



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

**NOTIFICATION PROVIDED VIA E-MAIL AND
CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

July 14, 2026

Denny Herrera, Mayor
Cuba Water System
P.O. Box 426
Cuba, New Mexico 87013
Sent via email to Mayorherrera63@gmail.com

Re: Administrative Compliance Order and Assessment of Civil Penalties, No. 2026-DW-ACOP-02
Cuba Water System, PWS# NM3509023

Dear Mayor Herrera,

Attached, please find Administrative Compliance Order and Assessment of Civil Penalties (“Order”) No. 2026-DW-ACOP-02 issued to the Village of Cuba for the Cuba Water System, PWS# NM3509023. This Order is issued under the authority of NMSA 1978, Section 74-1-10 of the Environmental Improvement Act and 20.7.10 NMAC of the Drinking Water Regulations.

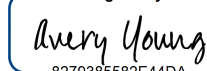
We encourage you to review the attached Order carefully to understand the actions required to comply with its provisions. Village of Cuba has a right to respond to the allegations in the Order and request a hearing as provided under NMSA 1978, Section 74-1-10(E), 20.1.5 NMAC, and NMSA 1978, Section 61-33-10(E). The Village may initiate settlement discussions with the Bureau before filing an Answer and Request for Hearing; however, engaging in settlement discussions does not extend or replace the requirement to file an Answer and Request for Hearing. The Answer and Request for Hearing must be filed within thirty (30) days after Respondent’s receipt of this Order. You can access the referenced statutes at <https://www.nmcompcomm.us/search-laws/>.

Please note that, pursuant to the NMED Delegation Order dated June 23, 2025, the Cabinet Secretary has delegated the authority to issue Administrative Compliance Orders to the Water Protection Compliance and Enforcement Bureau Chief, with the concurrence of the Compliance and Enforcement Division Director and General Counsel.

Additionally, your facility will appear on the Department’s Enforcement Watch as a result of this Order (see: <https://www.env.nm.gov/enforcement-watch/>). The Department may also issue a press release to local media highlighting your public water system’s appearance on this webpage. Your system will remain listed as an active matter on the Enforcement Watch website until this matter is fully resolved.

If you have any questions or need assistance, **please contact Tyler D. Damron, Enforcement Coordinator, at 505-670-1204 or via email at tyler.damron@env.nm.gov.**

Respectfully,
Sincerely,


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

cc: Compliance Officer (Electronic)
Region 6, EPA (Electronic)
Shawn P. Beck, CFE, CGFM, Director, Special Investigations Division, Office of the State Auditor
Electronic Central File

**STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT**

**NEW MEXICO ENVIRONMENT DEPARTMENT
COMPLIANCE AND ENFORCEMENT DIVISION
WATER PROTECTION COMPLIANCE AND ENFORCEMENT BUREAU**

No. 2026-DW-ACOP-02

Complainant,

v.

VILLAGE OF CUBA,

Respondent.

**ADMINISTRATIVE COMPLIANCE ORDER AND
ASSESSMENT OF CIVIL PENALTIES**

Pursuant to NMSA 1978, Section 74-1-10 of the Environmental Improvement Act (“EIA”) and 20.7.10.300 NMAC of the Drinking Water Regulations (“DW Regulations”), the Secretary of the New Mexico Environment Department (“NMED”), acting through the Water Protection Compliance and Enforcement Bureau Chief, with the concurrence of the Compliance and Enforcement Division Director and General Counsel issues this Administrative Compliance Order and Assessment of Civil Penalties (“Order”) to the Village of Cuba (“Respondent”) to enforce the EIA and the DW Regulations.

I. FINDINGS

1. Pursuant to NMSA 1978, Section 9-7A-4 of the Department of Environment Act, NMED is an executive agency within the government of the State of New Mexico which administers and enforces the requirements of the EIA and the DW Regulations through its Water Protection Compliance and Enforcement Bureau (“Bureau or WPCEB”).

2. Respondent owns and operates a public drinking water system (“System”), Cuba Water System, PWS# NM3509023, located in Sandoval County, New Mexico with a mailing address of P.O. Box 426, Cuba, New Mexico 87013.

3. The System is a community water system as defined by 20.7.10.100 NMAC, incorporating by reference 40 C.F.R. §141.2, that regularly provides piped drinking water to approximately 1,789 users and has approximately 660 service connections to serve these users according to the Bureau’s Safe Drinking Water Information System (SDWIS) database.

