



MICHELLE LUJAN GRISHAM  
GOVERNOR

JAMES C. KENNEY  
CABINET SECRETARY

## Notification provided via E-mail

January 10, 2024

Jason Beams; [jason.beams@yesway.com](mailto:jason.beams@yesway.com)  
Allsups 45, NM3580105  
1017 NM 311  
Clovis, NM 88101

### RE: Notice of Violation – Lack of Appropriate Level Certified Operator

Dear Jason Beams:

According to the New Mexico Environment Department (NMED) records, Allsups 45 is operating without a certified operator which is in violation of the Utility Operator Certification Act, NMSA 1978, § 61-33-6 et seq., 20.7.10.400(Q) NMAC and 20.7.4.20.A NMAC, which states:

***“It is unlawful to operate or allow the operation of a public water supply system or public wastewater facility unless the system or facility is operated by or under the supervision of a certified operator who meets or exceeds the appropriate level of certification required to operate the system or facility”.***

Allsups 45 is required to immediately hire or contract a certified operator of the appropriate level. Allsups 45 is required to maintain an operator with a Small Water (SW) certification.

Based on the failure to provide an appropriate level of certified operator, the NMED-DWB requires the Allsups 45 water system to notify customers of this violation as required in 20.7.10.600.C NMAC.

Allsups 45 is required to notify your customers of this operator violation by **mail or other direct delivery to each customer** and any other methods as necessary to inform the public, within one year from the date of this letter. Please submit proof of publication within 10 days of completing publication of this notice. Proof of notification shall consist of the attached Certification form, signed and dated, indicating the delivery method(s) and a copy of the distributed Public Notice form. Public notice must remain in place **no less than seven days** or as long as the violation still exists, which will be until the next round of compliance sampling is conducted.

Please fill out and return the enclosed Public Notice Certification Form to:

Debora Jones by email [deborah.jones@env.nm.gov](mailto:deborah.jones@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 March 24, 2023, the Cabinet Secretary has delegated the authority to issue Notice of Violations to DWB Bureau Chief Joe R. Martinez.

SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

1914 W Second St, Roswell, NM 88201 | 505-795-2642 | [www.env.nm.gov](http://www.env.nm.gov)

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 at 505-795-2642 or by e-mail at: [deborah.jones@env.nm.gov](mailto:deborah.jones@env.nm.gov)

Respectfully,

A handwritten signature in blue ink that reads "Joe R. Martinez". The signature is stylized and cursive.

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

Enclosures: Public Notice Template  
Public Notice Certification Form

xc: Brandi Littleton, Southern Area Compliance Supervisor (electronic)  
Deborah Jones, Compliance Officer (electronic)  
Electronic Central File

**\*\*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 EFFECT 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 SYSTEM**

**Allsups 45 Failed to have an appropriate level of certified operator for the drinking water system.**

***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.

New Mexico Regulations require all public water systems to be operated by an appropriate level of certified operator. We failed to meet this requirement by the New Mexico Environment Department's Drinking Water Bureau.

#### **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.

#### **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:**

Brian Ashburn at 575-769-2311  
Allsups 45, NM3580105  
708 South Prince  
Clovis, NM 88101

***\*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**

**\*\*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#:** NM3580105    **Water System Name:** Allsup 45

**Violation or Situation Date:** 1/10/2024

**Individual Contaminant or Contaminant Group:** 94-Certified Operator Violation

**Violation or Situation Type:** Certified Operator Violation

**Violation or Situation Public Notification Tier:** Tier 3

Distributed the notice by the following method(s), and on the following date(s) in accordance with 40 CFR 141.201:

- |   |             |
|---|-------------|
| <input type="checkbox"/> Continuously Post                                  | Date: _____ |
| <input type="checkbox"/> Separate Mailing to Customers                      | Date: _____ |
| <input type="checkbox"/> Hand Deliver Notice to Customers                   | Date: _____ |
| <input type="checkbox"/> Publish Notice in Newspaper                        | Date: _____ |
| <input type="checkbox"/> Release Notice to and Announced by Broadcast Media | Date: _____ |
| <input type="checkbox"/> Post Notice on System Website                      | Date: _____ |
| <input type="checkbox"/> Billing  | Date: _____ |
| <input type="checkbox"/> Annual Report (Consumer Confidence Report)         | Date: _____ |
| <input type="checkbox"/> Other: _____                                       | Date: _____ |

**Attach a copy of the posted Public Notice(s) to this certification form.**

**Water System Representative:** \_\_\_\_\_  
**(Signature)                      (Print Name)                      (Phone Number)**

Date: \_\_\_\_\_