



Notification provided via E-mail

March 6, 2024

Faye Arias, malagawater@winstream.net
Malaga MDWC SWA, NM3521208
PO Box 70
Malaga, New Mexico 88263

RE: Notice of Violation – Failure to provide Public Notice

Dear Faye Arias:

Our records indicate that Malaga MDWC SWA water system did not provide public notice to your customers and did not return the public notice certification form to New Mexico Environment Department-Drinking Water Bureau (NMED-DWB) for a 2021 Disinfection Byproduct Monitor & Reporting Notice of Violation (NOV) issued on September 13, 2022.

Pursuant to Section 20.7.10.100 NMAC [incorporating 40 CFR Section 141.204], you were required to notify your customers of the violation by **mail or other direct delivery to each customer** and any other methods as necessary to inform the public, within a year from the date on the original NOV.

Pursuant to 20.7.10.100 NMAC [incorporating 40 CFR Section 141.31(d)] the Malaga MDWC SWA water system was required to certify, within 10 days of completing the public notice, that the public notice was published and the method of publication, by submitting a completed copy of the Public Notification Certification Form.

Because the public notice and public notice certification was not provided to NMED-DWB, Malaga MDWC SWA water system is in violation.

Malaga MDWC SWA water system is still required to provide public notice and return the Public Notice Certification Form to NMED-DWB for the NOV issued on September 13, 2022. Please complete the public notice requirements and return the public Notice and Public Notice Certification Form to Oneva Peña by email at oneva.pena@env.nm.gov.

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 February 19, 2024, the Cabinet Secretary has delegated the authority to issue Notice of Violations to DWB Compliance Supervisor Brandi Littleton.

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 or members of your staff have questions, please feel free to contact please contact Oneva Peña at 505-490-5363 or by e-mail at oneva.pena@env.nm.gov.

Respectfully,



Brandi Littleton, Compliance Supervisor
Drinking Water Bureau
Water Protection Division

cc: Martin Torrez, PWSS Manager (electronic)
Deborah Jones, Compliance Officer (electronic)
Electronic Central File