4. Respondent is a “supplier of water” as defined by 20.7.10.100 NMAC, incorporating by reference 40 C.F.R. §141.2, because it is a person who owns or operates a public water system.

5. Respondent is a “person” as defined by NMSA 1978, Section 74-1-3 of the EIA, and 20.7.10.100 NMAC, incorporating by reference 40 C.F.R. §141.2.

6. NMED issued Administrative Compliance Order No. 2022-ACO-03 (“ACO”) to Respondent on January 24, 2022, via email for the following violations:

- a) Failure to submit corrective action plans for the 2018 sanitary survey and the 2021 sanitary survey in violation of 20.7.10.100 NMAC, incorporating by reference 40 C.F.R. §141.403(a)(4).
- b) Failure to correct significant deficiencies identified during the July 12, 2018, sanitary survey, and the June 30, 2021, sanitary survey, in violation of 20.7.10.100 NMAC, incorporating by reference 40 C.F.R. §141.403(a)(5).
- c) Failure to deliver a Consumer Confidence Report for the 2019 and 2020 calendar years to consumers and the State by July 1, 2020, and July 1, 2021,

respectively, in violation of 20.7.10.100 NMAC, incorporating by reference 40 C.F.R. §141.152(b).

7. Respondent replied to receipt of the ACO on January 27, 2022.
8. Respondent did not file an answer, request a hearing, or enter into a settlement conference with NMED for the ACO.
9. On February 24, 2022, the ACO became a final order of the Secretary of NMED.
10. NMED referred Respondent for NMED technical assistance on March 25, 2022, to help Respondent return the System to compliance.
11. Technical assistance provider communicated with Respondent between April 11, 2022, and April 19, 2022.
12. NMED sent a letter to Respondent on April 22, 2022, via email reminding Respondent that the water system was not in compliance with the requirements of the ACO and may be assessed civil penalties for each instance of noncompliance.
13. Respondent acknowledged receipt of the letter on April 26, 2022, via email.
14. To date, Respondent remains out of compliance with the ACO.
15. Pursuant to 20.7.10.100 NMAC, incorporating by reference 40 C.F.R. § 141.152(b), community water systems must deliver a Consumer Confidence Report to consumers and the State by July 1st of each year.
16. NMED issued a Notice of Violation (“NOV”) to Respondent on October 1, 2024, for failure to submit a 2023 calendar year Consumer Confidence Report to their consumers and to the State by July 1, 2024.

17. NMED issued an NOV to Respondent on August 11, 2025, for failure to submit a 2024 calendar year Consumer Confidence Report to their consumers and to the State by July 1, 2025.

18. To date, Respondent has not submitted the 2023 or 2024 Consumer Confidence Reports to their consumers or the State.

19. Pursuant to 20.7.10.100 NMAC, incorporating by reference 40 C.F.R. § 141.155(c), CCR certifications must be sent to the State no later than October 1st of each year.

20. NMED issued an NOV to Respondent on November 5, 2024, for failure to submit CCR certifications for the 2019, 2020, and 2023 calendar years to the State by October 1, 2020, October 1, 2021, and October 1, 2024, respectively.

21. NMED issued an NOV to Respondent on March 24, 2026, for failure to submit a CCR certification for the 2024 calendar year to the State by October 1, 2025.

22. Respondent submitted CCR certifications for the 2019 and 2020 calendar years, and those violations have been resolved.

23. To date, Respondent has not provided CCR certifications for the 2023 and 2024 calendar years.

24. Pursuant to 20.7.10.100 NMAC, incorporating by reference 40 C.F.R. § 141.204 and § 141.31(d), public water systems must notify customers of the violation by mail or other direct delivery to each customer and any other methods as necessary to inform the public, within one (1) year from the date of the original NOV and certify that the notice was published and the method of publication by submitting a completed Public Notification Certification Form to NMED within ten (10) days of completing the public notification requirements.

25. NMED issued an NOV to Respondent on February 5, 2025, for failure to provide public notice to consumers and failure to provide public notice certification to NMED WPCEB for the NOV issued on August 16, 2023 (failure to complete the monitoring requirements for inorganic contaminants (Asbestos) during the 2020-2022 compliance period). Public water systems must complete this notification within one (1) year after the system learns of the violation.

