



SUSANA MARTINEZ  
Governor

JOHN A. SANCHEZ  
Lt. Governor

## NEW MEXICO ENVIRONMENT DEPARTMENT

811 First Street, Suite D  
Alamogordo, NM 88310  
Tel. 575-437-7115 • Fax 575-434-1813  
[www.env.nm.gov](http://www.env.nm.gov)



BUTCH TONGATE  
Cabinet Secretary

J. C. BORREGO  
Acting Deputy Secretary

29 November 2016

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

### **RE: Notice of Violation— Surface Water Treatment Rule Failure Correct Significant Deficiencies**

Dear Mr. Whistle:

This letter serves as Notice of Violation that the Harvest Gold Subdivision water system failed to correct significant deficiencies identified during the 2 June 2016 inspection performed by Tanya Trujillo, Joseph Savage, Chris Cudia, and Joe Martinez of the New Mexico Environment Department-Drinking Water Bureau (NMED-DWB).

The NMED-DWB provided the Harvest Gold Subdivision water system a copy of the completed inspection report identifying significant deficiencies. After receiving this report, the Harvest Gold Subdivision water system was required to consult with NMED-DWB regarding the appropriate corrective actions within 45 days as required in 20.7.10.100 NMAC [incorporating 40 CFR Section 141.723(c)]. The NMED-DWB-approved corrective action plan was required to include timeframes to correct all deficiencies. No corrective action plan was received by the NMED-DWB. Therefore, a plan was assigned to the Harvest Gold water system on 1 August 2016. The corrective action plan required the Harvest Gold Subdivision water system within 120 days of initial notification to complete corrective actions listed below in accordance with applicable NMED-DWB plan review processes including NMED-DWB-specified interim measures or be in compliance with a NMED-DWB-approved corrective action plan and schedule.

To date, NMED-DWB has not received documentation verifying compliance with this corrective action plan. Consequently, the Harvest Gold Subdivision water system is not in compliance with the regulations of the Safe Drinking Water Act. If the Harvest Gold Subdivision water system has already corrected the deficiencies, please submit documentation that verifies the deficiency has been corrected.

Significant Deficiencies Listed in the Corrective Action Plan  
Requiring Completion and Submission of Documentation Within 120 Days:  
(Numbers refer to the Corrective Action Plan items.)

**2. SW05 - Deficiency: Lack of, or improper containment for liquid chemicals**

Regulatory Citation: 40 CFR 141.723(b)

Concern/Description: Direct Contamination; Delivery. Improper chemical storage containment could result in large quantity spills and/or mixing of incompatible chemicals during a spill event. No secondary containment was in use.

Corrective Action: Please submit documentation **within 120 days** verifying that secondary containment is provided for all chemicals in use or stored in the treatment plant.

**3. SW06 - Deficiency: Lack of standby chemical feeders for each chemical**

Regulatory Citation: 40 CFR 141.723(b)

Concern/Description: Direct Contamination; Delivery. Lack of standby feeders/pumps could result in improper treatment if the main chemical feeders malfunction. Spare chemical/disinfectant feed pumps were not identified during the inspection.

Corrective Action: Please submit documentation **within 120 days** verifying that spare chemical feed pumps are readily available in the treatment plant.

**4. 006F - Deficiency: Inadequate or lack of an operations and maintenance plan or necessary operational policies.**

Regulatory Citation: NMAC 20.7.10.400.E

Concern/Description: Delivery; Operation/Management. An Operation and Maintenance (O&M) Plan is an essential part of any water supply system. The manual should summarize the actions necessary to identify those steps required for cost effective, efficient, safe, and reliable project start-up and continued successful operation. A proper plan should result in a flawless transition from one operator to the next. Lack of a proper O&M plan could result in insufficient operation of the water system as well as prolonged water outages during emergency situations. Lack of an adequate O&M plan can result in poor treatment decisions, water outages; failure to monitor; equipment failures; inability to obtain needed services or parts, and improper operation of facilities.

