



Notification provided via E-mail

March 13, 2026

Robert Vail; [lapasadawater@gmail.com](mailto:lapasadawater@gmail.com)  
Sunlit Hills Water System, NM3505226  
P.O. Box 501  
Pecos, NM 87552

**RE: Notice of Violation – Nitrate Maximum Contaminant Level**

Dear Robert Vail:

This letter serves as Notice of Violation that the Sunlit Hills Water System exceeded the Nitrate maximum contaminate level (MCL) at Well #7 (Rg-18340-S-6) during the 1<sup>st</sup> quarter of 2026.

Sample Location	Sample Date	Result (mg/L)
Well #7 (Rg-18340-S-6)	Compliance Sample March 9, 2026	11.00
Well #7 (Rg-18340-S-6)	Confirmation Sample February 23, 2026	11.20
<b>Average</b>		<b>11 mg/L</b>

The maximum contaminant level (MCL) for Nitrate is 10 mg/L (10 ppm). The MCL for Nitrate is defined in the New Mexico Drinking Water Regulations, 20.7.10.100 NMAC [incorporating 40 CFR Section 141.62(b)(7)]. The MCL for nitrate is determined by an average of the compliance and confirmation sample pursuant to 20.7.10.100 NMAC, incorporating 40 CFR 141.23(f)(3).

Based on the exceedance of the MCL for Nitrate, the New Mexico Environment Department-Water Protection Compliance & Enforcement Bureau (WPCEB) requires Sunlit Hills Water System to notify customers of this MCL exceedance as required in 20.7.10.100 NMAC [incorporating 40 CFR Section 141.202(a)(2) and 141.202(b) & (c)]. The notice must be provided to all customers and others who drink the water within twenty-four (24) hours after the system learns of the violation and must be issued every three (3) months as long as the exceedance persists. In order to reach all people served, water systems are to use, at a minimum, one or more of the following forms of delivery: appropriate broadcast media (such as radio and television), hand or direct delivery or posting in conspicuous locations. This notice must remain posted as long as the violation persists.

Pursuant to 20.7.10.100 NMAC [incorporating 40 CFR Section 141.31(d)] the Sunlit Hills Water System must certify that the notice was published and the method of publication, by submitting a completed copy of the enclosed Public Notification Certification Form to the WPCEB within 10 days. A representative copy of each type of notice distributed, published, posted or made available to the people served by the system must be included with the certification form.

Please fill out and return the enclosed Public Notice Certification Form to Roy Cates by email to [roy.cates@env.nm.gov](mailto:roy.cates@env.nm.gov) or [wpceb.drinkingwater@env.nm.gov](mailto:wpceb.drinkingwater@env.nm.gov) or [wpceb.drinkingwater@env.nm.gov](mailto:wpceb.drinkingwater@env.nm.gov).

Failure to comply with the public notice requirements will result in an additional violation (failure to notify the public and the state) being issued to Sunlit Hills Water System. Continued failure to comply with Public Notification Requirements, as defined in 20.7.10.100 NMAC [incorporating 40 CFR Sections 141.203 and 141.31(d)] will result in escalated enforcement actions including issuance of Administrative Orders with possible penalties assessed against the Sunlit Hills Water System.

NMED-WPCEB 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 June 23, 2025, the Cabinet Secretary has delegated the authority to issue Notice of Violations to Compliance & Enforcement Division Bureau Chief Avery Young.

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 Roy Cates at 505-699-0942 or by e-mail at [roy.cates@env.nm.gov](mailto:roy.cates@env.nm.gov) or [wpceb.drinkingwater@env.nm.gov](mailto:wpceb.drinkingwater@env.nm.gov).

Respectfully,

**Avery Young** Digitally signed by Avery Young  
Date: 2026.03.13 09:18:20 -06'00'

Avery Young, Bureau Chief  
Water Protection Compliance & Enforcement Bureau  
Compliance & Enforcement Division

Enclosures:     Public Notice Template  
                  Public Notice Certification Form

xc: Brandi Littleton, Compliance Supervisor (electronic)  
    Roy Cates, Compliance Officer (electronic)  
    Electronic Central File

# Instructions for Nitrate MCL Exceedance Notice

Since exceeding the nitrate maximum contaminant level is a Tier 1 violation, you must provide public notice to persons served as soon as practical but no more than 24 hours from learning of the violation 20.7.10.100 NMAC [incorporating 40 CFR 141.202(b)]. During this time period you must also contact NMED WPCEB. You should also coordinate with your local health department. This template is also applicable to nitrite and total nitrate and nitrite violations. You must use one or more of the following methods to deliver the notice to consumers 20.7.10.100 NMAC [incorporating 40 CFR 141.202(c)]:

- Radio
- Television
- Hand or direct delivery
- Posting in conspicuous locations

You may need to use additional methods (e.g., newspaper, delivery of multiple copies to hospitals, clinics, or apartment buildings), since notice must be provided in a manner reasonably calculated to reach all persons served. If you post or hand deliver, print your notice on your system's letterhead, if available.

