



BILL RICHARDSON
Governor

State of New Mexico
ENVIRONMENT DEPARTMENT
Water & Wastewater Infrastructure
Development Division
DRINKING WATER BUREAU
525 Camino de Los Marquez, Suite 4
Santa Fe, New Mexico 87505
Telephone (505)476-8620
Fax (505)476-8656
www.nmenv.state.nm.us/dwb/dwbtop.html



RON CURRY
Secretary

JON GOLDSTEIN
Deputy Secretary

KAREN E. GALLEGOS
Director

CERTIFIED RETURN RECEIPT REQUESTED

7005 1820 0001 5707 7532

November 25, 2009

Steve Ricklin
Juniper Hills Ranch
P.O. Box 16075
Santa Fe, New Mexico 87506

RE: Administrative Compliance Order, NO. 2009-CO-027, Juniper Hills Ranch, PWS# NM3574826

Mr. Ricklin:

Please find attached Administrative Compliance Order No. 2009-CO-027, issued to Juniper Hills Ranch, PWS# NM3574826, under the Environmental Improvement Act, NMSA 1978, § 74-1-10, the Drinking Water Regulations, 20.7.10 NMAC and the Utility Operator Certification Act, NMSA 1978, § 61-33-10. Please review the Administrative Compliance Order (Order) carefully to understand what actions must be taken to comply with the requirements of the Order. Juniper Hills Ranch has a right to answer the allegations in the Order and request a hearing, pursuant to NMSA 1978, §§ 61-33-120.E and 74-1-10.E and 20.1.5 NMAC (available at www.nmenv.state.nm.us).

If you have any questions or need assistance with meeting the requirements of this order, please contact Andy Edmondson, Technical Services Manager at 505-476-8631 or andy.edmondson@state.nm.us.

Sincerely,

Karen E. Gallegos, Director
Water & Wastewater Infrastructure
Development Division

- cc. Maria Medina, Water System Specialist, District II
- ✓ Jacob Sanders, Technical Services Specialist
- Chelo Hall, Region 6, EPA (Electronic)
- Electronic File
- Central File

**STATE OF NEW MEXICO
SECRETARY OF ENVIRONMENT**

**NEW MEXICO ENVIRONMENT DEPARTMENT
WATER & WASTEWATER INFRASTRUCTURE
DEVELOPMENT DIVISION
DRINKING WATER BUREAU**

Complainant,

No. 2009-CO-027

v.

**Juniper Hills Ranch,
PWS# NM3574826**

Respondent.

ADMINISTRATIVE COMPLIANCE ORDER

Pursuant to the Environmental Improvement Act (“EIA”), NMSA 1978, § 74-1-10, the Drinking Water Regulations (“DW Regulations”), 20.7.10 NMAC and the Utility Operator Certification Act (“UOCA”), NMSA 1978, § 61-33-10, the Secretary of the New Mexico Environment Department (“NMED”), acting through the Director of the Water & Wastewater Infrastructure Development Division of the NMED, issues this Administrative Compliance Order (“Order”) to Juniper Hills Ranch (“Respondent”) to enforce the EIA, DW Regulations and UOCA.

FINDINGS OF FACT

1. The NMED is an executive agency within the government of the State of New Mexico and is charged with administration and enforcement of the EIA, DW Regulations and UOCA.

2. Respondent owns and operates a public drinking water system (System) located in Santa Fe County, New Mexico.

3. The System is a Community water system as defined by Section 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141.2, that regularly provides piped drinking water to approximately fifty-four (54) year round residents and has approximately eighteen (18) service connections to serve these residents.

4. Respondent, Juniper Hills Ranch, is a “person[s]” as defined by the EIA, NMSA 1978, § 74-1-3, the UOCA, NMSA 1978, § 61-33-2.G and see 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141.2.

VIOLATION ONE (1)
Drinking Water Regulations

5. Respondent is in violation of Section 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141.153 *Consumer Confidence Reports*, by failing to prepare, publish and certify a Consumer Confidence Report (CCR) for 2007 and 2008.

