



NEW MEXICO  
ENVIRONMENT DEPARTMENT  
DRINKING WATER BUREAU



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Butch Tongate  
Cabinet Secretary  
J.C. Borrego  
Deputy Secretary

**CERTIFIED RETURN RECEIPT REQUESTED**  
**7006 0810 0005 7274 4151**

September 8, 2017

Rhonda Taillon  
Raton Pass Camp  
PO Box 26  
Raton, NM 87740

**RE: Administrative Compliance Order, No. 2017-ACO-10 Raton Pass Camp, PWS#  
NM3590504**

Ms. Taillon,

Please find attached Administrative Compliance Order No. 2017-ACO-10 issued to Mike Taillon, for Raton Pass Camp, PWS# NM3590504, under the Environmental Improvement Act, NMSA 1978, § 74-1-10, and the Drinking Water Regulations, 20.7.10 NMAC. Please review the Administrative Compliance Order (Order) carefully to understand what action must be taken to comply with the requirements of the Order. Mike Taillon has a right to answer the allegations in the Order and request a hearing, NMSA 1978, §§ 61-33-120.E and 74-1-10.E and 20.1.5 NMAC (available at [www.env.nm.gov](http://www.env.nm.gov)).

If you have any questions or need assistance with meeting the requirements of this Order, please contact Maria J. Medina, Enforcement Coordinator, at 505-476-8629 or via email at [maria.medina@state.nm.us](mailto:maria.medina@state.nm.us).

Sincerely,

Bruce Yirdin  
Division Director  
Water Protection Division

cc. Wayne Jeffs, Compliance Officer (Electronic)  
Region 6, EPA (Electronic)  
P:\~ ELECTRONIC CENTRAL FILE BY WATER SYSTEM

**STATE OF NEW MEXICO**  
**SECRETARY OF ENVIRONMENT**

NEW MEXICO ENVIRONMENT DEPARTMENT  
WATER PROTECTION DIVISION,

Complainant,

No. 2017-ACO-10

v.

MIKE TAILLON,  
Respondent.

**ADMINISTRATIVE COMPLIANCE ORDER**

Pursuant to the Environmental Improvement Act (“EIA”), NMSA 1978, § 74-1-10, and the Drinking Water Regulations (“DW Regulations”), 20.7.10 NMAC, the Secretary of the New Mexico Environment Department (“NMED”), acting through the Director of the Water Protection Division of the NMED, issues this Administrative Compliance Order (“Order”) to Mike Taillon (“Respondent”) to enforce the EIA and DW Regulations.

**FINDINGS**

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 and DW Regulations.
2. Respondent owns and operates a public drinking water system (“System”) Raton Pass Camp, PWS# NM3590504, located in Colfax County, New Mexico.
3. The System is a Transient Non-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 (50) users and has approximately one (1) service connection to serve these users.
4. Respondent, Mike Taillon, is a “person” as defined by the EIA, NMSA 1978, § 74-1-3 and 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.2].

5. 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.853(a)(1)], requires systems to develop a written Distribution System Sampling Plan (DSSP) that identifies sampling sites and a sample collection schedule that are representative of water throughout the distribution system no later than March 31, 2016.

6. On July 29, 2016, a Notice of Violation (NOV) was issued to Respondent by NMED for failure to submit an adequate DSSP that meets the requirements of the Revised Total Coliform Rule (RTCR). The NOV notified Respondent that it was required to provide public notice of the violation.

7. 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.853(a)(1)] and 20.7.10.500.C NMAC, requires Transient Non-Community water systems to conduct coliform sampling at the same rates as like-sized Community water systems.

8. On April 13, 2017, an NOV was issued to Respondent by NMED for failure to collect a routine total coliform sample for the months of June, July, August, September, October, November, and December 2016 and January, February, and March 2017. The NOV notified Respondent that it was required to provide public notice of the violation.

9. On June 2, 2017, an NOV was issued to Respondent by NMED for failure to collect a routine total coliform sample for the month of April 2017. The NOV notified Respondent that it was required to provide public notice of the violation.

10. On June 14, 2017, an NOV was issued to Respondent by NMED for failure to collect a routine total coliform sample for the month of May 2017. The NOV notified Respondent that it was required to provide public notice of the violation.

11. On July 17, 2017, an NOV was issued to Respondent by NMED for failure to collect a routine total coliform sample for the month of June 2017. The NOV notified Respondent that it was required to provide public notice of the violation.

12. 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.21(d)(3)], requires a Non-community public water system to undergo a sanitary survey within five (5) years from the last sanitary survey.

