



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

Notification provided via E-mail

March 27, 2024

Shirley Hughes shughes5012@msn.com
Green Ridge MDWCA, Inc.
1 Calle Don Carlos
Tijeras, New Mexico 87059

Re: Administrative Compliance Order, No. 2024-ACO-01 Green Ridge MDWCA, Inc., PWS# NM3502401

Dear Shirley Hughes,

Please find attached Administrative Compliance Order No. 2024-ACO-01 issued to Green Ridge MDWCA, Inc., for Green Ridge MDWCA, Inc., PWS# NM3502401. Please review the Administrative Compliance Order (Order) carefully to understand what action must be taken to comply with the requirements of the Order. Green Ridge MDWCA, Inc., has a right to answer the allegations in the Order and request a hearing, NMSA 1978, §§ 61-33-120.E and 74-1-10.E and 20.1.5 NMAC (available at www.env.nm.gov).

Pursuant to the NMED Delegation Order dated February 19, 2024, the Cabinet Secretary has delegated the authority to issue Administrative Compliance Orders under the Environmental Improvement Act ("EIA"), NMSA 1978, § 74-1-10, the Drinking Water Regulations ("DW Regulations"), 20.7.10 NMAC and the Utility Operator Certification Act, NMSA 1978, § 61-33-10 to the Drinking Water Bureau Chief.

Please note that your facility will appear on the Department's Enforcement Watch as a result of this administrative order (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 Maria J. Medina, Enforcement Coordinator, at 505-629-7223 or via email at maria.medina@env.nm.gov.

Respectfully,

A handwritten signature in blue ink that reads "Joe R. Martinez".

Joe R. Martinez
Bureau Chief of the Drinking Water Bureau
cc: Compliance Officer (Electronic)
Region 6, EPA (Electronic)
Electronic Central File

**STATE OF NEW MEXICO
SECRETARY OF ENVIRONMENT**

NEW MEXICO ENVIRONMENT DEPARTMENT
WATER PROTECTION DIVISION,

Complainant,
v.

No. 2024-ACO-01

GREEN RIDGE MDWCA, INC.

Respondent.

ADMINISTRATIVE COMPLIANCE ORDER

Pursuant to the Environmental Improvement Act (“EIA”), NMSA 1978, § 74-1-10, the Drinking Water Regulations (“DW Regulations”), 20.7.10 NMAC and the Utility Operator Certification Act (“UOCA”), NMSA 1978 § 61-33-10, the Secretary of the New Mexico Environment Department (“NMED”), acting through the Bureau Chief of the Drinking Water Bureau, issues this Administrative Compliance Order (“Order”) to Green Ridge MDWCA, Inc. (“Respondent”) to enforce the EIA, DW Regulations and UOCA.

FINDINGS

1. The NMED is an executive agency within the government of the State of New Mexico which administers and enforces the requirements of the EIA, DW Regulations and UOCA.

2. Respondent owns and operates a public drinking water system (“System”) Green Ridge MDWCA, Inc., PWS# NM3502401, located in Bernalillo County, New Mexico.

3. The System is a Community water system, as defined by Section 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141.2, that regularly provides piped drinking water to approximately one hundred fifty-four (154) residents and has approximately sixty-one (61) service connections to serve these residents.

4. Respondent, Green Ridge MDWCA, Inc., is a “person” as defined by the EIA, NMSA 1978, § 74-1-3, the UOCA, NMSA 1978, § 61-33-2.G, and 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141.2.

5. 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141.62(b)(1) and 141.23(i)(1), defines the Maximum Contaminant Level (MCL) for Fluoride as 4.0 milligrams per liter (mg/L) and states compliance with the MCL for Fluoride is determined by a Running Annual Average (RAA).

6. NMED issued a Notice of Violation (NOV) to Respondent on May 10, 2023, for exceeding the Fluoride MCL at Well #2 Treatment during the second (2nd) quarter of 2023. The NOV notified Respondent of the requirement to provide public notice of the violation.

7. NMED issued a NOV to Respondent on August 23, 2023, for exceeding the Fluoride MCL at Well #2 Treatment during the third (3rd) quarter of 2023. The NOV notified Respondent of the requirement to provide public notice of the violation.