26. To date, Respondent has not provided public notice to consumers and a public notice certification to NMED WPCEB for the NOV issued on August 16, 2023 (failure to complete the monitoring requirements for inorganic contaminants (Asbestos) during the 2020-2022 compliance period).

27. Pursuant to 20.7.10.100 NMAC, incorporating by reference 40 C.F.R. § 141.401 public water systems must undergo an onsite inspection (sanitary survey) and must either have completed corrective action in accordance with applicable plan review or be in compliance with a State approved corrective action plan and schedule within 120 days of the sanitary survey report letter date.

28. NMED issued an NOV to Respondent on February 5, 2025, for failure to correct significant deficiencies identified during the August 21, 2024, sanitary survey, within 120 days of the sanitary survey report letter date. The NOV notified Respondent of the requirement to provide public notice of the violation.

29. To date, Respondent has not corrected all significant deficiencies identified during the August 21, 2024, sanitary survey.

30. Pursuant to 20.7.10.100 NMAC, incorporating by reference 40 C.F.R. § 141.85 and 141.90, public water systems must provide Lead Consumer Notice to all consumers who

participated in the sampling event within three (3) days of receiving laboratory results and submit a completed Verification of Lead Consumer Notice Certification to NMED WPCEB.

31. NMED issued an NOV to Respondent on November 5, 2025, for failure to provide Lead Consumer Notice to consumers and submit a completed Verification of Lead Consumer Notice Certification to NMED WPCEB for the 2010, 2012, 2016, 2018, 2021, and the January-June 2025 compliance periods.

32. To date, Respondent has not provided Lead Consumer Notice to consumers and completed Verification of Lead Consumer Notice Certification to NMED WPCEB for the 2010, 2012, 2016, 2018, 2021, and January-June 2025 compliance periods.

33. Pursuant to 20.7.10.400(Q) NMAC “Public water systems shall comply with the utility operator certification requirements in the Utility Operator Certification Act, NMSA 1978, 61-33-1 et seq. as amended, and in regulations and program requirements adopted pursuant to the Safe Drinking Water Act.”

34. NMED issued an NOV to Respondent on June 29, 2026, for operating the water system without a certified operator. The NOV notified Respondent of the requirement to provide public notice of the violation.

35. To date, Respondent is operating the water system without a certified operator.

II. VIOLATIONS

36. Respondent violated 20.7.10.100 NMAC, incorporating by reference 40 C.F.R. § 141.152(b), by failing to provide the 2023 and 2024 calendar year CCRs to consumers and the State by July 1, 2024, and July 1, 2025, respectively.

37. Respondent violated 20.7.10.100 NMAC, incorporating by reference 40 C.F.R. § 141.155(c), by failing to submit CCR certifications for the 2023 and 2024 calendar years to the State by October 1, 2024, and October 1, 2025, respectively.

38. Respondent violated 20.7.10.100 NMAC, incorporating by reference 40 C.F.R. § 141.204 and 141.31(d), by failing to provide public notice to consumers and a public notice certification to NMED WPCEB for the NOV issued on August 16, 2023 (failure to complete the monitoring requirements for inorganic contaminants (Asbestos) during the 2020-2022 compliance period).

39. Respondent violated 20.7.10.100 NMAC, incorporating by reference 40 C.F.R. § 141.401, by failing to correct all significant deficiencies identified during the July 12, 2018, sanitary survey, the June 30, 2021, sanitary survey, and the August 21, 2024, sanitary survey.

40. Respondent violated 20.7.10.100 NMAC, incorporating by reference 40 C.F.R. § 141.85 and 141.90, by failing to provide Lead Consumer Notice to consumers and submit a completed Verification of Lead Consumer Notice Certification to NMED WPCEB for the 2010, 2012, 2016, 2018, 2021, and January-June 2025 compliance periods.

