



**NEW MEXICO
ENVIRONMENT DEPARTMENT**



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November 4, 2016

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

RE: Emergency Powers Order 2016-3 Notice of Non-Compliance

Mr. Whistle:

In response to the ongoing boil water advisory that was issued on June 3, 2016 and ongoing non-compliance with several significant deficiencies at the Harvest Gold Subdivision (System No. NM3511524), the New Mexico Environment Department (NMED) issued Emergency Order (EO) 2016-3 on September 23, 2016. This EO requires the Harvest Gold Subdivision to take specific actions to address the ongoing water emergencies at the water system.

The NMED's Drinking Water Bureau (DWB) has evaluated Harvest Gold Subdivision's compliance with the requirements of EO 2016-3 as of November 4, 2016 and is providing you with the attached Notice of Non-Compliance.

As of November 4, 2016 the Harvest Gold Subdivision has accumulated the following fines:

| Requirement Number | Deadline | Days Non-Compliant | Accumulated Fines |
|--------------------|--|--------------------|-------------------|
| 1 | Tank replacement engineering plans submitted to NMED DWB for review no later than October 7, 2016 | 28 | \$28,000 |
| 1 | Tank replaced and in service no later than forty-five (45) days after NMED DWB plan approval | On-Going | On-Going |
| 2 | Bloomfield interconnection engineering plans submitted to NMED DWB for review no later than October 14, 2016 | 21 | \$21,000 |
| 2 | Bloomfield interconnection completed and operational no later | On-Going | On-Going |

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| | than forty-five (45) days after NMED DWB plan approval | | |
| 3 | Physically disconnect the Harvest Gold treatment plant via air gap upon completion of interconnection to Bloomfield | On-Going | On-Going |
| 4 | Submittal of distribution system sampling plan to NMED DWB for approval no later than November 10, 2016 | On-Going | On-Going |
| 5 | Submittal of distribution system flushing plan to NMED DWB for approval no later than November 10, 2016 | On-Going | On-Going |
| 6 | System wide flushing initiated no later than three (3) days after verification of completion of construction activities | On-Going | On-Going |
| 7 | System wide sampling initiated no later than three (3) days after completion of flushing activities | On-Going | On-Going |
| 8 | Weekly public notifications to Harvest Gold customers no later than close of business each Friday | 5 Times Non-Compliant | \$5,000 |
| Totals | | 54 | \$54,000 |

Please be aware that all of the requirements outlined in EO 2016-3 must be completed. Fines may continue to accumulate until those requirements have been fully completed and verified as required.

If you have any questions or need additional clarification concerning this status update please call Joe Martinez at 505-476-8635 or e-mail joe.martinez@state.nm.us.

Respectfully,



Stephanie Stringer, Chief
Drinking Water Bureau
Water Protection Division

Cc: Joe Martinez, PWSS Group Manager
Chris Cudia, Area Supervisor (electronic)
Harvest Gold Subdivision Area Office file
Electronic Central File

**NEW MEXICO ENVIRONMENT DEPARTMENT
Emergency Powers Order No. 2016-3**

| Requirement Number | Action Required By Harvest Gold Subdivision | Deadline | Current Status | Comments On Current Status |
|---------------------------|---|---|-----------------------|---|
| 1 | The System shall replace the leaking and corroded two hundred ten thousand (210,000) Gallon Water Storage Tank (Tank #1) with a permanent and approved storage tank. Replacement of storage tank shall require approval of engineering plans and specifications by the NMED DWB prior to construction of the new tank. Plans and specifications for this shall be submitted no later than October 7, 2016 and this tank shall be replaced and in service no later than forty-five (45) days after DWB provides approval of the plans and specifications. All construction activities required above shall be verified by an independent third party approved by NMED DWB. | Multiple Deadlines | Non-Compliant | <ul style="list-style-type: none"> As of the date of this letter, the Harvest Gold System has not submitted engineering plans and specifications to NMED for review and approval of a replacement tank |
| 2 | The System shall complete construction of a permanent interconnection to the City of Bloomfield. Interconnection to the Bloomfield Water Supply System (System No. NM3510124, "Bloomfield") shall require approval of engineering plans and specifications by the NMED DWB prior to construction of the interconnection. Plans and specifications for this shall be submitted no later than October 14, 2016 and this interconnection shall be completed and fully operational no later than forty-five (45) days after DWB provides approval of the plans and specifications. All construction activities required above shall be verified by an independent third party approved by NMED DWB. | Multiple Deadlines | Non-Compliant | <ul style="list-style-type: none"> As of the date of this letter, the Harvest Gold System has not submitted engineering plans and specifications to NMED for review and approval of an interconnection to the Bloomfield Water Supply System |
| 3 | Upon completion of the permanent interconnection to Bloomfield, the System shall physically disconnect the Harvest Gold Subdivision surface water treatment plant and sources with an air gap that is a minimum of two (2) times the diameter of the pipe. Verification of disconnection of the treatment plant shall be conducted by an independent third party approved by NMED DWB. | Upon Completion of Bloomfield Interconnection | On-Going | <ul style="list-style-type: none"> The status of this Emergency Order requirement is on-going |
| 4 | The System shall provide a distribution system sampling plan to NMED DWB for review and approval. The | November 10, 2016 | On-Going | <ul style="list-style-type: none"> The status of this Emergency Order requirement is on-going |

