



MICHELLE LUJAN GRISHAM  
GOVERNOR

JAMES C. KENNEY  
CABINET SECRETARY

*Notification provided via E-mail*

October 18, 2023

Maria Gilvarry: [gilvarrym@lasvegasnm.gov](mailto:gilvarrym@lasvegasnm.gov)  
City of Las Vegas, NM3518025  
905 12th Street  
Las Vegas, NM 87701

**RE: Notice of Violation—Treatment Technique  
Control of Disinfection Byproduct Precursors - Total Organic Carbon**

Dear Maria Gilvarry:

This letter serves as Notice of Violation that the City of Las Vegas water system failed to meet the minimum Total Organic Carbon (TOC) removal level(s) as required in 20.7.10.100 NMAC [incorporating 40 CFR Section 141.135(b)(2)] during the third quarter of 2023 by having at least one month in that quarter with a TOC running annual average (RAA) removal ratio below 1.00.

Based on the failure to meet the treatment technique (TT) requirements for TOC removal, the New Mexico Environment Department Drinking Water Bureau (DWB) requires the City of Las Vegas water system to notify customers of the TT violations as stated in 20.7.10.100 NMAC (incorporating 40 CFR Section 141.203). Notice must be provided to all customers and others who drink the water as soon as practical but no later than 30 days of receipt of this letter and must remain in place as long as the violation or situation persists. The public notice must be provided by one or more methods reasonably calculated to reach all persons served by the water system, i.e., appropriate broadcast media (such as radio and television), posting of the notice in conspicuous locations throughout the area served by the water system and mail or hand delivery of the notice to persons served by the water system.

Pursuant to 20.7.10.100 NMAC [incorporating 40 CFR Section 141.31(d)] the City of Las Vegas 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 people served by the system must be included with the certification form.

Please return the certification form along with the posted public notice to Joseph C. Savage, Surface Water Rule Administrator at [joe.savage@env.nm.gov](mailto:joe.savage@env.nm.gov)

SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

Failure to comply with the public notice requirements will result in an additional violation(s) (failure to notify the public and the state) being issued without notice. 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 Tres Lagunas Home Owners Association.

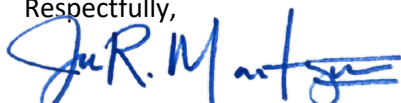
NMED-DWB reserves the right to take additional enforcement action regarding the violations identified in this NOV, to include the issuance of an Administrative Compliance Order compelling compliance and issuing civil penalties.

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 Joseph C. Savage, Surface Water Rule Administrator at 575-973-0009 or: [joe.savage@env.nm.gov](mailto:joe.savage@env.nm.gov)

Respectfully,



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

Enclosures: Public Notice Template  
Public Notice Certification Form

Electronic cc: Brandi Littleton, Compliance Supervisor  
Joseph C. Savage, Surface Water Rule Administrator  
Electronic Central File

## **Template on Following Page**

Since surface water treatment technique violations require 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.

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

Non-community 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 non-community 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 surface water 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:

- Our treatment plant needs upgrades to meet the requirements.
- We are installing filtration. We expect that the filtration system will be operational by [month, year].
- We are monitoring for turbidity (cloudiness), disinfectant levels, and the presence of bacteria.
- We continue to meet the standards for these measurements.

### **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 in installing filtration, describe it. Alternatively, if funding or other issues are delaying installation, 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 the public notice requirements within ten days after you issued the notice 20.7.10.100 NMAC [incorporating 40 CFR 141.31(d)].

# IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

## Monthly Total Organic Carbon Removal Requirements Not Being Met by the City of Las Vegas Water System

Our water system recently violated a drinking water regulation. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we are doing to correct this situation.

We monitor monthly for Total Organic Carbon (TOC) removal and maintain a running annual average (RAA) of the results. During the third quarter of 2023 the RAA for TOC removal was less than required.

### What does this mean?

This ongoing TOC violation is not an emergency. If it had been you would have been notified immediately.

Total organic carbon has no health effects. However, TOC provides a medium for the formation of disinfection by-products. These by-products include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these by-products in excess of the Maximum Contaminant Level (MCL) may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.

### What should I do?

You do not need to use an alternative (e.g., bottled) water supply. However, if you have specific health concerns, please contact your health care professional.

### What is being done?

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We anticipate resolving the TOC problem \_\_\_\_\_

For more information, please contact:

Maria Gilvarry: [gilvarrym@lasvegasnm.gov](mailto:gilvarrym@lasvegasnm.gov) [include telephone number]

City of Las Vegas, NM3518025

905 12th Street

Las Vegas, NM 87701

*\*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#: NM3518025 Water System Name: City of Las Vegas Water System

Violation or Situation Date: 3rd Quarter 2023

Individual Contaminant or Contaminant Group: 46-Total Organic Carbon - Failure to Meet Removal Requirement

Violation or Situation Type: Treatment Technique

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:

Note: Non-community water systems that serve a school, preschool or daycare must also hand deliver the notice to a parent or legal guardian of each child. For more information reference EPA's Public Notification Handbook at: http://www.epa.gov/safewater/publicnotification/compliancehelp.html

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: