



NEW MEXICO
ENVIRONMENT DEPARTMENT
OFFICE OF GENERAL COUNSEL



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RON CURRY
Secretary
JON GOLDSTEIN
Deputy Secretary

November 12, 2008

Re: New Mexico Environment Department Enforcement of Subsection C of 20.7.4.13 NMAC.

To Whom It May Concern:

The Surface Water Quality Bureau ("Bureau") of the New Mexico Environment Department ("Department") manages the Utility Operator Certification Program. The Bureau and the Department have enforcement authority over all sections of 20.7.4 NMAC – Utility Operator Certification.

As part of the Utility Operator Certification Program, the Bureau is responsible for preparing and administering certification examinations. Subsection C of 20.7.4.13 NMAC mandates that a specific level of certification shall be required for performance of wastewater analysis at public wastewater facilities after January 1, 2008.

Because the required examinations that would allow operators to comply with this section have not been completed by the Bureau, the Department hereby promises to refrain from taking any enforcement action against any individual or entity under Subsection C of 20.7.4.13 NMAC until at least January 2010, or such time as the examinations have been prepared and administered, whichever is later.

Sincerely,

A handwritten signature in black ink, appearing to be "Marcy Leavitt".

Marcy Leavitt, Director
Water and Waste Management Division