RETURN TO COMPLIANCE
Drinking Water Regulations

Based upon the foregoing findings, Respondent is hereby ordered to comply with the following:

6. By January 31, 2010, prepare, publish and certify a 2008 CCR. Publishing must be in the form and manner required by Section 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141 Subpart Q.

7. Submittals made pursuant to the EIA, NMSA 1978, § 74-1-10, or the DW Regulations, 20.7.10 NMAC of this Order shall be sent by standard U.S. Mail or certified mail with return receipt requested to the following address:

**Andy Edmondson, Technical Services Manager
New Mexico Environment Department
Drinking Water Bureau
525 Camino de los Marquez, Suite 4
Santa Fe, NM 87505**

IF RESPONDENT FAILS TO COMPLY WITH THE REQUIREMENTS OF PARAGRAPHS SIX (6) THROUGH SEVEN (7) OF THIS ORDER, THE SECRETARY MAY ASSESS CIVIL PENALTIES NOT TO EXCEED ONE THOUSAND DOLLARS (\$1,000) FOR EACH INSTANCE OF NONCOMPLIANCE WITH THIS ORDER.

VIOLATION TWO (2)
Utility Operator Certification Act

8. Respondent is in violation of the Utility Operator Certification Act, NMSA 1978, § 61-33-1 et seq., 20.7.10.400(M) NMAC and 20.7.4.20.A NMAC, which states: "It is unlawful to operate or allow the operation of a public water supply system or public wastewater facility unless the system or facility is operated by or under the supervision of a certified operator who meets or exceeds the appropriate level of certification required to operate the system or facility". Respondent is operating Juniper Hills Ranch public water supply system without a certified operator.

RETURN TO COMPLIANCE
Utility Operator Certification Act

Based upon the foregoing findings, Respondent is hereby ordered to comply with the following:

9. By January 31, 2010, Juniper Hills Ranch public water system must be operated by or under the supervision of a certified operator who meets or exceeds the appropriate level of certification required to operate the system. Respondent shall submit a written notification of that person's name and a copy of the certified operator's certification to the NMED.

10. Submittals made pursuant to the UOCA, NMSA 1978, § 61-33-1 et seq., 20.7.10.400(M) NMAC and 20.7.4.20.A NMAC shall be sent by standard U.S. mail or certified mail with return receipt requested to the following addresses:

**Mike Coffman, Program Manager
New Mexico Environment Department
Surface Water Quality Bureau, Facilities Operation Team
5500 San Antonio Drive, NE
Albuquerque, NM 87109**

**Andy Edmondson, Technical Services Manager
New Mexico Environment Department
Drinking Water Bureau
525 Camino de los Marquez, Suite 4
Santa Fe, NM 87505**

IF RESPONDENT FAILS TO COMPLY WITH THE REQUIREMENTS OF PARAGRAPHS TEN (10) THROUGH ELEVEN (11) OF THIS ORDER, THE SECRETARY MAY ASSESS CIVIL PENALTIES NOT TO EXCEED FIVE THOUSAND DOLLARS (\$5,000) PER DAY FOR EACH DAY OF CONTINUED NONCOMPLIANCE WITH THIS ORDER.

RIGHT TO ANSWER AND REQUEST A HEARING

Pursuant to NMSA 1978, §§ 61-33-120.E and 74-1-10.E and 20.1.5 NMAC (available at www.nmenv.state.nm.us), Respondent has the right to request a hearing. If Respondent (a) contests any material or legal matter upon which this Order is based; (b) contends that Respondent is entitled to prevail as a matter of law; or (c) otherwise contests the appropriateness

of this Order, Respondent may mail or deliver within thirty (30) days of receipt of this Order a written Request for Hearing to the following address:

**Hearing Clerk
New Mexico Environment Department
P.O. Box 5469
Santa Fe, New Mexico 87502**

Respondent must attach a copy of this Order to the Request for Hearing. 20.1.5.200.A(2)(d) NMAC.