41. Respondent violated 20.7.10.400(Q) NMAC, by operating the water system without a certified operator.

III. SCHEDULE OF COMPLIANCE

42. Respondent is hereby ordered to:

a) Within thirty (30) days after the issuance of this Order, Respondent must provide the 2023 and 2024 calendar year CCRs to consumers and the State.

b) Within thirty (30) days after the issuance of this Order, Respondent must submit CCR certifications for the 2023 and 2024 calendar years.

c) Within thirty (30) days after the issuance of this Order, Respondent must provide public notice to consumers and a public notice certification to NMED WPCEB for failure to complete the monitoring requirements for inorganic contaminants (Asbestos) during the 2020-2022 compliance period.

d) Within ninety (90) days after the issuance of this Order, Respondent must correct significant deficiency 001M - External or internal corrosion of storage facility (La Loma Tank).

e) Within ninety (90) days after the issuance of this Order, Respondent must correct significant deficiency 006P - Pressures in distribution system are too low (20 psi).

f) Within thirty (30) days after the issuance of this Order, Respondent must correct significant deficiency 001L - Well head not properly sealed (Well #1).

g) Within ninety (90) days after the issuance of this Order, Respondent must correct significant deficiency 002O - Cross-connection present at Well #2.

h) Within ninety (90) days after the issuance of this Order, Respondent must correct significant deficiency 001K - Inadequate surface construction at Well #1.

i) Within thirty (30) days after the issuance of this Order, Respondent must correct significant deficiency 001J- Inadequate site security at Well #2.

j) Within ninety (90) days after the issuance of this Order, Respondent must correct significant deficiency 004A - Inadequate replacement equipment for critical processes at Treatment Plant #1.

k) Within ninety (90) days after the issuance of this Order, Respondent must correct significant deficiency 005A -Inadequate controls at Treatment Plant #1.

l) Within thirty (30) days after the issuance of this Order, Respondent must correct significant deficiency 001E - Poor housekeeping of system facility (Treatment Plant #1).

m) Within thirty (30) days after the issuance of this Order, Respondent must correct significant deficiency 001E - Poor housekeeping of system facility (Main Booster Station).

n) Within ninety (90) days after the issuance of this Order, Respondent must correct significant deficiency 002P - Cross-connection present at Nacimiento Road Booster Station.

o) Within ninety (90) days after the issuance of this Order, Respondent must correct significant deficiency 006M - No recent storage tank inspection (Storage Tank #2).

p) Within ninety (90) days after the issuance of this Order, Respondent must correct significant deficiency 002U - Failure to have an appropriately certified operator.

q) Within ninety (90) days after the issuance of this Order, Respondent must correct significant deficiency 005H - System management policies adversely affecting operations.

r) Within thirty (30) days after the issuance of this Order, Respondent must provide Lead Consumer Notice to consumers and submit a completed Verification of Lead Consumer Notice Certification to NMED WPCEB for the 2010, 2012, 2016, 2018, 2021, and January-June 2025 compliance periods.

s) Within sixty (60) days after the issuance of this Order, Respondent 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. Respondent shall submit a written notification of that person's name and a copy of the certified operator's certification to the NMED.

43. Submittals made pursuant to paragraph 42 of this Order shall be sent by email and certified mail, return receipt requested, to the following address:

Tyler D. Damron, Enforcement Coordinator
New Mexico Environment Department
Water Protection Compliance and Enforcement Bureau
P.O. Box 5469
Santa Fe, NM 87502-5469

and

Email: tyler.damron@env.nm.gov

IV. CIVIL PENALTIES

44. NMSA 1978, Section 74-1-10(D)(1) of the EIA authorizes the NMED Secretary to assess a civil penalty of up to one thousand dollars (\$1,000.00) for each incident of noncompliance with an administrative compliance order.

45. NMSA 1978, Section 74-1-10(C) of the EIA authorizes the NMED Secretary to assess a civil penalty for violation of the Regulations that shall not exceed one thousand dollars (\$1,000.00) per violation per day.

46. NMED hereby assesses against Respondent a civil penalty of one hundred thirty-four thousand seven hundred forty dollars (\$134,740) for the six (6) violations set forth herein in paragraphs 36 through 41 and for not meeting the requirements of Administrative Compliance Order No. 2022-ACO-03. The penalties are based upon the penalty calculation narrative attached to this Order. *See Attachment 1.*

47. Payment shall be made to the “State of New Mexico Water Conservation Fund” by wire transfer (“ACH deposit”). On the date that delivery of funds is initiated, the Cuba Water System shall notify the Senior Program Financial Manager, Compliance and Enforcement Division by email at:

Senior Program Financial Manager
Compliance and Enforcement Division
New Mexico Environment Department
P.O. Box 5469 (87502)

1190 St. Francis Drive
Santa Fe, New Mexico 87505
wpceb.drinkingwater@env.nm.gov

ACH deposits shall be made to Wells Fargo Bank as follows:

