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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

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

December 2, 2016

Fred Whistle
PO Box 5520
Farmington, NM 87499

**Re: Notice of Violation - Filter Media
Harvest Gold Subdivision
NM3511524**

Dear Mr. Whistle:

This letter serves as a Notice of Violation (NOV) that the Harvest Gold Subdivision is using filter media at its treatment plant that is not approved through NSF/ANSI standards. The New Mexico Environment Department's (NMED) Drinking Water Bureau (DWB) previously requested documentation of chemicals being used at the Harvest Gold Subdivision (Harvest Gold), and as of the date of this letter, that documentation has not been received.

On October 14, 2016, the DWB sent you an email requesting information and photos of the chemicals being used to treat the drinking water at Harvest Gold. After not receiving the information that was requested, the DWB followed up with another request to Thomas Barrow on November 11, 2016. In that correspondence the DWB again requested information regarding the chemicals being used at Harvest Gold. After not receiving a response with the information requested, the DWB conducted a follow up inspection of the treatment plant and the reservoir at the Harvest Gold Water System on Wednesday, November 16th 2016.

During the inspection, it was noted that numerous 32 pound bags of Hess Pumice were stored at the treatment facility. DWB also noted the posting of an e-mail from Heather McDaniel of Souder Miller to Thomas Barrow and yourself entitled "Harvest Gold Pressure Filter Media Upgrade," dated September 23, 2016. This memorandum included instructions for utilizing the pumice as bedding media for the pressure filters.

The DWB was unable determine that the pumice being used was certified for this specific application. By letter dated November 21, 2016 the DWB requested that you provide documentation indicating that the Hess Pumice media used in the filter beds is certified to

NSF/ANSI standards. This documentation was to be provided to the DWB by Monday, November 28, 2016.

Because you have not provided the information requested and information regarding the proper certification of this material could not be obtained, the Harvest Gold Subdivision is in violation of New Mexico Drinking Water Regulations.

20.10.7.400(L) NMAC states:

Standards for additives, materials and equipment - indirect additives. Except as identified in Subsections N and O, a material or product that comes into contact with water or water treatment chemical shall conform to ANSI/NSF Standard 61. Products and materials covered by this subsection may include but are not limited to:

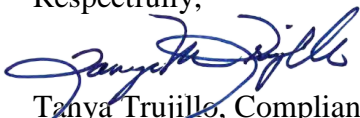
- (1) process media, such as carbon and sand;*
- (2) joining and sealing materials, such as solvents, cements, welding materials, and gaskets;*
- (3) mechanical plumbing devices;*
- (4) pipes and related products, such as pipe and fittings;*
- (5) mechanical devices used in treatment, transmission, or distribution systems such as tanks, valves, chlorinators, and separation membranes; and*
- (6) protective (barrier) materials such as coatings.*

Because the pumice filter media that is being used cannot be confirmed to be NSF/ANSI certified, the DWB requires you to immediately discontinue the use this specific filter media.

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 additional questions regarding this matter, please feel free to contact me by phone at 505-222-9539 or by e-mail at tanya.trujillo2@state.nm.us.

Respectfully,



Tanya Trujillo, Compliance Officer
Drinking Water Bureau
Water Protection Division

cc: Area Supervisor (electronic)
Harvest Gold System file
Electronic Central File