



Notification provided via E-mail

April 24, 2024

Nicole Chacon, capulinwater@yahoo.com
Capulin MDWCA, NM3500821
P.O. Box 144
Gallina, NM 87017

RE: Notice of Violation – Failure to provide Public Notice

Dear Nicole Chacon:

Our records indicate that the Capulin MDWCA water system did not provide public notice to your customers and did not return the public notice certification form to New Mexico Environment Department-Drinking Water Bureau (NMED-DWB) for the Failure to Address Deficiencies Notice of Violation (NOV) issued on February 21, 2024.

Pursuant to Section 20.7.10.100 NMAC [incorporating 40 CFR Section §141.203], you were required to notify your customers of the violation by **mail or other direct delivery to each customer** and any other methods as necessary to inform the public, within 30 days from the date on the original NOV.

Pursuant to 20.7.10.100 NMAC [incorporating 40 CFR Section 141.31(d)] the Capulin MDWCA water system was required to certify, within 10 days of completing the public notice, that the public notice was published and the method of publication, by submitting a completed copy of the Public Notification Certification Form.

Because the public notice and public notice certification form were not provided to NMED-DWB, the Capulin MDWCA water system is in violation.

The Capulin MDWCA water system is still required to provide public notice and return the Public Notice Certification Form to NMED-DWB for the NOV issued on February 21, 2024. Please complete the public notice requirements and return the Public Notice and Public Notice Certification Form to Gordon Miller by email at gordon.miller@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 February 19, 2024, the Cabinet Secretary has delegated the authority to issue Notice of Violations to DWB Compliance Supervisor Wayne Jeffs.

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 or members of your staff have questions, please contact Gordon Miller at 505-258-3203 or by e-mail at gordon.miller@env.nm.gov.

Respectfully,

Wayne Jeffs Digitally signed by Wayne Jeffs
Date: 2024.04.24 16:08:45 -06'00'

Wayne Jeffs, Northern Compliance Supervisor
Drinking Water Bureau
Water Protection Division

cc: Gordon Miller, Compliance Officer (electronic)
Electronic Central File