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## NEW MEXICO ENVIRONMENT DEPARTMENT

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

September 19, 2016

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

### **RE: Notice of Violation— Surface Water Treatment Rule Failure to 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 July 29, 2015 Sanitary Survey conducted by Wayne Jeffs of the New Mexico Environment Department-Drinking Water Bureau (NMED-DWB).

The NMED-DWB provided the Harvest Gold Subdivision water system with the completed inspection report identifying significant deficiencies on September 14, 2015. 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)]. A corrective action plan was received and approved by the NMED-DWB before the 45 day consultation period expired on October 29, 2015. The approved corrective action plan included an additional 180 day timeframe to correct all deficiencies. The 180 day timeframe expired on April 26, 2016.

Pursuant to 20.7.10.100 NMAC [incorporating 40 CFR Section 141.723(d)], the Harvest Gold Subdivision water system was required to complete all corrective actions in accordance with the NMED-DWB approved corrective action plan and schedule. To date, NMED-DWB has not received confirmation that all significant deficiencies have been corrected. Consequently, the Harvest Gold Subdivision water system is not in compliance with the regulations of the Safe Drinking Water Act (SDWA).

Based on the failure to correct significant deficiencies identified, the NMED-DWB requires the Harvest Gold Subdivision water system to notify customers of this violation within 30 days as required 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 and must be issued annually until the 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 provide NMED-DWB with 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 to:

**Wayne Jeffs**  
**P.O. Box 5469**  
**Santa Fe, NM 87502**

**or by email to [wayne.jeffs@state.nm.us](mailto:wayne.jeffs@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 141.31(d)] will result in escalated enforcement actions including issuance of Administrative Orders 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.

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

Respectfully,



Wayne Jeffs, Compliance Officer  
Drinking Water Bureau Water Protection Division

Enclosures: Public Notice Template  
Public Notice Certification Form

Cc: Area Supervisor (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**

### **Harvest Gold Subdivision 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 July, 29, 2015 by the New Mexico Environment Department-Drinking Water Bureau (NMED-DWB) found 5 significant deficiencies as follows:

- Deficiency 1: Lack of Written Sampling Plan (corrected 10.23.16)
- Deficiency 2: Lack of Current Emergency Response Plan (corrected 11.11.15)
- Deficiency 3: Lack of Operations and Maintenance Plan (corrected 12.3.15)
- Deficiency 4: Storage Facility Has External Corrosion (**Not corrected**)
- Deficiency 5: Raw Water Storage Facility is Overgrown with Vegetation (**Not corrected**)

We were to correct significant deficiencies by April 26, 2016. However, we failed to correct all significant deficiencies by this deadline.

#### **What should I do?**

- **There is no need to take additional corrective actions or precautions other than those associated with the boiled water advisory which remains in effect until further notice.**
- 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?**

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

*\*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 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 505-325-2435 or [fwhistle@animasvalleylwc.com](mailto:fwhistle@animasvalleylwc.com) 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:** September 19 2016

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

**Violation or Situation Type:** Failure to Correct Significant Deficiencies

**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: x/xxx/2016