8. NMED issued a NOV to Respondent on October 18, 2023 (amended on January 16, 2024), for exceeding the Fluoride MCL at Well #2 Treatment during the fourth (4th) quarter of 2023. The NOV notified Respondent of the requirement to provide public notice of the violation.

VIOLATION 1- Drinking Water Regulations

9. Respondent is in violation of 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141.62(b)(1) and 141.23(i)(1), defines the Maximum Contaminant Level (MCL) for Fluoride as 4.0 milligrams per liter (mg/L) and states compliance with the MCL for Fluoride is determined by a Running Annual Average (RAA). Respondent exceeded the MCL for Fluoride at Well #2 Treatment during the second (2nd), third (3rd) and fourth (4th) quarters of 2023 with a RAA concentration of 6.1 mg/L, 11.26 mg/L, and 18.1 mg/L respectively.

RETURN TO COMPLIANCE

Drinking Water Regulations

Based upon the foregoing, Respondent is hereby ordered to comply with the following:

10. By September 30, 2024, Respondent must comply with 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141.62(b)(1), and provide drinking water with concentrations of Fluoride below the MCL of 4.0 mg/L.

11. By September 30, 2025, Respondent must comply with 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141.23(i)(1), and have a RAA for Fluoride below the MCL of 4.0 mg/L.

12. Submittals made pursuant to paragraphs 10 through 11 of this Order shall be sent by certified mail with return receipt requested to the following:

Maria J. Medina, Enforcement Coordinator
New Mexico Environment Department
Drinking Water Bureau
P.O. Box 5469
Santa Fe, NM 87502-5469

Or email: maria.medina@env.nm.gov

If the respondent fails to comply with the requirements of paragraphs 10 through 12 of this order, the Secretary of NMED may assess additional civil penalties not to exceed one thousand dollars (\$1,000) for each instance of noncompliance with this order.

13. UOCA, NMSA 1978, § 61-33-6, 20.7.4.20.A NMAC, and 20.7.10.400.Q NMAC, incorporating NMSA 1978, § 61-33-6 and 20.7.4.A NMAC. NMSA 1978, § 61-33-6 and 20.7.4.A NMAC provide that, “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.”

14. NMED issued a NOV to Respondent on July 30, 2018, for operating the System without a certified operator. The NOV notified Respondent of the requirement to provide public notice of the violation.

VIOLATION 2- Utility Operator Certification Act

15. Respondent is in violation of the UOCA, NMSA 1978, § 61-33-6, 20.7.4.20.A NMAC, and 20.7.10.400.Q NMAC, incorporating NMSA 1978, § 61-33-6 and 20.7.4.A NMAC. NMSA 1978, § 61-33-6 and 20.7.4.A NMAC provide that, “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.” Respondent is operating the System without a certified operator.

RETURN TO COMPLIANCE

Utility Operator Certification Act

Based upon the foregoing findings, Respondent is hereby ordered to comply with the following:

16. By April 30, 2024, Green Ridge MDWCA public water system shall at all times be operated by or under the supervision of a certified operator who meets or exceeds the appropriate level of certification required to operate the System in accordance with the UOCA, NMSA 1978, § 61-33-6, 20.7.4.20.A NMAC, and 20.7.10.400.Q NMAC. Respondent shall submit a written notification of that person’s name and a copy of the certified operator’s certification to the NMED.

17. Submittals made pursuant to paragraph 16 shall be sent by certified mail with return receipt requested to the following:

Eric Hall, Utility Operator Certification Program (UOCP) Manager
New Mexico Environment Department
Drinking Water Bureau
P.O. Box 5469
Santa Fe, NM 87502-5469

Maria J. Medina, Enforcement Coordinator
New Mexico Environment Department
Drinking Water Bureau
P.O. Box 5469
Santa Fe, NM 87502-5469

Or email: eric.hall@env.nm.gov and maria.medina@env.nm.gov

If Respondent fails to comply with the requirements of paragraphs 16 through 17 of this order, the Secretary of NMED may assess civil penalties not to exceed five thousand dollars (\$5,000) per day for each day of continued noncompliance with this order.

