



NOTICE OF VIOLATION

Via Email and Certified Mail - Return Receipt Requested

May 2, 2024

Matt Antoniou, Owner
Black Diamond Equities LLC
700 E 6th Street #145
Hays, Kansas 67601
matt@homepci.com

Matt Antonious, Owner
Black Diamond Equities LLC
25422 Trabuco Road, Suite 105 417
Lake Forest, California 92630

RE: Notice of Violation, Town and Country Mobile Home Park, DP-1806

Dear Matt Antoniou:

The New Mexico Environment Department (NMED) has determined that the Town and Country Mobile Home Park (Facility) is operating in violation of the Water Quality Control Commission (WQCC) Regulations (20.6.2 NMAC) and the Water Quality Act (WQA). Please be advised that NMED requires prompt action as described herein. The Facility is located at 1716 N. Canal St., Carlsbad, in Section 30, Township 21 south, Range 27 east, Eddy County.

Pursuant to Section 20.6.2.3109 NMAC, NMED issued a Discharge Permit Renewal, DP-1806, (Discharge Permit) to Black Diamond Equities LLC (Permittee) on November 20, 2018. The Discharge Permit (DP) expired on November 19, 2023.

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

NMED has attempted to contact the Permittee regarding the expiration of the Discharge Permit and the need to submit a renewal application via a mailed renewal reminder and through emails. NMED sent the Permittee a renewal reminder by physical mail on August 3, 2023. The US Postal Service returned the renewal reminder to NMED unopened on August 24, 2023. There was further email communication on October 11, 2023, and December 5, 2023, from NMED stressing the importance of the Permittee submitting a renewal application. All communications from NMED have gone unanswered from the Permittee, and to date the Permittee has failed to submit an application to NMED.

The requirements of the WQCC Regulations, resultant violation, and associated actions necessary to correct the violation are identified below.

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Section 20.6.2.3104 NMAC states that no person shall cause or allow wastewater or leachate to discharge so that it may move directly or indirectly into ground water unless they are discharging pursuant to a Discharge Permit.

You have violated Section 20.6.2.3104 NMAC by discharging wastewater from the Facility without a Discharge Permit.

In order to correct this violation, **complete the application for a Discharge Permit (copy enclosed), and submit two completed copies, an electronic copy and a \$100 filing fee to NMED within 30 days from the date of this letter, by June 3, 2024.**

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 WQA, Section 74-6-10. NMED may also assess civil penalties up to \$15,000 per day for each violation of the WQA, Section 74-6-5, any 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 remedies 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 WQCC Regulations, the WQA, and other applicable federal, state, and local laws, regulations, permits or orders.

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.

Pursuant to the NMED Delegation Order dated March 24, 2023, the Cabinet Secretary has delegated the authority to sign a Notice of Violation under the New Mexico Water Quality Act to the Chief of the Ground Water Quality Bureau. 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.

Sincerely,

Justin D. Ball, Chief
Ground Water Quality Bureau

Matt Antoniou

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JB:AY

enc: Application for a Ground Water Discharge Permit

cc: Jason Herman, PPS Program Manager
Michael Kesler, District Manager, EHB District III
NMED Carlsbad Field Office