Corrective Action: Please submit documentation **within 120 days** verifying that an accurate and updated Operations and Maintenance (O&M) plan approved by the DWB is in place at the Harvest Gold Subdivision water system. Implement the plan and provide documentation that the O&M plan is being implemented **within 120 days** by training all operators and ensuring that proper procedures are consistently followed.

**7. SW13 & SW33 - Deficiency: Improper treatment of drinking water, including not meeting proper inactivation of pathogens; lack of CT calculations during periods of fluctuating chlorine residuals, increased flows, or following changes in plant design or piping**

Regulatory Citation: 40 CFR 141.723(b)

Concern/Description: Direct Contamination; Delivery. Improper treatment of drinking water or not meeting proper inactivation of pathogens could result in improperly treated water.

CT remains unchanged for a given facility only if there are no changes in flow, piping, water temperature, pH, and chlorine residual. If any of these parameters change, the CT will also change and water systems must ensure that the CT values are within the compliant range.

CT values have not been calculated by system operators. Based on the observations at the time of the inspection, it is suspected that the Harvest Gold Subdivision water system is not meeting the required CT prior to the first customer as required by regulations. Furthermore, there is a high chlorine demand, reducing residuals to a trace after a very short period of time and water volume, and prior to distribution.

Corrective Action: Please submit documentation **within 30 days** verifying that CT is continually being calculated by operators and being met by the treatment process. CT must be calculated daily at the time of lowest free chlorine residual and peak flow. A compliant inactivation ratio must be maintained at all times water is being produced. If it is determined that the inactivation ratio is out of compliance, modifications must be made to ensure proper inactivation of pathogens. The modifications can include reducing the produced water flow and increasing the concentration of disinfectant, however, if these modifications are not sufficient to ensure continuous inactivation of pathogens, then physical modifications to the water system must be undertaken and completed **within 120 days**.

If at any time CT is not met, the operator(s) must notify AV management and consult with the DWB within 24 hours to discuss a course of action.

**8. 005P - Deficiency: Inadequate treatment plant failure alarm or auto shut down**

Regulatory Citation: 40 CFR 141.723(b)

Concern/Description: Delivery; Operation/Management. Inadequate treatment plant alarm or auto shut down could result in inadequate treatment of the drinking water and possible adverse health effects for consumers of that drinking water. The entire plant is operated manually and this poses a risk of improper treatment due to the operators only being on site a few times each week.

Corrective Action: Please submit documentation **within 120 days** verifying that a shutdown procedure has been implemented for times when turbidity or disinfectants are out of compliant range. If the shutdown procedure cannot be implemented within 120 days, documentation must be submitted to the DWB on a daily basis verifying that an operator is on site daily recording turbidity, water temperature, pH, and chlorine residuals in addition to a daily verification of proper chemical feed, until such time that a shutdown procedure is in place.

**12. SW18 - Deficiency: No flow pacing of key chemical**

Regulatory Citation: 40 CFR 141.723(b)

Concern/Description: Operation/Management. Fluctuating or irregular chemical flow could result in inadequate removal of contaminants and sediment. The manual plant operation without constant determination of water flows does not allow for proper chemical pacing. Furthermore, with operators on site only a few times each week, flow pacing is not possible in a totally manual water treatment system.

Corrective Action: Please submit documentation **within 120 days** verifying that an automated process has been implemented to allow for pacing of chemical additives. If this is not feasible then on a daily basis flows need to be measured, recorded, and the amount of chemicals fed into the system need to be calculated and manually adjusted based on the calculations.

**13. SW20 - Deficiency: Inadequate sample locations; inadequate turbidity measurements**

Regulatory Citation: 40 CFR 141.560

Concern/Description: Operation/Management. Without properly placed turbidity sampling locations on each filter, the operators cannot adequately determine treatment procedures to minimize contamination. There was no functioning turbidimeter present at the time of the inspection.

