



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

NEW MEXICO ENVIRONMENT DEPARTMENT

DRINKING WATER BUREAU

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



BUTCH TONGATE
Cabinet Secretary

J. C. BORREGO
Deputy Secretary

15 June 2017

Harvest Gold Subdivision, NM3511524

c/o Mark Iuppenlatz

3416 Main Avenue, Unit B3
Durango, CO 81301

839 Rosastone Trail
Houston, TX 77024

RE: Notice of Violation—Monitoring & Reporting: Failure to Submit Monthly Operating Report

Dear Mr. Iuppenlatz:

This letter serves as Notice of Violation (NOV) that the Harvest Gold Subdivision water system failed to submit monthly surface water operating reports (MORs) as required in 20.7.10.100 NMAC [incorporating 40 CFR Section 141.75(b) and 40 CFR 141.570] for the month of May 2017.

Based on the failure to submit MORs for the months above, the New Mexico Environment Department (NMED) Drinking Water Bureau (DWB) requires the Harvest Gold Subdivision water system to notify customers of the violation(s) as stated in 20.7.10.100 NMAC (incorporating 40 CFR Section 141.203). The notice must be provided to all customers and others who drink the water as soon as practical but no later than 30 days of receipt of this letter and must remain in place as long as the violation or situation persists. The public notice must be provided by one or more methods reasonably calculated to reach all persons served by the water system, i.e., appropriate broadcast media (such as radio and television), posting of the notice in conspicuous locations throughout the area served by the water system OR hand delivery of the notice to persons served by the water system.

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. 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.

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 and 141.31(d)] will result in escalated enforcement actions including issuance of Administrative Order(s) with possible penalties assessed against the Harvest Gold Subdivision water system.

NMED-DWB reserves the right to take additional enforcement action regarding the violations identified in this NOV, to include the issuance of an Administrative Compliance Order compelling compliance and issuing civil penalties.

Please fill out and return the enclosed Public Notice Certification Form, along with a copy of the distributed notice, to:

Joseph C. Savage
NMED-DWB
811 First Street
Alamogordo, NM 88310

Or send by e-mail to: joe.savage@state.nm.us.

If you have any questions or need assistance, please call 575-437-7115 or email joe.savage@state.nm.us.

Respectfully,



Joseph C. Savage
Surface Water Treatment Rule Administrator
Drinking Water Bureau
Water Protection Division

Enclosures: Public Notice Template
Public Notice Certification Form

Cc: Joe Martinez, NMED-DWB Program Manager (electronic)
Annie Maxfield, NMED Office of General Counsel (electronic)
Germaine Chappelle (electronic)
Area Office file
Electronic Central File

****PUBLIC WATER SYSTEM MUST APPROPRIATELY MODIFY THIS PUBLIC NOTICE TO INCLUDE UP-TO-DATE INFORMATION REGARDING THE VIOLATION AS WELL AS INFORMATION ABOUT THE CURRENT STATUS OF THE VIOLATION'S AFFECT ON THE WATER SYSTEM. PUBLIC WATER SYSTEM OFFICIAL MUST DELETE THIS PARAGRAPH ONCE PUBLIC NOTICE HAS BEEN APPROPRIATELY UPDATED, PRIOR TO SENDING OUT TO THE PUBLIC****

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Monthly Reporting Requirements Not Being Met by Harvest Gold Subdivision

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

We are required to submit turbidity data and chlorine levels to the State on a monthly basis. This requirement has not been met for the month(s) of:

What does this mean?

This is not an emergency. If it had been you would have been notified immediately.

Monitoring and reporting turbidity and chlorine levels in your water are important in ensuring safe water to all our customers. **Chlorine is added to the water to inactivate bacteria that may be present. Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.** These symptoms are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice.

Tests taken during this time period **did / did not** indicate the presence of bacteria in the drinking water system during this period.

What should I do?

What is being done? [Describe corrective action.]

We anticipate resolving the problem within _____.

For more information, please contact:

Harvest Gold Subdivision, NM3511524

[provide contact name, address, and telephone number]

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.



New Mexico Environment Department - Drinking Water Bureau
Public Notification Certification Form – All Tiers
Requirements Pursuant to 40 CFR 141 (Subpart Q)

****This form and a copy of your Notice to the Public must be submitted to the State within 10 days of notifying your customers. ****

PWSID#: NM3511524 Water System Name: Harvest Gold Subdivision

Violation or Situation Date: May 2017

Individual Contaminant or Contaminant Group: N/A

Violation or Situation Type: Monitoring & Reporting

Violation or Situation Public Notification Tier: Tier 2

Distributed the notice by the following method(s), and on the following date(s) in accordance with 40 CFR 141.201:

- | | |
|---|-------------|
| <input type="checkbox"/> Continuously Post | Date: _____ |
| <input type="checkbox"/> Separate Mailing to Customers | Date: _____ |
| <input type="checkbox"/> Hand Deliver Notice to Customers | Date: _____ |
| <input type="checkbox"/> Publish Notice in Newspaper | Date: _____ |
| <input type="checkbox"/> Release Notice to and Announced by Broadcast Media | Date: _____ |
| <input type="checkbox"/> Post Notice on System Website | Date: _____ |
| <input type="checkbox"/> Billing | Date: _____ |
| <input type="checkbox"/> Annual Report (Consumer Confidence Report) | Date: _____ |
| <input type="checkbox"/> Other: _____ | Date: _____ |

Note: Non-community water systems that serve a school, preschool or daycare must also hand deliver the notice to a parent or legal guardian of each child. For more information reference EPA's Public Notification Handbook at: <http://www.epa.gov/safewater/publicnotification/compliancehelp.html>

Attach a copy of the posted Public Notice(s) to this certification form.

The public water system named above hereby certifies that public notification has been provided to its consumers in accordance with all delivery, content, and format requirements specified in 40 CFR Part 141:

Water System Representative: _____
(Signature) (Print Name) (Phone Number)

Date of Certification: _____



New Mexico Environment Department - Drinking Water Bureau

Violation Inventory Action Form

General Information		<input checked="" type="checkbox"/> Failure to Submit Monthly Operating Report	
System Name:	Harvest Gold Subdivision	Staff:	Savage / Jones
WSS#	NM3511524	Data Steward:	R Asbury
Violation Type:	36 & 38	Enforcement Type:	SIA SIE
Water System Facility #:	002	Determination Date:	06/15/2017
		Violation Period(s):	May 2017

Comments:

Tier 2 M&R Violations

Violation Action

Validate
 Reject (Needs Area Supervisor Approval Below)
 Delete (Needs Area Supervisor and PWSS Manager Approval Below)

Approval Required for Deleted or Rejected Violations

AREA SUPERVISOR

Approved Denied

Area Supervisor Comments:

Area Supervisor Name: _____ Date: _____

Area Supervisor Signature: _____

PWSS GROUP MANAGER

Approved Denied

PWSS Group Manager Comments:

PWSS Group Manager Name: _____ Date: _____

PWSS Group Manager Signature: _____