

**NEW MEXICO ENVIRONMENT DEPARTMENT
WATER PROTECTION DIVISION**

In the Matter of)
Secretary of Environment)
Declaration for Purposes of)
Providing Emergency Relief)
Emergency Powers Order No. 2016-3

WHEREAS, the Secretary of the New Mexico Environment Department (“NMED”) has authority under the Environmental Improvement Act, NMSA 1978, §§ 74-1-1 to -17, and the Drinking Water Regulations, 20.7.10 NMAC, to issue this Order, *see* §§ 74-1-6(J), 74-1-7(A)(2), 74-1-8(A)(2) and 20.7.10.300 NMAC;

WHEREAS, the Harvest Gold Subdivision (System No. NM3511524, the “System”) on June 3, 2016, was ordered by the New Mexico Environment Department’s Drinking Water Bureau (“NMED DWB”) to issue a boil water advisory due to the System failure to monitor for turbidity which is an acute public health contaminant;

WHEREAS, the System was issued an inspection report by NMED DWB dated September 14, 2015 that cited five (5) significant deficiencies including storage tank deficiencies and raw water storage deficiencies that have not been corrected;

WHEREAS, the System was also issued an inspection report by NMED DWB dated June 10, 2016 that cited twenty-one (21) significant deficiencies that have not been corrected;

WHEREAS, the System failed to provide a corrective action plan to NMED DWB by July 25, 2016 for the twenty-one (21) significant deficiencies noted in the June 10, 2016 inspection report, resulting in NMED DWB issuing a corrective action plan to the System on August 1, 2016;

WHEREAS, the System has failed to meet deadlines or make any significant progress in resolving these numerous issues;

WHEREAS, there exists a long-term need to ensure the System achieve and maintain compliance to protect public health;

THEREFORE, NMED hereby orders the System to take the following actions by the following deadlines, in accordance with 20.7.10.300 NMAC:

1. The System shall replace the leaking and corroded two hundred ten thousand (210,000) Gallon Water Storage Tank (Tank #1) with a permanent and approved storage tank. Replacement of storage tank shall require approval of engineering plans and specifications by the NMED DWB prior to construction of the new tank. Plans and specifications for this shall be submitted no later than October 7, 2016 and this tank shall be replaced and in service no later than forty-five (45) days after DWB provides

approval of the plans and specifications. All construction activities required above shall be verified by an independent third party approved by NMED DWB.

2. The System shall complete construction of a permanent interconnection to the City of Bloomfield. Interconnection to the Bloomfield Water Supply System (System No. NM3510124, "Bloomfield") shall require approval of engineering plans and specifications by the NMED DWB prior to construction of the interconnection. Plans and specifications for this shall be submitted no later than October 14, 2016 and this interconnection shall be completed and fully operational no later than forty-five (45) days after DWB provides approval of the plans and specifications. All construction activities required above shall be verified by an independent third party approved by NMED DWB.
3. Upon completion of the permanent interconnection to Bloomfield, the System shall physically disconnect the Harvest Gold Subdivision surface water treatment plant and sources with an air gap that is a minimum of two (2) times the diameter of the pipe. Verification of disconnection of the treatment plant shall be conducted by an independent third party approved by NMED DWB.
4. The System shall provide a distribution system sampling plan to NMED DWB for review and approval. The sampling plan shall include sampling locations that are representative of the entire distribution system as well as detailed maps of sample locations. Samples identified in the plan shall at a minimum include collection of microbiological and chlorine residual for each location. The sampling plan shall be submitted to NMED DWB no later than November 10, 2016. This plan shall be developed by an independent third party approved by NMED DWB.
5. The System shall submit a distribution system flushing plan to NMED DWB for review and approval. The flushing plan shall at a minimum include detailed maps identifying flushing locations, and sampling locations identified in Item 4 above. The flushing plan shall be submitted to NMED DWB no later than November 10, 2016. This plan shall be developed by an independent third party approved by NMED DWB.
6. System wide flushing, in accordance with the approved plan, shall be initiated no later than three (3) days after verification of completion of all required construction activities in this Order. Flushing activities shall be verified by an independent third party approved by NMED DWB.
7. System wide sampling, in accordance with the approved plan, shall be initiated no later than three (3) days after verification of completion of all required flushing activities in this Order. Sampling activities shall be verified by an independent third party approved by NMED DWB.
8. The System shall send out, at minimum, weekly public notifications to System customers regarding the current status of the boil water advisory, storage tank replacement activities, Bloomfield interconnection, and disconnection of the current

System surface water treatment plant. These notifications shall include, but are not limited to, daily progress reports of all construction activities, status of boil water advisory, flushing and sampling activities. These notifications shall be distributed to customers no later than close of business on Friday of each week until the boil water advisory has been lifted. These public notifications shall be distributed in a form and manner reasonably calculated to reach all persons served by the System including, but not limited to, all local broadcast media, San Juan County Emergency Management, and mail outs to all customers of the System. Copies of this notice and verification of the proper distribution of these public notifications shall be provided to NMED DWB no later than twenty-four (24) hours after the required distribution of these notices.

9. All construction activities required in this Order that have the potential to impact the Bloomfield system shall be coordinated with Bloomfield so as to not negatively impact Bloomfield.
10. All regulatory requirements and best management practices shall be followed during any construction or related activities identified in this Order.
11. All reporting activities identified in this Order shall be submitted to the following NMED DWB staff via email:
 - a. Joe Martinez, PWSS Group Manager (joe.martinez@state.nm.us)
 - b. Peter Nathanson, Technical Services Manager (peter.nathanson@state.nm.us)
 - c. Stephanie Stringer, Bureau Chief (stephanie.stringer@state.nm.us)
 - d. Tanya Trujillo, Compliance Officer (tanya.trujillo2@state.nm.us)
 - e. Chris Cudia, Northern Area Supervisor (chris.cudia@state.nm.us)
12. Any deviation from these requirements or associated due dates shall be requested in writing and approved in writing by NMED.

Should the System not comply with any item contained in any paragraph above, NMED reserves the right to impose a fine of up to one thousand dollars (\$1,000) per day for each item with which the System does not comply.

IT IS HEREBY ORDERED,



Butch Tongate, Secretary



Date