Corrective Action: Please submit documentation **within 30 days** verifying that continuous read turbidimeters are installed at all required regulatory locations. Additionally, please submit documentation **within 120 days** that procedures for monitoring turbidity and calibrating turbidimeters are in an O&M plan and that all operators are trained in proper use, calibration, and maintenance of turbidimeters.

Data from the turbidimeter(s) must be downloaded on a daily basis for the first three months of operation and all data must be submitted to the DWB within 24 hours for the previous day. Any turbidity measurement outside the compliant range must be reported to AV management and the DWB within 24 hours to discuss a course of action.

If the treatment process remains out of compliant range for more than three consecutive days, or if it is determined by DWB that the treatment process is unable to produce compliant water, the Harvest Gold Subdivision water system must consult with the DWB in writing within 30

days and provide a corrective course of action to bring the water system into compliance on a schedule acceptable to the DWB.

**17. SW30 - Deficiency: Required monitoring equipment not present (e.g., bench top turbidimeter)**

Regulatory Citation: 141.74(a)(1); 141.560(b); 141.74(a)(2)

Concern/Description: Operation/Management. If a water system has continuous turbidity measurement, each turbidimeter must be calibrated and the accuracy validated on a routine basis with a bench top unit or other accepted instrument. If grab samples are needed during times of in-line turbidimeter malfunction, then a bench top turbidimeter is required. If a benchtop chlorine residual meter is not present, then the water system has no way to track residuals in the event the on-line meter malfunctions. No bench turbidimeter or chlorine monitors are available to the operators.

Corrective Action: Please submit documentation **within 30 days** verifying that a benchtop turbidimeter and chlorine analyzer have been purchased and are in use as well as train all operators in their proper calibration and use. This must also be included in the O&M plan, which must be completed **within 120 days**.

**18. SW32 - Deficiency: Lack of temperature and pH data**

Regulatory Citation: 141.74(a)(1)

Concern/Description: Operation/Management. CT remains unchanged for a given facility only if there are no changes in flow, piping, chlorine residual, temperature, or pH. If any of these parameters change, the CT will also change and water systems must ensure that the CT values are within the compliant range.

Corrective Action: Please submit documentation **within 30 days** verifying that temperature and pH are being monitored and recorded daily. This procedure must be included in the O&M plan, which must be completed **within 120 days**.

**19. 0050 - Deficiency: Operations staff lacks understanding of treatment method & objectives, process control, and key chemical interactions**

Regulatory Citation: 40 CFR 141.723(b) & 40 CFR 141.70(c)

Concern/Description: Direct Contamination; Delivery. The DWB has determined that this is currently causing, or has the potential for causing, the introduction of contamination into the water delivered to consumers. Operator appeared to be unfamiliar with the plant plumbing, the regulations and the requirements for treating and ensuring compliant finished water. Plant lacks jar testing apparatus and other basic process control equipment.

Corrective Action: Please submit documentation **within 120 days** verifying that a minimum of 20 hours of additional surface water training has been provided to all

current water operators to address treatment methods, process controls and all aspects of treating surface water. If additional operators are hired, these operators must have documented certification at the required level and documented experience in the treatment of surface water.

**20. 003Q - Deficiency: Required records not kept on site.**

Regulatory Citation: 40 CFR 141.33

Concern/Description: Confirmation/Monitoring. Failure to maintain records on site will affect the operator's ability to make process control decisions for treatment, operational decisions for system maintenance and system monitoring requirements. Calibration and process control records, if they exist, were not present during inspection.

Corrective Action: Please submit documentation **within 120 days** verifying that all required records are being properly maintained and are available for operators on site.

**21. 001Q - Deficiency: Storage facilities are not accessible**

Regulatory Citation: NMAC 20.7.10.400.B

Concern/Description: Direct Contamination. Properly protected storage facilities prevent contaminated water, insects, vermin, or other potential contaminants from entering the facility. Accessibility is required to inspect, clean, and maintain the storage tanks. The contact tank is inaccessible to inspection, cleaning, and maintenance.