Wells Fargo Bank, N.A.
200 Lomas Blvd. NW
Albuquerque, New Mexico
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, New Mexico 87502

Routing Transit Number: 121000248
Deposit Account Number: 4123107799
Descriptor: NMED-WPCEB-2026-DW-ACOP-02

V. NOTICE OF OPPORTUNITY TO ANSWER AND REQUEST A HEARING

48. Pursuant to NMSA 1978, Section 74-1-10(E) and 20.1.5 NMAC (available at <https://www.nmcompcomm.us/search-laws/>), Respondent has the right to request a hearing. If Respondent (a) contests any material or legal matter 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 30 days of receipt of this Order a written Request for Hearing to the following address:

Luis Lopez
Hearing Clerk
New Mexico Environment Department
P.O. Box 5469 (87502)
1190 St. Francis Drive
Santa Fe, New Mexico 87505
luis.lopez@env.nm.gov

49. The Request for Hearing shall include an Answer. Respondent's Answer shall clearly and directly admit or deny each of the factual allegations contained in this Order. Where Respondent has no knowledge of a particular factual allegation, and so states, the allegation may

be denied on that basis. Any allegation of this Order not specifically denied shall be deemed admitted. 20.1.5.200(A)(2)(a) NMAC.

50. 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.

51. 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.

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

53. A copy of the Answer and Request for Hearing must also be served on counsel for NMED at the following address:

Joshua Gandarilla
Assistant General Counsel
NMED Office of General Counsel
P.O. Box 5469
Santa Fe, New Mexico 87505-5469
josh.gandarilla@env.nm.gov

VI. FINALITY OF ORDER

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

55. The failure to file an Answer and Request for Hearing constitutes an admission of all facts alleged in the Order and a waiver of the right to a hearing under Section 74-1-10 of the EIA concerning this Order.

56. Unless Respondent requests a hearing and files an Answer, the penalty proposed in this Order shall become due and payable without further proceedings 30 days after receipt of this Order.

VII. SETTLEMENT CONFERENCE

57. Respondent may confer with the Bureau concerning settlement, whether or not Respondent files an Answer and a Request for Hearing. NMED encourages settlement consistent with the provisions and objectives of the EIA and the DW Regulations. Settlement discussions neither extend the 30-day deadline for filing an Answer and Request for Hearing, nor alter the deadlines imposed for compliance with the mandates of this Order. Settlement discussions may be pursued as an alternative to, and simultaneously with, the hearing proceedings. Respondent may appear at the settlement conference *pro se* (without legal counsel) or may be accompanied or represented by legal counsel.

58. Any settlement reached by the parties shall be finalized by a written settlement agreement and a stipulated final order. The stipulated order must resolve all issues raised in this Order, shall be final and binding on all parties, and may not be appealed.

59. To explore the possibility of settlement in this matter, contact the NMED attorney assigned to this matter at the following address:

Joshua Gandarilla
Assistant General Counsel
NMED Office of General Counsel
P.O. Box 5469
Santa Fe, New Mexico 87505-5469
josh.gandarilla@env.nm.gov

VIII. COMPLIANCE WITH OTHER LAWS

60. 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

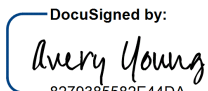
a waiver, suspension, or modification of the requirements of 20.7.10 NMAC and 20.7.4 NMAC which remain in full force and effect. Issuance of this Order is not an election by the NMED to forgo any civil or criminal action otherwise authorized under the EIA.

IX. TERMINATION

61. This Order shall terminate when Respondent certifies that all the requirements of this Order have been met, and the Bureau has approved such certification in writing, or when the Secretary of NMED approves a stipulated final order.

X. DELEGATION OF SIGNATORY AUTHORITY

62. Pursuant to the NMED Delegation Order dated June 23, 2025, the Secretary of NMED has delegated the authority to issue Administrative Compliance Orders under the Environmental Improvement Act, NMSA 1978, §§ 74-1-10 to -17 and the Drinking Water Regulations, 20.7.10 NMAC, to the Water Protection Compliance and Enforcement Bureau Chief, with the concurrence of the Compliance and Enforcement Division Director and General Counsel.

DocuSigned by:

8279385682E44DA...

