



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

JAN 09 2015

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7005 1820 0003 7451 4735

The Honorable Danny J. Cruz
Mayor, Town of Springer
P.O. Box 488
Springer, NM 87747

Re: Administrative Order; Docket Number: SDWA-06-2014-1373
PWS ID Number: NM3526604

Dear Mayor Cruz:

Enclosed is an Administrative Order (Order) issued to the Town of Springer, New Mexico, for violation of the Safe Drinking Water Act (Act), 42 U.S.C. § 300f, et seq., and its implementing regulations, 40 C.F.R. Part 141. The Environmental Protection Agency (EPA) finds that you own or operate the public water system (PWS) identified in the Order, and are therefore subject to these regulations. This Order requires compliance with the requirements of the Act and implementation of the Stage 1 Disinfectants and Disinfection Byproducts Rule (ST1 DBPR) regulations, pursuant to 40 C.F.R. § 141.135. The Order also requires responses to certain actions and information demands.

Based on these findings and pursuant to the authority of Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), EPA orders Respondent to take the following actions: 1) Respondent shall bring the PWS into ST1 DBPR compliance with the Treatment Technique for total organic carbon (TOC) precursor removal; and 2) Respondent shall achieve and maintain compliance with 40 C.F.R. § 141.135 no later than twelve months from the effective date of this Order.

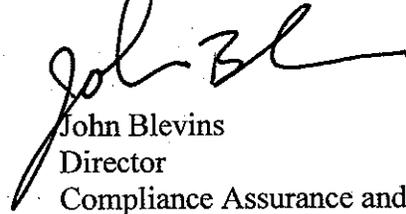
As described in the enclosed Order, you are required to deliver drinking water that meets the national standard for TOC removal, which is directly correlated to Disinfection Byproduct formation. You are also required to conduct quarterly monitoring to ensure compliance with the DBPR. Please be aware that failure to comply with this Order may subject you to additional enforcement action by the EPA, including the initiation of legal proceedings to seek monetary penalties.

~~The PWS is also required to comply with all applicable New Mexico regulations and provisions of 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141. Most treatment options require the submittal of engineering plans and specifications to the New Mexico Environment Department (NMED). Please send engineering submittals to NMED's Drinking Water Bureau at the addresses referenced in Section "F" of the enclosed Order, and include the docket number referenced above.~~

Re: Administrative Order
Town of Springer, New Mexico 2

If you need assistance, or have questions regarding the Order, please contact Jenna Manheimer, of my staff, at (214) 665-7318.

Sincerely,



John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure

cc: Maria J. Medina, Enforcement Coordinator
New Mexico Environment Department
Drinking Water Bureau
P.O. Box 5469
Santa Fe, NM 87502-5469



U.S. ENVIRONMENTAL PROTECTION AGENCY-REGION 6
FINDINGS OF VIOLATION AND COMPLIANCE ORDER AND
INFORMATION DEMAND

In the Matter of Springer Water System
Owned/Operated by Town of Springer, Respondent
PWS ID: NM3526604, Docket Number: SDWA-06-2014-1373

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 1414(g) and 1445 of the Safe Drinking Water Act ("the Act"), 42 U.S.C. §§ 300g-3(g) and 300j-4. The Administrator delegated the authority to issue this Order to the Regional Administrator of EPA Region 6 who delegated such authority to the Director of the Compliance Assurance and Enforcement Division.

FINDINGS

1. The Town of Springer ("Respondent") is a "person," as defined by Section 1401(12) of the Act, 42 U.S.C. § 300f(12).
2. At all times relevant to the violations alleged herein ("relevant time period"), Respondent owned or operated the Springer Water System, a public water system ("PWS"), as defined by Section 1401(4) of the Act, 42 U.S.C. § 300f(4), located in Colfax County, New Mexico, designated as identification number NM3526604.
3. During the relevant time period, Respondent's PWS served as a "community water system," as defined by Section 1401(15) of the Act, 42 U.S.C. § 300f(15).
4. The PWS is a "supplier of water" and provides water for human consumption to approximately 2,000 year-round residents through 603 service connections at the Springer water system.
5. As a PWS and "supplier of water," Respondent is subject to the regulations promulgated by EPA pursuant to Section 1412 of the Act, 42 U.S.C. § 300g-1, entitled "National Primary Drinking Water Regulations" set forth at 40 C.F.R. Part 141
6. During the relevant time period, Respondent's PWS was subject to the requirements of the Stage 1 Disinfectants and Disinfection Byproducts Rule ("ST1 DBPR") as set forth at 40 C.F.R., Part 141, Subpart L.

7. The New Mexico Environment Department ("NMED") has obtained primary enforcement responsibility for the PWS provisions of the Act in the State of New Mexico. However, NMED and EPA have consulted regarding this Order, and it has been agreed that EPA will initiate this enforcement action.