Corrective Action: Please submit documentation **within 120 days** verifying access to the contact tank for inspection, cleaning, and maintenance and submit documentation **within 120 days** verifying that the tank has been inspected and cleaned. The inspection report must be submitted to the NMED-DWB **within 120 days**.

Based on the failure to correct the significant deficiencies listed above and provide supporting documentation within the required timeframe, the NMED-DWB requires the Harvest Gold Subdivision water system to notify customers of this violation as required in 20.7.10.100 NMAC [incorporating 40 CFR Section 141.203(a)(1)]. The notice must be provided to all customers and others who drink the water within 30 days and must be issued annually until all significant deficiencies are corrected.

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 of publication. 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.

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

Joseph C. Savage  
NMED  
811 First Street, Suite D  
Alamogordo, NM 88310

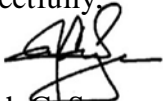
Or send by email to [joe.savage@state.nm.us](mailto:joe.savage@state.nm.us).

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

Continued violation(s) of failure to correct significant deficiencies as defined in 20.7.10.100 NMAC [incorporating 40 CFR Section 141.723(d)] will result in escalated enforcement action(s) including issuance of Administrative Order(s) with possible penalties assessed against the Harvest Gold Subdivision water system.

If you have any questions or need assistance, please contact the NMED-DWB.

Respectfully,



Joseph C. Savage, Surface Water Treatment Rule Administrator  
Drinking Water Bureau  
Environmental Health Division

Enclosures: Public Notice Template  
Public Notice Certification Form

Cc: Region Supervisor (electronic)  
Annie Maxfield, Office of General Counsel, NMED  
Area Office file  
Electronic system 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  
Harvest Gold Failed to Submit Corrective Action Within Required Time Frame**

*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 requirement. Although this incident was not an emergency, as our customers, you have a right to know what happened and **what we did (are doing)** to correct this situation.

An inspection conducted on 2 June 2016 with the New Mexico Environment Department-Drinking Water Bureau (NMED DWB) found **[describe significant deficiencies]**.

We were to consult with the NMED-DWB regarding the appropriate corrective actions within 30 days as required by Environmental Protection Agency's (EPA's) Ground Water Rule. However, we failed to take these actions by the deadlines established by the NMED DWB.

**What should I do?**

- If you have a severely compromised immune system, have an infant, are pregnant, or are elderly, you may be at increased risk and should seek advice from your health care providers about drinking this water. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

**What does this mean?**

*\*Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.\** **These symptoms, however, are not caused only by organisms in drinking water, but also by other factors. If you experience any of these symptoms and they persist, you may want to seek medical advice.**

**What is being done?**

**[Describe corrective actions.]** 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, 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:** November 2016

**Individual Contaminant or Contaminant Group:** Surface Water Treatment Rule

**Violation or Situation Type:** 120 Day Corrective Action Plan Violation

**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		30 Day Significant Deficiency CAP Violations			
System Name:	<u>Harvest Gold</u>	Staff:	<u>Trujillo / Savage</u>	Manager:	<u>Garcia / Cudia</u>
WSS#	<u>NM3511524</u>	Data Steward:	<u>R Asbury</u>	Date:	<b>11/29/2016</b>
Violation Type:	<u>45 (SWTR)</u>	Enforcement Type	<input type="checkbox"/> SIA <input type="checkbox"/> SIE	Determination Date:	<b>11/29/2016</b>
Water System Facility #:	<u>002</u>	Violation Period(s):	<b>Compliance schedule exceedance</b>		

Comments:

Please validate the violations in the table associated with exceeding the compliance schedules set in the Harvest Gold corrective action plan of 1 August 2016. Each is a type 45 Tier 2 violation.

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: \_\_\_\_\_