The Request for Hearing shall include an Answer. Respondent's Answer shall clearly and directly admit, deny or explain each of the factual allegations contained in this Order with regard to which Respondent has any knowledge. Where Respondent has no knowledge of a particular factual allegation, Respondent should so state, and the Respondent may deny the allegation on that basis. Any allegation of this Order not specifically denied shall be deemed admitted. 20.1.5.200.A(2)(a) NMAC.

Respondent's Answer shall also include any affirmative defenses upon which Respondent intends to rely. Any affirmative defense not asserted in the Answer, except a defense asserting lack of subject matter jurisdiction, shall be deemed waived. 20.1.5.200.A(2)(b) NMAC.

Lastly, Respondent's Answer shall be signed under oath or affirmation that the information contained therein is to the best of the signer's knowledge believed to be true and correct. 20.1.5.200.A(2)(c) NMAC.

FINALITY OF ORDER

Pursuant to NMSA 1978, §§ 61-33-10.E and 74-1-10.E, this Order shall become final unless the Respondent files a Request for Hearing with the Hearing Clerk within thirty (30) days of receipt of this Order

SETTLEMENT CONFERENCE

Whether or not a Request for Hearing has been filed, Respondent may confer with the NMED concerning settlement of this Order. The NMED encourages settlement consistent with the provisions and objectives of the EIA, the Drinking Water Regulations and the UOCA. Settlement discussions neither extend the thirty (30) day deadline for filing a request for hearing and answer nor alter the deadlines imposed for compliance with the mandates of this Order. Settlement discussions may be pursued as an alternative to, and simultaneously with, the hearing proceedings. Respondent may appear at the settlement conference alone or accompanied or represented by legal counsel.

A Stipulated Order shall finalize any settlement reached by the parties. The Stipulated Order must resolve all issues raised in this Order, shall be final and binding on all parties, and may not be appealed.

To explore the possibility of settlement in this matter, contact Andy Edmondson, Technical Services Manager, Drinking Water Bureau, New Mexico Environment Department, 525 Camino de los Marquez, Santa Fe, N.M. 87505, (505) 476-8631.

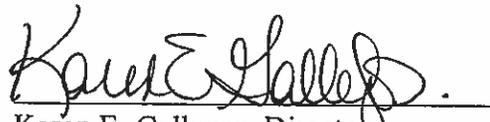
COMPLIANCE WITH OTHER LAWS

Compliance with the requirements of this Order does not relieve Respondent of the obligation to comply with all other applicable laws and regulations. This Order does not constitute a waiver, suspension, or modification of the requirements of 20.7.10 NMAC or 20.7.4 NMAC which remain in full force and effect. Issuance of this Order is not an election by the NMED to forgo any civil or criminal action otherwise authorized under the EIA.

TERMINATION

This Order shall terminate when Respondent certifies that all requirements of this Order have been met and the NMED has approved such certification in writing. The NMED shall not approve such certification until Respondent's public water system has been operated by or under the supervision of a certified operator who meets or exceeds the appropriate level of certification in accordance with the UOCA, NMSA 1978, § 61-33-1 et seq., 20.7.10.400(M) NMAC and 20.7.4.20.A NMAC, for not less than 12 months, and Respondent has met the requirements of Section 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141.153, *Consumer Confidence Reports* or when the Secretary approves a Final Stipulated Order.

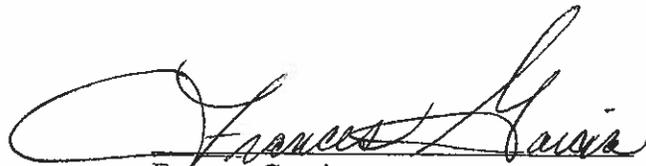
11-23-2009
Date


Karen E. Gallegos, Director
Water & Wastewater Infrastructure
Development Division
525 Camino de los Marquez, Suite 4
Santa Fe, New Mexico 87505
(505) 476-8611

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Administrative Compliance Order was sent via certified return receipt requested on the following party of record on November 25th, 2009.

Mr. Steve Ricklin
Juniper Hills Ranch
P.O. Box 16075
Santa Fe, New Mexico 87506


Frances Garcia