Avery Young, Bureau Chief
Water Protection Compliance and Enforcement Bureau
P.O. Box 5469
Santa Fe, New Mexico 87502-5469

7/14/2026

Date

ATTACHMENT 1

CUBA WATER SYSTEM PENALTIES

Population: 1,789

CONSUMER CONFIDENCE REPORT (CCR)

Minor violation with a maximum penalty of \$60 per day, the total penalty is calculated based on Drinking Water Bureau's ("DWB") Enforcement Policy and compliance history. For monitoring and reporting violations one reporting event is counted as one day per DWB's Enforcement Policy.

The system failed to deliver a CCR for the 2023 and 2024 calendar years to consumers and the State by July 1, 2024, and July 1, 2025, respectively.

The total number of days used for the penalty calculation is 2 days. With the penalty set at \$60, the overall penalty amount is \$120.

CONSUMER CONFIDENCE REPORT (CCR) CERTIFICATION

Minor violation with a maximum penalty of \$60 per day, the total penalty is calculated based on DWB's Enforcement Policy and compliance history. For monitoring and reporting violations one reporting event is counted as one day per DWB's Enforcement Policy.

The system failed to submit a CCR certification for the 2023 and 2024 calendar years to the State by October 1, 2024, and October 1, 2025, respectively.

The total number of days used for the penalty calculation is 2 days. With the penalty set at \$60, the overall penalty amount is \$120.

PUBLIC NOTICE

Minor violation with a maximum penalty of \$60 per day, the total penalty is calculated based on DWB's Enforcement Policy and compliance history. For monitoring and reporting violations one reporting event is counted as one day per DWB's Enforcement Policy.

The system failed to submit public notices for failure to complete the monitoring requirements for inorganic contaminants (Asbestos) during the 2020-2022 compliance period.

The total number of days used for the penalty calculation is 1 day. With the penalty set at \$60, the overall penalty amount is \$60.

SIGNIFICANT DEFICIENCIES

Moderate violation with a maximum penalty of \$140 per day, the total penalty is calculated based on DWB's Policy and compliance history. The NOV for failure to correct all significant deficiencies identified during the July 12, 2018, sanitary survey, was issued on February 12, 2019. The NOV for failure to correct all significant deficiencies identified during the June 30, 2021, sanitary survey, was issued on January 6, 2022. The NOV for failure to correct all significant deficiencies identified during the August 21, 2024, sanitary survey, was issued on February 5, 2025.

The multi-day component can be capped at 60 days if the violation exceeds 250 days out of compliance per DWB Enforcement Policy and discretion of WPCEB management.

The NOV for the July 12, 2018, sanitary survey, was issued on February 12, 2019. 60 days x 8 years (2019-2026) = 480 days.

The NOV for the June 30, 2021, sanitary survey, was issued on December 10, 2021. 22 days for 2021 + 60 days x 5 years (2022-2026) = 322 days.

The NOV for the August 21, 2024, sanitary survey, was issued on February 5, 2025. 60 days x 2 years (2025-2026) = 120 days.

480 days + 322 days + 120 days = 922 days total for all three violations.

The total number of days used for the penalty calculation is 922 days. With the penalty set at \$140, the overall penalty amount is \$129,080.

LEAD CONSUMER NOTICE

Minor violation with a maximum penalty of \$60 per day, the total penalty is calculated based on DWB's Enforcement Policy and compliance history. For monitoring and reporting violations one reporting event is counted as one day per DWB's Enforcement Policy.

The system failed to submit lead consumer notices for the 2010, 2012, 2016, 2018, 2021, and January-June 2025 compliance periods to the consumers and the State.

The total number of days used for the penalty calculation is 6 days. With the penalty set at \$60, the overall penalty amount is \$360.

CERTIFIED OPERATOR

Major violation with a maximum penalty amount of \$500 per day, the total penalty is calculated based on the number of days out of compliance following a Notice of Violation (NOV) issued on June 29, 2026.

The multi-day component can be capped at 60 days if the violation exceeds 250 days out of compliance per DWB Enforcement Policy and discretion of WPCEB management.

The total number of days used for the penalty calculation is 8 days (as of July 6, 2026). With the daily penalty set at \$500, the overall penalty amounts to \$4,000.

ACO NONCOMPLIANCE

NMSA 1978, Section 74-1-10(D)(1) of the EIA authorizes the NMED Secretary to assess a civil penalty of up to one thousand dollars (\$1,000.00) for each incident of noncompliance with an administrative compliance order.