8. Under 40 C.F.R. § 141.135 of the ST1 DBPR, the PWS must implement a treatment technique ("TT") to control disinfection byproduct ("DBP") precursors. Specifically, Respondent was required to remove certain percentages of organic matter, measured as total organic carbon ("TOC"), that react with disinfectants to form DBPs.

9. Respondent monitored for DBP precursors during each twelve, thirty (30)-day sample period ending on September 30, 2014. Respondent was required under 40 C.F.R. § 141.135(c) to meet a quarterly TOC removal ratio of at least 1.0 from raw water. According to results in the Safe Drinking Water Information System ("SDWIS"), and to EPA's calculation, Respondent's removal ratio averaged over 12 months was 0.5, which is a violation of 40 C.F.R. § 141.135.

SECTION 1414(g) COMPLIANCE ORDER

Based on these findings and pursuant to the authority of Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), EPA orders Respondent to take the following actions:

A. Respondent shall bring the PWS into ST1 DBPR compliance with the TT requirements for TOC precursor removal, as set forth in 40 C.F.R. § 141.135(c).

B. Respondent shall achieve and maintain compliance with 40 C.F.R. § 141.135(c) no later than twelve (12) months after the effective date of this Order.

C. In the event that public notice has not been issued by Respondent regarding the violations specified in Paragraph 6, Respondent shall, within thirty (30) days of issuance of this Order, provide a public notice of the violations, as set forth in 40 C.F.R. § 141.201. Respondent shall submit a copy of the public notice to EPA and NMED within forty (40) days of the issuance of this Order.

SECTION 1445 INFORMATION DEMAND

Based on these findings and pursuant to the authority of Section 1445 of the Act, 42 U.S.C. § 300j-4, Respondent is required to do the following:

A. Within fifteen (15) calendar days of the effective date of this Order, Respondent shall contact Jenna Manheimer in writing, informing her whether Respondent will comply with the terms of this Order.

B. Within sixty (60) days of the effective date of this Order, Respondent shall submit to EPA and NMED a detailed plan to bring the PWS into compliance with the ST1 DBPR TT requirements. The plan shall include: 1) a system modification proposal; 2) a cost analysis of system modifications; and 3) a construction schedule for the project. The schedule shall include specific milestone dates and a final compliance date that is no later than twelve (12) months from the effective date of this Order. The plan must be submitted to EPA and NMED for approval before construction can commence.

C. Within ninety (90) days of the effective date of this Order, Respondent shall submit to EPA an initial report on the progress made to bring the PWS into ST1 DBPR TT compliance. Following the initial report, quarterly progress reports shall be due to EPA within ten (10) days after the end of each calendar quarter. Respondent shall notify EPA when all improvements have been completed.

D. Respondent must achieve and maintain compliance with 40 C.F.R. § 141.135 by the date specified in the approved plan, or not later than twelve (12) months after the effective date of this Order.

E. The approved schedule for construction and completion of modifications shall be incorporated in a future administrative order.

F. The reporting required by this Order must be provided by the Respondent to EPA at the following addresses:

Jenna Manheimer
Water Enforcement Branch (6EN-WR)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733
Manheimer.Jennifer@epa.gov

and

Maria J. Medina, Enforcement Coordinator
New Mexico Environment Department
Drinking Water Bureau
P.O. Box 5469
Santa Fe, NM 87502-5469

G. Respondent shall provide written certification to EPA for each submittal. The information provided shall be verified by, and submitted under a signature by a responsible management representative authorized to respond on behalf of the Town of Springer with the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

GENERAL PROVISIONS

This Order is effective upon receipt by Respondent.

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/view.xhtml?req=granuleid:USC-prelim-title5section706&num=0&edition=prelim>, states the scope of such review.

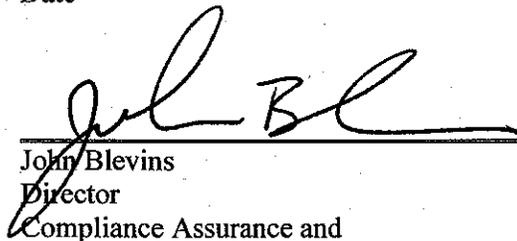
This Section 1414(g) Compliance Order and the Section 1445 Information Demand do not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. Part 141 or other applicable federal and state requirements, which remain in full force and effect. Issuance of this Section 1414(g) Compliance Order and Section 1445 Information Demand is not an election by EPA to forego any civil or any criminal action otherwise authorized under the Act.

Violation of any term of this Section 1414(g) Compliance Order and the Section 1445 Information Demand may subject Respondent to an administrative civil penalty of up to \$37,500 under Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), or a civil penalty of not more than \$37,500 per day per violation, assessed by an appropriate United States District Court under Section 1414(g)(3)(A) of the Act, 42 U.S.C. § 300g-3(g)(3)(A).

This Order shall be binding on the PWS cited herein and all its successors, and assignees. No change in ownership of the PWS shall alter the responsibility of the PWS under this Order.

1.9.15

Date



John Blevins
Director
Compliance Assurance and
Enforcement Division