The notice on the reverse provides suggested public notice content and format and is appropriate for hand delivery or for publication in a newspaper. However, you may wish to modify it before using it for a radio or TV broadcast. If you do modify the notice on the reverse, you must still include all required PN elements from 40 CFR 141.205(a) and leave the mandatory language unchanged (see below).

## Mandatory Language

Mandatory language on health effects (from Appendix B to Subpart Q) must be included as written (with blanks filled in) and is presented in this notice in italics and with an asterisk on either end.

You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable 20.7.10.100 NMAC [incorporating 40 CFR 141.205(d)]. This language is also presented in this notice in italics and with an asterisk on either end.

## Alternative Sources of Water

If you are selling or providing bottled water, your notice should say where it can be obtained. Remember that bottled water can also be contaminated. If you are providing bottled water, make sure it meets US Food and Drug Administration (FDA) and/or state bottled water safety standards.

## Repeat Notices

If this is a repeat notice (as required by NMED WPCEB), or if your system's nitrate levels fluctuate around the MCL, you may wish to include an explanation similar to the following:

You were initially notified of high nitrate levels on [give date]. Since that time, we have been monitoring the nitrate concentration every three months. Seasonal fluctuations in nitrate concentrations have been observed, due to nitrates contained in fertilizer. It appears that high nitrates occur during the later summer and fall. Note that prior to [give year] we were meeting drinking water standards for nitrate.

## Corrective Action

In your notice, describe corrective actions you are taking. The bullet below describes one action commonly taken by water systems with nitrate/nitrite violations. You can use the following language, if appropriate, or develop your own:

- We are investigating water treatment and other options. These may include drilling a new well, mixing the water with low-nitrate water from another source, or buying water from another water system.

## After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to NMED WPCEB within ten days after you issue the notice 20.7.10.100 NMAC [incorporating 40 CFR 141.31(d)].

You should notify health professionals in the area of the violation. People may call their doctors with questions, and the doctors should have the information they need to respond appropriately. They also need to make sure the water is not provided to infants in their care.

It is also a good idea to issue a "problem corrected" notice when the violation is resolved.

**PUBLIC NOTICE**  
**DRINKING WATER WARNING**

**Sunlit Hills Water System has high levels of Nitrate**

**DO NOT GIVE THE WATER TO INFANTS UNDER 6 MONTHS OLD  
OR USE IT TO MAKE INFANT FORMULA**

On March 13, 2026, we received notice that the compliance and confirmation samples collected during 1<sup>st</sup> quarter 2026 showed a nitrate level average of 11 mg/L. This is above the maximum contaminant level (MCL) of 10 mg/L. Nitrate in drinking water is a serious health concern for infants less than six months old.

**What should I do? What does this mean?**

- **DO NOT GIVE THE WATER TO INFANTS.** *\*Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.\** Blue baby syndrome is indicated by blueness of the skin. Symptoms in infants can develop rapidly, with health deteriorating over a period of days. If symptoms occur, seek medical attention immediately.
- Water, juice, and formula for children under six months of age should not be prepared with tap water. Bottled water or other water low in nitrates should be used for infants until further notice.
- **DO NOT BOIL THE WATER.** Boiling, freezing, filtering, or letting water stand does not reduce the nitrate level. Excessive boiling can make the nitrates more concentrated, because nitrates remain behind when the water evaporates.
- Adults and children older than six months can drink the tap water (nitrate is a concern for infants because they can't process nitrates in the same way adults can). However, if you are pregnant or have specific health concerns, you may wish to consult your doctor.

**What is being done?**

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**For more information, please contact:**

Robert Vail at 505-820-2545  
Sunlit Hills Water System, NM3505226  
P.O. Box 501  
Pecos, NM 87552

*\*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  
Water Protection Compliance & Enforcement 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. \*\***

**PWSID#:** NM3505226    **Water System Name:** Sunlit Hills Water System

**Violation or Situation Date:** 1<sup>st</sup> quarter 2026

**Individual Contaminant or Contaminant Group:** 02-Nitrate MCL

**Violation or Situation Type:** Maximum Contaminant Level Exceedance at Well #7 (Rg-18340-S-6)

**Violation or Situation Public Notification Tier:** Tier 1

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)                      (Phone Number)

Date of Certification: \_\_\_\_\_