



Notification provided via E-mail

August 16, 2023

Christopher Smith, christopherc.smith@state.nm.us
Navajo Lake State Park - Simms Mesa, NM3593821
1002 Rio Brazos
Aztec, NM 87410

RE: **Notice of Violation— Failure to provide a Corrective Action Plan**

Dear Christopher Smith:

This letter serves as Notice of Violation that the Navajo Lake State Park - Simms Mesa water system failed to provide a corrective action plan (CAP) and correct significant deficiencies identified during the 2021 sanitary survey performed by the New Mexico Environment Department-Drinking Water Bureau (NMED-DWB).

The NMED-DWB provided the Navajo Lake State Park - Simms Mesa water system with a copy of the completed sanitary survey report identifying significant deficiencies. 20.7.10.100 NMAC [incorporating 141.723] requires the Navajo Lake State Park - Simms Mesa water system to submit a written Corrective Action Plan to DWB within 45 days of the sanitary survey report date. Within the CAP, the Navajo Lake State Park - Simms Mesa water system was required to specify when the deficiencies would be corrected.

To date, NMED-DWB has not received a corrective action plan. Because a corrective action plan was not provided to NMED, all significant deficiencies identified during the 2021 sanitary survey were also due to be corrected within the same 45 days. Consequently, the Navajo Lake State Park - Simms Mesa water system is not in compliance with the regulations of the Safe Drinking Water Act (SDWA). If the Navajo Lake State Park - Simms Mesa water system has already corrected the deficiencies, documentation must be submitted to verify that the deficiencies have been corrected.

Based on the failure to provide a corrective action plan for the significant deficiencies identified, the NMED-DWB requires the Navajo Lake State Park - Simms Mesa water system to notify customers of this Tier 2 violation as required in 20.7.10.100 NMAC [incorporating 40 CFR Section §141.203 (b)(i)]. Public Notice must be made within 30 days from the date on this letter. The notice must be repeated every three months until the significant deficiency is corrected.

Pursuant to 20.7.10.100 NMAC [incorporating 40 CFR Section 141.31(d)] the Navajo Lake State Park - Simms Mesa water system must certify that the notice was published and the method of publication, by submitting a completed copy of the enclosed Public Notification Certification Form to the DWB within 10 days. 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:

Gordon Miller
1800 E. 30th Street, Suite B
Farmington, NM 87401

Or by email to gordon.miller@env.nm.gov

Failure to comply with the public notice requirements will result in an additional violation being issued without notice to the Navajo Lake State Park - Simms Mesa water system and reported to the Environmental Protection Agency. Continued failure to comply with Public Notification Requirements, as defined in 20.7.10.100 NMAC [incorporating 40 CFR Sections 141.203 and 141.31(d)] will result in escalated enforcement actions including issuance of Administrative Orders with possible penalties assessed against the Navajo Lake State Park - Simms Mesa water system.

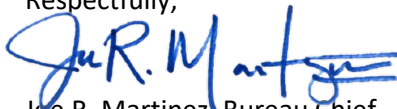
NMED-DWB reserves the right to take additional enforcement action regarding the violations identified in this NOV, to include the issuance of an Administrative Compliance Order compelling compliance and issuing civil penalties.

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 Gordon Miller at 505-258-3203 or by e-mail at gordon.miller@env.nm.gov.

Respectfully,



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

Enclosures: Public Notice Template
 Public Notice Certification Form

xc: Brandi Littleton, Compliance Supervisor (electronic)
 Gordon Miller, Compliance Officer (electronic)
 Electronic Central File

Instructions for Failure to provide a Corrective Action Plan

Template on Following Page

A system's failure to take corrective action within the required timeframe or be in compliance with a state-approved corrective action plan is a treatment technique violation and requires Tier 2 notification. You must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation 20.7.10.100 NMAC [incorporating 40 CFR 141.203(b)]. You must issue a repeat notice every three months for as long as the violation persists.

Consider providing the history of the situation in this notice (i.e., what events lead to requiring corrective action) to avoid confusing the public when this second notice is issued.

Community systems must use one of the following methods 20.7.10.100 NMAC [incorporating 40 CFR 141.203(c)]:

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Noncommunity systems must use one of the following methods 20.7.10.100 NMAC [incorporating 40 CFR 141.203(c)]:

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition both community and noncommunity systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method 20.7.10.100 NMAC [incorporating 40 CFR 141.203(c)]. Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on your system's letterhead if available.

The notice on the reverse is appropriate for mailing, posting, or hand delivery. If you modify this notice, you must still include all required PN elements from 40 CFR 141.205(a) and leave the mandatory language unchanged (see below).

Mandatory Language

Mandatory language on health effects (from Appendix B to Subpart Q) must be included as written (with blanks filled in) and is presented in this notice in italics and with an asterisk on either end.

You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable 20.7.10.100 NMAC [incorporating 40 CFR 141.205(d)]. This language is also presented in this notice in italics and with an asterisk on either end.

Corrective Action

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with treatment technique violations. Depending on the corrective action you are taking, you can use one or more of the following statements, if appropriate, or develop your own text:

- Although we did not meet our deadline, we are now in consultation with the state to develop a corrective action plan.
- The [source of contamination/significant deficiency] has been identified and addressed.
- We have implemented a short term plan to address the immediate issue while we pursue the long-term solution.

Repeat Notices

For repeat notices, you should state how long the violation has been ongoing and remind consumers of when you sent out any previous notices. If you are making progress with correcting the significant deficiency or addressing the fecal indicator-positive source sample, describe it. Alternatively, if funding or other issues are delaying corrective action, let consumers know.

After Issuing the Notice

Make sure to send The New Mexico Environment Department's Drinking Water Bureau a copy of each type of notice and a certification that you have met all public notification requirements within ten days after issuing the notice 20.7.10.100 NMAC [incorporating 40 CFR 141.31(d)].

****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

Navajo Lake State Park - Simms Mesa Failed to Correct Significant Deficiencies 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.

A routine sanitary survey conducted on September 14, 2021, by the New Mexico Environment Department-Drinking Water Bureau (NMED DWB) found an improperly screened storage tank overflow.

1. 0010 – Inadequate construction, missing or inappropriately sized appurtenances for storage facility

We were required to provide a corrective action plan to NMED within 45 days from the date on the survey report. Because we failed to provide a corrective action plan, the significant deficiencies noted in the survey report were also due to be corrected within the same 45 days. We failed to take this action by the deadline established by the NMED DWB.

What should I do?

- There is nothing you need to do. You do not need to boil your water or take other corrective actions. However, if you have specific health concerns, consult your doctor.
- 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:

Christopher Smith at 505-632-8645
Navajo Lake State Park - Simms Mesa, NM3593821
1002 Rio Brazos
Aztec, NM 87410

****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#: NM3593821 **Water System Name:** Navajo Lake State Park - Simms Mesa

Violation or Situation Date: 8/16/2023

Individual Contaminant or Contaminant Group: 45- Treatment Technique

Violation or Situation Type: Failure to provide a CAP and resolve 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:

- Continuously Post Date: _____
- Separate Mailing to Customers Date: _____
- Hand Deliver Notice to Customers Date: _____
- Publish Notice in Newspaper Date: _____
- Release Notice to and Announced by Broadcast Media Date: _____
- Post Notice on System Website Date: _____
- Billing Date: _____
- Annual Report (Consumer Confidence Report) Date: _____
- 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: _____