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| | sampling plan shall include sampling locations that are representative of the entire distribution system as well as detailed maps of sample locations. Samples identified in the plan shall at a minimum include collection of microbiological and chlorine residual for each location. The sampling plan shall be submitted to NMED DWB no later than November 10, 2016. This plan shall be developed by an independent third party approved by NMED DWB. | | | |
| 5 | The System shall submit a distribution system flushing plan to NMED DWB for review and approval. The flushing plan shall at a minimum include detailed maps identifying flushing locations, and sampling locations identified in Item 4 above. The flushing plan shall be submitted to NMED DWB no later than November 10, 2016. This plan shall be developed by an independent third party approved by NMED DWB. | November 10, 2016 | On-Going | <ul style="list-style-type: none"> • A flushing plan was submitted to NMED DWB by AV Water Attorney Germaine Chappelle via email on November 3, 2016. • As of the time of this letter, the submitted flushing plan has not been fully reviewed and/or approved. |
| 6 | System wide flushing, in accordance with the approved plan, shall be initiated no later than three (3) days after verification of completion of all required construction activities in this Order. Flushing activities shall be verified by an independent third party approved by NMED DWB. | 3 days after construction | On-Going | <ul style="list-style-type: none"> • The status of this Emergency Order requirement is on-going |
| 7 | System wide sampling, in accordance with the approved plan, shall be initiated no later than three (3) days after verification of completion of all required flushing activities in this Order. Sampling activities shall be verified by an independent third party approved by NMED DWB. | 3 days after flushing | On-Going | <ul style="list-style-type: none"> • The status of this Emergency Order requirement is on-going |
| 8 | The System shall send out, at minimum, weekly public notifications to System customers regarding the current status of the boil water advisory, storage tank replacement activities, Bloomfield interconnection, and disconnection of the current System surface water treatment plant. These notifications shall include, but are not limited to, daily progress reports of all construction activities, status of boil water advisory, flushing and sampling activities. These notifications shall be | By Close of Business Each Friday | Non-Compliant | <ul style="list-style-type: none"> • A weekly update was submitted via email at 12:01 PM on September 30, 2016 by AV Water attorney Germaine Chappelle. The email was also sent to various media and San Juan County Officials. It is unknown at this time if the weekly update was sent to customers via mail out as required by the Emergency Order. Confirmation of delivery has not been provided to NMED as of the date of this letter. |

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| | distributed to customers no later than close of business on Friday of each week until the boil water advisory has been lifted. These public notifications shall be distributed in a form and manner reasonably calculated to reach all persons served by the System including, but not limited to, all local broadcast media, San Juan County Emergency Management, and mail outs to all customers of the System. Copies of this notice and verification of the proper distribution of these public notifications shall be provided to NMED DWB no later than twenty-four (24) hours after the required distribution of these notices. | | | <ul style="list-style-type: none"> • No weekly update was provided to NMED by close of business October 7, 2016 • No weekly update was provided to NMED by close of business October 14, 2016 • No weekly update was provided to NMED by close of business October 21, 2016 • No weekly update was provided to NMED by close of business October 28, 2016 |
| 9 | All construction activities required in this Order that have the potential to impact the Bloomfield system shall be coordinated with Bloomfield so as to not negatively impact Bloomfield. | Ongoing | Ongoing | <ul style="list-style-type: none"> • The status of this Emergency Order requirement is on-going |
| 10 | All regulatory requirements and best management practices shall be followed during any construction or related activities identified in this Order. | Ongoing | Ongoing | <ul style="list-style-type: none"> • The status of this Emergency Order requirement is on-going |