The system failed to comply with Administrative Order No. 2022-ACO-03 by failing to correct all of the significant deficiencies identified during the July 12, 2018, sanitary survey and the June 30, 2021, sanitary survey by March 30, 2022.

This results in one incident of noncompliance. With the penalty set at \$1,000, the overall penalty amount is \$1,000.

TOTAL PENALTY AMOUNT= \$134,740 (see below)

Violation and Regulatory Citation	Gravity	Penalty Amount	Total days out of compliance	Total penalty amount
CCR 20.7.10.100 NMAC, incorporating by reference 40 C.F.R. § 141.152(b)	MINOR	\$60	2	\$120
CCR Certification 20.7.10.100 NMAC, incorporating by reference 40 C.F.R. § 141.155(c)	MINOR	\$60	2	\$120
Public Notice 20.7.10.100 NMAC, incorporating by reference 40 C.F.R. § 141.204 and § 141.31(d)	MINOR	\$60	1	\$60

Significant Deficiencies 20.7.10.100 NMAC, incorporating by reference 40 C.F.R. § 141.403(a)(5)	MODERATE	\$140	922	\$129,080
Lead Consumer Notice 20.7.10.100 NMAC, incorporating by reference 40 C.F.R. § 141.85 and § 141.90	MINOR	\$60	6	\$360
Certified Operator 20.7.10.400(Q) NMAC	MAJOR	\$500	8	\$4,000
ACO Noncompliance NMSA 1978, Section 74-1- 10(D)(1) of the EIA	N/A	\$1,000	N/A	\$1,000
TOTAL				\$134,740

Drinking Water Regulations Penalty Gravity Table

SYSTEM SIZE (population served)	GRAVITY									
	Minor			Moderate				Major		
	1	2	3	4	5	6	7	8	9	10
≤100	\$ 10	\$ 20	\$ 30	\$ 40	\$ 50	\$ 60	\$ 70	\$ 80	\$ 90	\$ 100
101-500	\$ 15	\$ 30	\$ 45	\$ 60	\$ 75	\$ 90	\$ 105	\$ 120	\$ 135	\$ 150
501-3,300	\$ 20	\$ 40	\$ 60	\$ 80	\$ 100	\$ 120	\$ 140	\$ 160	\$ 180	\$ 200
3,301-10,000	\$ 40	\$ 80	\$ 120	\$ 160	\$ 200	\$ 240	\$ 280	\$ 320	\$ 360	\$ 400
10,001-50,000	\$ 60	\$ 120	\$ 180	\$ 240	\$ 300	\$ 360	\$ 420	\$ 480	\$ 540	\$ 600
50,001-100,000	\$ 80	\$ 160	\$ 240	\$ 320	\$ 400	\$ 480	\$ 560	\$ 640	\$ 720	\$ 800
≥100,000	\$ 100	\$ 200	\$ 300	\$ 400	\$ 500	\$ 600	\$ 700	\$ 800	\$ 900	\$ 1,000

Utility Certified Operator Penalty Gravity Table

SYSTEM SIZE (population served)	GRAVITY									
	Minor			Moderate				Major		
	1	2	3	4	5	6	7	8	9	10
≤100	\$ 25	\$ 50	\$ 75	\$ 100	\$ 125	\$ 150	\$ 175	\$ 200	\$ 225	\$ 250
101-500	\$ 38	\$ 75	\$ 113	\$ 150	\$ 188	\$ 225	\$ 263	\$ 300	\$ 338	\$ 375
501-3,300	\$ 50	\$ 100	\$ 150	\$ 200	\$ 250	\$ 300	\$ 350	\$ 400	\$ 450	\$ 500
3,301-10,000	\$ 100	\$ 200	\$ 300	\$ 400	\$ 500	\$ 600	\$ 700	\$ 800	\$ 900	\$ 1,000
10,001-50,000	\$ 150	\$ 300	\$ 450	\$ 600	\$ 750	\$ 900	\$ 1,050	\$ 1,200	\$ 1,350	\$ 1,500
50,001-100,000	\$ 200	\$ 400	\$ 600	\$ 800	\$ 1,000	\$ 1,200	\$ 1,400	\$ 1,600	\$ 1,800	\$ 2,000
≥100,000	\$ 250	\$ 500	\$ 750	\$ 1,000	\$ 1,250	\$ 1,500	\$ 1,750	\$ 2,000	\$ 2,250	\$ 2,500

