



CERTIFIED MAIL – RETURN RECEIPT REQUESTED

November 3, 2023

Brad Bouma
DeGraaf Family Partnership, LTD
40 South Lakeshore Drive
Ransom Canyon, Texas
bradbouma@aol.com

Re: Notice of Violation, Former DeGraaf Dairy, Anthony, New Mexico

Dear Brad Bouma,

The New Mexico Environment Department (NMED) hereby issues this Notice of Violation (NOV) to DeGraaf Family Partnership, LTD, for failure to implement the June 14, 2013 Stage 1 Abatement Plan (S1AP), pursuant to Section 4110 of the New Mexico Ground and Surface Water Protection Regulations (20.6.2 NMAC), for the Former DeGraaf Dairy, located in Anthony, New Mexico (Site). Per the S1AP, DeGraaf Family Partnership, LTD is required to perform semiannual groundwater quality monitoring and report the findings to NMED. The last groundwater monitoring report was received in December 2021.

In correspondence dated June 12, 2023, NMED notified DeGraaf Family Partnership, LTD of the lapse in Site S1AP activity and the obligation to resume all such activities within 90 days of the date of correspondence, on or before September 10, 2023. A copy of the June 12, 2023 correspondence is enclosed. To date, NMED has not received the requisite notification that S1AP activities at the Site have resumed or that a revised S1AP schedule is being implemented. Failure to implement one or more components of an approved abatement plan is a violation of the Water Quality Act (Act), NMSA 1978, §§ 74-6-1 to -17, and the Water Quality Control Commission Regulations, 20.6.2.4000 through 20.6.2.4115 NMAC.

To resolve these violations, NMED requires that, within 30 days of receipt of the date of this correspondence, DeGraaf Family Partnership, LTD 1) provide NMED with formal notification that Site S1AP activities have resumed and 2) submit a revised schedule of implementation for S1AP activities to NMED for approval. Please note all investigation, monitoring, and reporting activities must be conducted in accordance with the terms contained in the approved S1AP. Any changes in S1AP activities require written NMED approval prior to implementation. Moreover, any sampling or well plugging activity at the Site requires advance notice of at least four working days.

This NOV shall be NMED's final attempt to gain your voluntary compliance on this matter. Further failure to resolve these violations in the timeframe noted above may result in heightened oversight and a formal enforcement action leading to the issuance of an administrative compliance order and civil penalties of up to \$10,000 per day per violation of the Act and any regulations adopted pursuant to the Act.

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.

Brad Bouma
November 3, 2023

Pursuant to the NMED Delegation Order dated March 24, 2023, the Cabinet Secretary has delegated the authority to sign NOVs under the Act to the Chief of the Ground Water Quality Bureau with concurrence from the Director of the Water Protection Division. For any questions or concerns relating to this matter, please contact Kate Herrell, Site project manager, at 505-670-1796, kate.herrell@env.nm.gov, or ros.general@env.nm.gov.

Thank you for your prompt attention to this matter.

Sincerely,

Justin Ball, Chief
Ground Water Quality Bureau

cc: Alan Kennedy, Trustee of Kennedy 1978 Trust, kennedyalan@hotmail.com
Lisa Chai, OGC, lisa.chai1@env.nm.gov
Gail Cooke, NMED GWQB ROS, Gail.Cooke2@env.nm.gov
Paul Chamberlain, NMED GWQB ROS-SCP, Paul.Chamberlain@env.nm.gov
Kate Herrell, NMED GWQB ROS-SCP
ROS Reading File

Enclosure:

2023, June 12. *Re: Notice of Deficiency, Former DeGraaf Dairy, Anthony, New Mexico.* Letter to Brad Bouma, DeGraaf Family Partnership, LTD, from Justin Ball, Chief, New Mexico Environment Dept Ground Water Quality Bureau.