13. On November 18, 2016, an NOV was issued to Respondent by NMED for failure to undergo a sanitary survey within (5) years from the last sanitary survey. The NOV notified Respondent that it was required to provide public notice of the violation.

**VIOLATION 1**

14. Respondent is in violation of 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.853(a)(1)] and 20.7.10.500.C NMAC, which requires Non-Transient Non-Community water systems to conduct coliform sampling at the same rates as like-sized Community water systems. Respondent failed to collect a routine total coliform sample for the months of June, July, August, September, October, November, and December 2016 and January, February, March, April, May, and June 2017.

**VIOLATION 2**

15. Respondent is in violation of 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.853(a)(1)], which requires systems to develop a written Distribution System Sampling Plan (DSSP) that identifies sampling sites and a sample collection schedule that are representative of water throughout the distribution system no later than March 31, 2016. Respondent failed to submit a written DSSP by March 31, 2016.

**VIOLATION 3**

16. Respondent is in violation of 20.7.10.100 NMAC [incorporating 40 C.F.R. § 141.21(d)(3)], which requires a public water system to undergo a sanitary survey within five (5) years from the last sanitary survey. Respondent failed to undergo a sanitary survey in 2016. The last sanitary survey was performed on August 9, 2011.

**RETURN TO COMPLIANCE**

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

17. Following the submittal and approval of a written DSSP, comply with 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.853(a)(1)] and 20.7.10.500.C, collect a total coliform

sample for six (6) consecutive months, submit sample results to NMED, notify consumers of the violation, and submit a copy of the public notice to the State.

18. Upon receipt of this Order, comply with 20.7.10.100 NMAC, [incorporating 141.853(a)(1)], and submit a written DSSP that meets the requirements of the RTCR, notify consumers of the violation, and submit a copy of the public notice to the State.

19. By September 30, 2017, comply with 20.7.10.100 NMAC [incorporating 40 C.F.R. § 141.21(d)(3)], and schedule a sanitary survey with the compliance officer.

20. Submittals made pursuant to paragraph 18 through 20 of this Order shall be sent by standard U.S. mail or certified mail with return receipt requested to the following:

Maria J. Medina, Enforcement Coordinator  
New Mexico Environment Department  
Drinking Water Bureau  
P.O. Box 5469  
Santa Fe, NM 87502-5469

**If respondent fails to comply with the requirements of paragraphs 19 through 21 of this order, the Secretary of NMED may assess additional civil penalties not to exceed one thousand dollars (\$1,000) for each instance of 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.env.nm.gov](http://www.env.nm.gov)), Respondent has the right to request a hearing. If Respondent (a) contests any material or legal matters 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 at 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 in 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.

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 and the DW Regulations. Settlement discussions neither extend the thirty (30) day deadline for filing a Request for Hearing and Answer nor alter the deadline imposed for compliance with the mandate of this Order. Settlement discussion 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 Final Order shall finalize any settlement reached by the parties. The Stipulated Final Order must resolve all issues raised in this Order, shall be final and binding on all parties, and may not be appealed.

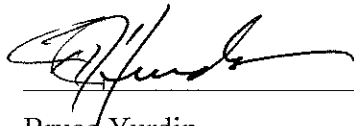
To explore the possibility of settlement in this matter, contact Maria J. Medina, Drinking Water Bureau, New Mexico Environment Department, P.O Box 5469, Santa Fe, New Mexico 87502-5469, (505) 476-8629.

### **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 and 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, or when the Secretary approves a Stipulated Final Order.



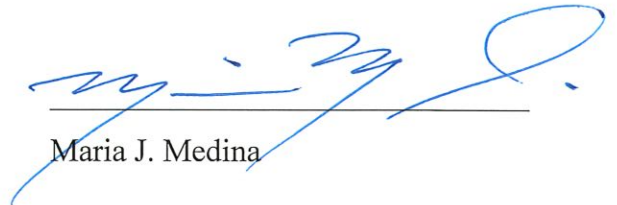
\_\_\_\_\_  
Bruce Yurdin  
Division Director  
Water Protection Division  
P.O Box 5469  
Santa Fe, New Mexico 87502-5469

\_\_\_\_\_ 9/14/17  
Date

## Certificate of Service

I hereby certify that a copy of the foregoing Administrative Compliance Order was sent on Sept. 14, 2017 via certified return receipt requested to the following:

Rhonda Taillon  
Raton Pass Camp  
PO Box 26  
Raton, NM 87740



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Maria J. Medina