RIGHT TO ANSWER AND REQUEST A HEARING

Pursuant to NMSA 1978, §§ 61-33-120.E and 74-1-10.E and 20.1.5 NMAC (available at www.env.nm.gov), Respondent has the right to request a hearing. If Respondent (a) contests any material or legal matters upon which this Order is based; (b) contends that Respondent is entitled to prevail as a matter of law; or (c) otherwise contests the appropriateness of this Order, Respondent may mail or deliver within thirty (30) days of receipt of this Order a written Request for Hearing at the following address:

Hearing Clerk
New Mexico Environment Department
P.O. Box 5469
Santa Fe, New Mexico 87502

Respondent must attach a copy of this Order to the Request for Hearing. 20.1.5.200.A(2)(d) NMAC.

The Request for Hearing shall include an Answer. Respondent's Answer shall clearly and directly admit, deny or explain each of the factual allegations contained in this Order with regard to which Respondent has any knowledge. Where Respondent has no knowledge of a particular factual allegation, Respondent should so state, and the Respondent may deny the allegation on that basis. Any allegation in this Order not specifically denied shall be deemed admitted. 20.1.5.200.A(2)(a) NMAC.

Respondent's Answer shall also include any affirmative defenses upon which Respondent intends to rely. Any affirmative defense not asserted in the Answer, except a defense asserting lack of subject matter jurisdiction, shall be deemed waived. 20.1.5.200.A(2)(b) NMAC.

Respondent's Answer shall be signed under oath or affirmation that the information contained therein is to the best of the signer's knowledge believed to be true and correct. 20.1.5.200.A(2)(c) NMAC.

FINALITY OF ORDER

Pursuant to NMSA 1978, §§ 61-33-10.E and § 74-1-10.E, this Order shall become final unless the Respondent files a Request for Hearing and Answer with the Hearing Clerk within thirty (30) days of receipt of this Order.

SETTLEMENT CONFERENCE

Whether or not a Request for Hearing has been filed, Respondent may confer with the NMED concerning settlement of this Order. The NMED encourages settlement consistent with the provisions and objectives of the EIA, the DW Regulations and the UOCA. Settlement discussions neither extend the thirty (30) day deadline for filing a Request for Hearing and Answer nor alter the deadline imposed for compliance with the mandate of this Order. Settlement discussion may be pursued as an alternative to, and simultaneously with, the hearing proceedings. Respondent may appear at the settlement conference alone or accompanied or represented by legal counsel.

A Stipulated Final Order shall finalize any settlement reached by the parties. The Stipulated Final Order must resolve all issues raised in this Order, shall be final and binding on all parties, and may not be appealed.

To explore the possibility of settlement in this matter, contact Maria J. Medina, Drinking Water Bureau, New Mexico Environment Department, P.O. Box 5469, Santa Fe, New Mexico 87502-5469, (505) 629-7223.

COMPLIANCE WITH OTHER LAWS


Compliance with the requirements of this Order does not relieve Respondent of the obligation to comply with all other applicable laws and regulations. This Order does not constitute a waiver, suspension, or modification of the requirements of 20.7.10 NMAC and 20.7.4 NMAC which remain in full force and effect. Issuance of this Order is not an election by the NMED to forgo any civil or criminal action otherwise authorized under the EIA.

TERMINATION

This Order shall terminate when all requirements of this Order have been met and the NMED provides notification of termination in writing, or when the Secretary approves a Stipulated Final Order.

DELEGATION OF SIGNATORY AUTHORITY

Pursuant to the NMED Delegation Order dated February 19, 2024, the Cabinet Secretary has delegated the authority to issue Administrative Compliance Orders under the Environmental Improvement Act (“EIA”), NMSA 1978, § 74-1-10, the Drinking Water Regulations (“DW Regulations”), 20.7.10 NMAC and the Utility Operator Certification Act, NMSA 1978, § 61-33-10 to the Bureau Chief of the Drinking Water Bureau.



Joe R. Martinez
Bureau Chief of the Drinking Water Bureau
P.O Box 5469
Santa Fe, New Mexico 87502-5469

March 27, 2024

Date