



## NOTICE OF VIOLATION

### **Via Electronic & Certified Mail - Return Receipt Requested**

February 5, 2024

Steve Jackson, Managing Member  
Troya Homes, LLC  
6300 Riverside Place, Suite 200  
Albuquerque, New Mexico 87120  
sjackson@argusdci.com

### **RE: Notice of Violation, Prairie Hills Subdivision Wastewater Treatment Plant, DP-1094**

Dear Steve Jackson:

On November 21, 2022, the New Mexico Environment Department (NMED) issued a Discharge Permit Renewal, DP-1094, (Discharge Permit; copy enclosed) to Troya Homes, LLC pursuant to Section 20.6.2.3109 NMAC of the Water Quality Control Commission (WQCC) Ground and Surface Water Protection Regulations (20.6.2 NMAC). Section 20.6.2.3104 NMAC requires the permittee to comply with the terms and conditions of this Discharge Permit. The facility is located at 31B Meadow Hill, approximately one mile south of Edgewood in Section 34, Township 10N, Range 07E, Santa Fe County.

NMED has determined that the above referenced facility is operating in violation of the conditions of the Discharge Permit, the WQCC Regulations and the Water Quality Act (WQA). **Please be advised that NMED requires prompt action as described herein.**

### **A summary of the events resulting in the determination of violations at this facility follows.**

Condition 15 of the Discharge Permit required the Permittee to install one monitoring well (MW-1) and Condition 29 of the Discharge Permit required the Permittee to plug and abandon two monitoring wells (MW-East and MW-West) by March 21, 2023. On March 8, 2023, Matt Landess, counsel representing Troya Homes LLC, requested an extension to install the monitoring well. Facility representatives and NMED met at the NMED Santa Fe Offices on July 5, 2023, to discuss the Facility's compliance status and extension request. At the meeting, NMED told the Facility representatives that they could request one more extension to complete the requirements of Conditions 15 and 29, but NMED would not grant any further extensions. Following the meeting, on July 6, 2023, Matt Landess requested another extension, and NMED granted an extension for Conditions 15 and 29 for 90 days with the new deadline of October 4, 2023. On October 4, 2023, NMED sent you an email requesting information on whether the Facility has met the conditions of the Discharge Permit. On October 5, 2023, Matt Landess requested a 60-day

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extension since the Facility has not installed a monitoring report nor plugged and abandoned two monitoring wells stating that the Facility has not been able to hire a drilling company to perform the work.

**The requirements of the Discharge Permit, violations and associated actions necessary to correct the violations are identified below.**

1. Condition 15 of the Discharge Permit requires the Permittee to install a monitoring well (MW-1) located 20-50 feet hydrologically downgradient of the low-pressure dose disposal field by March 21, 2022.

This condition has been violated because, to date, the Permittee has not installed MW-1.

In order to correct this violation, **submit proof of the monitoring well installation to NMED within 60 days of the date of this letter (by April 5, 2024)**. Please note that monitoring well locations must be approved by NMED, in writing, prior to installation.

2. Condition 29 of the Discharge Permit requires the Permittee to plug and abandon two monitoring wells (MW-East and MW-West) and submit documentation describing the well abandonment procedures and completion of well plugging activities by March 21, 2022.

This condition has been violated because, to date, the Permittee has not plugged and abandoned the two monitoring wells nor submitted documentation of the activities.

In order to correct this violation, **submit documentation describing the well abandonment procedures and completion of well plugging activities to NMED within 60 days of the date of this letter (by April 5, 2024)**.

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Pursuant to the WQA at NMSA 1978, § 74-6-5, NMED has authority to terminate or modify the Discharge Permit prior to its date of expiration for any of the following causes:

1. violation of any condition of the permit;
2. obtaining the permit by misrepresentation or failure to disclose fully all relevant facts;
3. violation of any provisions of the WQA, or any applicable regulations, standard of performance or water quality standards;
4. violation of any applicable state or federal effluent regulations or limitations; or
5. change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

Failure to comply with this Notice of Violation may result in NMED's issuance of a compliance order that assesses a civil penalty pursuant to Section 74-6-10 of the WQA. NMED may also assess civil penalties up to \$15,000 per day for each violation of the WQA, pursuant to Section 74-6-5 of the WQA, any

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regulation promulgated pursuant to that section, or any permit issued pursuant to that section. NMED may assess civil penalties up to \$10,000 per day for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision.

As an alternative to the enforcement actions described above, NMED may commence an action in district court for appropriate relief, including injunctive relief.

Nothing in this letter shall be construed as relieving the permittee of the obligation to comply with all requirements of the Discharge Permit, the WQCC Regulations, the WQA, and other applicable federal, state, and local laws, regulations, permits or orders. This letter is intended to obtain voluntary compliance in addressing violations of certain requirements of the Discharge Permit and may not address all violations. It is the responsibility of the permittee to be familiar with and comply with the Discharge Permit.

Please note that your facility will appear on the NMED's Enforcement Watch as a result of this NOV (see: <https://www.env.nm.gov/enforcement-watch/>). Further, NMED will issue a press release to local media highlighting your facility as appearing on this webpage. Your facility will remain on the Enforcement Watch website as an active matter until this matter is fully resolved.

If you have any questions regarding this matter, please contact Jason Herman, Program Manager of the Ground Water Pollution Prevention Section, at (575) 649-3871, or Avery Young at (505) 699-8564, or submit an email to [pps.general@env.nm.gov](mailto:pps.general@env.nm.gov).

Sincerely,

Justin D. Ball, Chief  
Ground Water Quality Bureau

JB:AY

Encl: Discharge Permit Renewal, DP-1094, dated November 21, 2022

cc: John Rhoderick, Division Director, Water Protection Division  
Jason Herman, PPS Program Manager  
Levi Cole, District Manager, NMED District I  
Christal Weatherly, Assistant General Counsel, Office of General Counsel  
Matt Landess, Esq., [matt.landess@outlook.com](mailto:matt.landess@outlook.com)