [as P]	30DA AVG	lb/d	108.	345.	2

12/31/2020	001	Phosphorus, total [as P]	30DA AVG	mg/L	3.1	8.6	2
01/31/2021	001	E. coli	DAILY MX	CFU/100mL	410.	920.	1
01/31/2021	001	Nitrogen, total [as N]	30DA AVG	lb/d	265.	852.	2
01/31/2021	001	Nitrogen, total [as N]	30DA AVG	mg/L	6.9	21.4	2
01/31/2021	001	Phosphorus, total [as P]	30DA AVG	lb/d	108.	188.	2
01/31/2021	001	Phosphorus, total [as P]	30DA AVG	mg/L	3.1	4.7	2
02/28/2021	001	E. coli	30DAVGEO	CFU/100mL	126.	160.	2
02/28/2021	001	E. coli	DAILY MX	CFU/100mL	410.	920.	2
02/28/2021	001	Nitrogen, total [as N]	30DA AVG	lb/d	265.	536.	2
02/28/2021	001	Nitrogen, total [as N]	30DA AVG	mg/L	6.9	11.9	2
02/28/2021	001	Phosphorus, total [as P]	30DA AVG	lb/d	108.	314.	2
02/28/2021	001	Phosphorus, total [as P]	30DA AVG	mg/L	3.1	6.9	2