



Notification provided via E-mail

April 24, 2024

Brett Boucher; [bboucher505@yahoo.com](mailto:bboucher505@yahoo.com)  
Monticello Canyon DWCA, NM3591827  
PO Box 799  
Elephant Butte, NM 87935

**RE: Notice of Violation - Lack of Certified Operator**

Dear Brett Boucher,

According to New Mexico Environment Department, Drinking Water Bureau (NMED-DWB) records, the Monticello Canyon DWCA 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".***

The Monticello Canyon DWCA is required to immediately hire or contract a certified operator of the appropriate level. The Monticello Canyon DWCA is required to maintain an operator with, at minimum, a Small Water (SW) certification.

Based on the failure to maintain an appropriate level certified operator, the NMED-DWB requires the Monticello Canyon DWCA to notify customers of this violation as required in 20.7.10.600.C NMAC.

The Monticello Canyon DWCA is required to notify customers of this violation within one year from the date of this letter. Please submit proof of notification within 10 days of completing publication of this notice. Proof of notification shall consist of the attached Public Notification Certification Form, signed and dated, indicating the delivery method(s) and a copy of the distributed Public Notice. The notice must remain in place ***no less than seven days*** or as long as the violation exists.

Please fill out and return the enclosed Public Notice Certification Form to: [aaron.beckworth@env.nm.gov](mailto:aaron.beckworth@env.nm.gov)

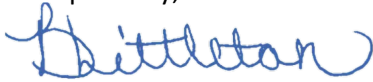
NMED-DWB reserves the right to take additional enforcement action regarding the violations identified in this notice, to include the issuance of an Administrative Compliance Order compelling compliance and issuing civil penalties.

Pursuant to the NMED Delegation Order dated February 19, 2024, the Cabinet Secretary has delegated the authority to issue Notice of Violations to DWB Compliance Supervisor Brandi Littleton.

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 clarification, please contact DWB Compliance Officer Aaron Beckworth at 505-372-8174 or by e-mail to: [aaron.beckworth@env.nm.gov](mailto:aaron.beckworth@env.nm.gov)

Respectfully,



Brandi Littleton, Compliance Supervisor  
Drinking Water Bureau  
Water Protection Division

Enclosures:    Public Notice Template  
                  Public Notice Certification Form

xc: Martin Torrez, PWSS Manager (electronic)  
      Aaron Beckworth, 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 AFFECT 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**  
**Monticello Canyon DWCA Has Failed to Comply with the Utility Operator Certification Act**

*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 Drinking Water Regulations require all public water systems to be operated by an appropriate level certified operator. We failed to meet this requirement.

**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.

*\*Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.\**

These symptoms, however, are not caused only by organisms in drinking water, but also by other factors. If you experience any of these symptoms and they persist, you may want to seek medical advice.

**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:**

Brett Boucher at 505-263-9025  
Monticello Canyon DWCA  
PO Box 799  
Elephant Butte, NM 87935

*\*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. \*\***

**PWS ID#:** NM3591827 **Water System Name:** Monticello Canyon DWCA

**Violation or Situation Date:** 4/24/2024

**Individual Contaminant or Contaminant Group:** NA

**Violation or Situation Type:** 94 – Lack of Certified Operator

**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.**

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) (Date)