



**NEW MEXICO
ENVIRONMENT DEPARTMENT**



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lt. Governor

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BUTCH TONGATE
Cabinet Secretary
J. C. BORREGO
Acting Deputy Secretary

10/21/2016

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

**RE: Violation – Certified Operator
Harvest Gold Subdivision, NM3511524**

Dear Fred Whistle:

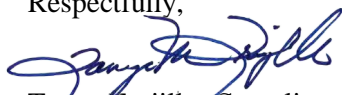
According to the New Mexico Environment Department (NMED) records, Harvest Gold Subdivision water system is operating without a certified operator which is in violation of the Utility Operator Certification Act, NMSA 1978, § 61-33-1 et seq., 20.7.10.400(M) NMAC and 20.7.4.20.A NMAC, which states:

“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”.

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.

NMED-DWB appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's drinking water. If you have any questions or need assistance, please call 505-222-9539 or e-mail tanya.trujillo2@state.nm.us.

Respectfully,


Tanya Trujillo, Compliance Officer
Drinking Water Bureau
Water Protection Division

Enclosures: Public Notice Template
Public Notice Certification Form

cc: Area Supervisor (electronic)
Harvest Gold Subdivision water system Area Office file
Electronic Central File

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER
Harvest Gold Subdivision water system is operating without a certified operator
which is in violation of the Utility Operator Certification Act

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 standard. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we are doing to correct this situation.

We are required to comply with State and Federal Regulations for Public Water Systems. One of these regulations is for all Public Water Systems to be operated by an appropriately leveled Certified Operator. Because we do not have an appropriately leveled Certified Operator, we are in violation of this regulation.

What should I do?

- There is nothing you need to do, however failure to be operated by an appropriately leveled certified operator is a requirement of the drinking water regulations.

What does this mean?

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

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
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.****



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 water system

Violation or Situation Date: October 2016

Individual Contaminant or Contaminant Group: Certified Operator

Violation or Situation Type: Certified Operator

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: _____ |

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		Lack of Certified Operator			
System Name:	<u>Harvest Gold Subdivision</u>	Staff:	Tanya Trujillo		
		Manager:	Chris Cudia		
WSS#	<u>NM3511524</u>	Data Steward:	James Midkiff		
		Date:	10/21/2016		
Violation Type:	<u>45 (GWR)</u>	Enforcement Type	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="padding: 2px 10px;">SIA</td> <td style="padding: 2px 10px;">SIE</td> </tr> </table>	SIA	SIE
SIA	SIE				
		Determination Date:	10/18/2016		
Water System Facility #:	<u>000</u>	Violation Period(s):	October 2016		

Comments:
<p>DWB representatives received confirmation that the system operator Jose Grijalva was fired the day prior (10/11/2016) to the PRC hearing on 10/12/2016. The system has yet to contract an operator with the appropriate certification level (Small Water Advanced or WS3).</p>

Violation Action
<input checked="" type="checkbox"/> Validate <input type="checkbox"/> Reject (Needs Area Supervisor) <input type="checkbox"/> Delete (Needs Area Supervisor and PWSS Manager Approval Below)

Approval Required for Deleted or Rejected Violations
AREA SUPERVISOR
<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Area Supervisor Comments:
Area Supervisor Name: _____ Date: _____ Area Supervisor Signature: _____
PWSS GROUP MANAGER
<input type="checkbox"/> Approved <input type="checkbox"/> Denied
PWSS Group Manager Comments:
PWSS Group Manager Name: _____ Date: _____ PWSS Group Manager Signature: _____