



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

State of New Mexico
ENVIRONMENT DEPARTMENT

811 First Street, Suite D
Alamogordo, NM 88310
Tel. 575-437-7115 • Fax 575-434-1813
Toll Free 1-877-654-8720
www.env.nm.gov



RYAN FLYNN
Cabinet Secretary

BUTCH TONGATE
Deputy Secretary

12 August 2016

Fred Whistle
Harvest Gold Subdivision, NM3511524
PO Box 5520
Farmington, NM 87499

**RE: Notice of Violation— Surface Water Treatment Rule
Failure Correct Significant Deficiencies**

Dear Mr. Whistle:

This letter serves as Notice of Violation that the Harvest Gold Subdivision water system failed to correct significant deficiencies identified during the 2 June 2016 inspection performed by Tanya Trujillo, Joseph Savage, Chris Cudia, and Joe Martinez of the New Mexico Environment Department-Drinking Water Bureau (NMED-DWB).

The NMED-DWB provided the Harvest Gold Subdivision water system a copy of the completed inspection report identifying significant deficiencies. After receiving this report, the Harvest Gold Subdivision water system was required to consult with NMED-DWB regarding the appropriate corrective actions within 45 days as required in 20.7.10.100 NMAC [incorporating 40 CFR Section 141.723(c)]. The NMED-DWB approved corrective action plan was required to include timeframes to correct said deficiencies. No corrective action plan was received by the NMED-DWB. Therefore, a plan was assigned to the Harvest Gold water system on 1 August 2016. The corrective action plan required the Harvest Gold Subdivision water system within 10 days of initial notification to complete corrective action #15 "Cross Connections Present" in accordance with applicable NMED-DWB plan review processes including NMED-DWB-specified interim measures or be in compliance with a NMED-DWB-approved corrective action plan and schedule.

To date, NMED-DWB has not received documentation verifying compliance with this corrective action plan. Consequently, the Harvest Gold Subdivision water system is not in compliance with the regulations of the Safe Drinking Water Act. If the Harvest Gold Subdivision water system has already corrected the deficiencies, please submit documentation that verifies the deficiency has been corrected.

Based on the failure to correct this significant deficiency and provide supporting documentation within the required timeframe, the NMED-DWB requires the Harvest Gold Subdivision water system to notify customers of this violation as required in 20.7.10.100 NMAC [incorporating 40

CFR Section 141.203(a)(1)]. The notice must be provided to all customers and others who drink the water within 30 days and must be issued annually until the significant deficiency is corrected.

Pursuant to 20.7.10.100 NMAC [incorporating 40 CFR Section 141.31(d)] the Harvest Gold Subdivision water system must certify that the notice was published and the method of publication, by submitting a completed copy of the enclosed Public Notification Certification Form to the DWB within 10 days of publication. A representative copy of each type of notice distributed, published, posted or made available to the persons served by the system must be included with the certification form.

Please fill out and return the enclosed Public Notice Certification Form to:

Joseph C. Savage
NMED
811 First Street, Suite D
Alamogordo, NM 88310

Or send by email to joe.savage@state.nm.us.

Failure to comply with the public notice requirements will result in an additional violation (failure to notify the public and the state) being issued without notice to the Harvest Gold Subdivision water system. Continued failure to comply with Public Notification Requirements, as defined in 20.7.10.100 NMAC [incorporating 40 CFR Sections 141.203(a) and 141.31(d)] will result in escalated enforcement actions including issuance of Administrative Orders with possible penalties assessed against the Harvest Gold Subdivision water system.

Continued violation(s) of failure to correct significant deficiencies as defined in 20.7.10.100 NMAC [incorporating 40 CFR Section 141.723(d)] will result in escalated enforcement action(s) including issuance of Administrative Order(s) with possible penalties assessed against the Harvest Gold Subdivision water system.

If you have any questions or need assistance, please contact the NMED-DWB.

Respectfully,



Joseph C. Savage, Surface Water Treatment Rule Administrator
Drinking Water Bureau
Environmental Health Division

Enclosures: Public Notice Template
Public Notice Certification Form

Cc: Region Supervisor (electronic)
Annie Maxfield, Office of General Counsel, NMED
Area Office file
Electronic system file

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Harvest Gold Subdivision Failed to Correct Significant Deficiencies Within Required Time Frame.

Este informe contiene información importante acerca de su agua potable. Haga que alguien lo traduzca para usted, o hable con alguien que lo entienda.

Our water system recently violated a drinking water requirement. Although this incident was not an emergency, as our customers, you have a right to know what happened and **what we did (are doing)** to correct this situation.

An inspection conducted on 2 June 2016 by the New Mexico Environment Department-Drinking Water Bureau (NMED DWB) found 21 deficiencies. We were to consult with the NMED-DWB regarding the appropriate corrective actions within 45 days as required by the regulations. Additionally, we were required to complete the corrective action in accordance with applicable NMED-DWB plan review processes including NMED-DWB specified interim measures or be in compliance with a NMED-DWB approved corrective action plan and schedule. However, we failed to take these actions by the deadlines established by the NMED DWB.

What should I do?

- There is nothing you need to do. You do not need to boil your water or take other corrective actions. However, if you have specific health concerns, consult your doctor.
- If you have a severely compromised immune system, have an infant, are pregnant, or are elderly, you may be at increased risk and should seek advice from your health care providers about drinking this water. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

What does this mean?

This is not an emergency. If it had been, you would have been notified within 24 hours.

Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

These symptoms, however, are not caused only by organisms in drinking water, but also by other factors. If you experience any of these symptoms and they persist, you may want to seek medical advice.

What is being done?

[Describe corrective action.] We anticipate resolving the problem within **[estimated time frame]** (or the problem was resolved on **[give date]**).

For more information, please contact Fred Whistle at 505-325-2435
Harvest Gold Subdivision, NM3511524
PO Box 5520
Farmington, NM 87499

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

