



Notification provided via E-mail

August 3, 2023

Cutter Rogers, manager@otiswater.com

Otis MDWCA, NM3521308

PO Box 5069

Carlsbad, New Mexico 88221

Re: Notice of Violation – Failure to submit 2022 Calendar Year Consumer Confidence Report

Dear Cutter Rogers,

This letter serves as a Notice of Violation that the Otis MDWCA failed to submit the 2022 Calendar Year Consumer Confidence Report (CCR) to the consumers and/or the New Mexico Environment Department Drinking Water Bureau. Pursuant to Section 20.7.10.100 NMAC [incorporating 40 Code of Federal Regulations (CFR) § 141.152(b)], all community water systems must provide a Consumer Confidence Report (CCR) to the consumers and to the State by July 1st of each year.

The Otis MDWCA must deliver a copy of the 2022 Calendar Year CCR to both the Drinking Water Bureau and the consumers to prevent additional violations.

Additionally, Otis MDWCA must send certification to the State certifying that the system has:

- 1) distributed the CCR to its customers; and
- 2) the reported information is correct and consistent with the compliance monitoring data previously submitted to the NMED DWB.

Certifications must be sent to the State no later than October 1st each year (20.7.10.100 NMAC, incorporating 40 CFR § 41.155(c)). Failure to do so also constitutes a violation. A copy of the CCR Certification form is enclosed with this letter for your convenience.

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.

Pursuant to the NMED Delegation Order dated March 24, 2023, the Cabinet Secretary has delegated the authority to issue Notice of Violations to DWB Bureau Chief Joe R. Martinez.

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

If you have any questions or need assistance, please contact Maria J. Medina at 505-629-7223 or by e-mail at maria.medina@env.nm.gov.

Respectfully,

A handwritten signature in blue ink that reads "Joe R. Martinez". The signature is stylized with a large "J" and "M" and a horizontal line at the end.

Joe R. Martinez, Bureau Chief
Drinking Water Bureau
Water Protection Division

Enclosure: Distribution of CCR Certification Form

xc: Electronic Central File

Distribution of CCR Certification Form

Community Water System Name: _____

Water System Identification Number: _____

Calendar Year of Report: 2022

The community water system named above hereby confirms that its consumer confidence report has been distributed to customers (and appropriate notices of availability have been given). Further, the system certifies that the information contained in the report is correct and consistent with the compliance monitoring data previously submitted to the primacy agency.

Certified By (Name): _____

Title: _____

Phone # _____ Date of this Certification: _____

Check all applicable methods of delivery and provide the date each was completed. Forms that do not include the date of delivery for each method used may be rejected.

METHOD OF DELIVERY	CCR DELIVERY DATE
<input type="checkbox"/> CCR was distributed by mail or other direct delivery.	_____
The following are "Good faith" efforts that may be used to reach non-bill paying consumers:	
<input type="checkbox"/> Posted the CCR on the Internet (provide the direct URL address)	_____
<input type="checkbox"/> Mailed/Emailed to each bill-paying customer a notification that the CCR is available at: _____	_____
<input type="checkbox"/> E-mailed/ Mailed to each bill-paying customer a notification that the CCR is available on the Internet at: _____	_____
<input type="checkbox"/> E-mailed the CCR as an electronic file email attachment	_____
<input type="checkbox"/> Mailed the CCR to postal patrons within the service area. (attach zip codes used)	_____
<input type="checkbox"/> Advertised availability of the CCR in news media (attach copy of announcement)	_____
<input type="checkbox"/> Publication of the CCR in local newspaper (attach copy)	_____
<input type="checkbox"/> Posted the CCR in public places (attach a list of locations)	_____
<input type="checkbox"/> Delivery of multiple copies to single bill addresses serving several persons such as apartments, businesses, and large private employers	_____
<input type="checkbox"/> Delivery to community organizations (attach a list)	_____
<input type="checkbox"/> (For systems serving at least 100,000 persons) Posted CCR on a publicly accessible internet	_____