



## **NOTICE OF VIOLATION**

### **Certified Mail - Return Receipt Requested and Via Electronic Mail**

October 20, 2023

Marisela Ornelas, Owner  
Vision Mobile Home Park  
P.O. Box 1178  
Cortez, Colorado 81321  
[mariselaornelas@gmail.com](mailto:mariselaornelas@gmail.com)  
[visionmhomepark@gmail.com](mailto:visionmhomepark@gmail.com)  
[ehpestates@gmail.com](mailto:ehpestates@gmail.com)

### **RE: Notice of Violation, Vision Mobile Home Park, DP-1691**

Dear Marisela Ornelas:

On April 8, 2020, the New Mexico Environment Department (NMED) issued a Discharge Permit Renewal, DP-1691, (Discharge Permit; copy enclosed) to you pursuant to Section 20.6.2.3109 of the Water Quality Control Commission (WQCC) Ground and Surface Water Protection Regulations (20.6.2 NMAC) for the facility located at 1 Road 6367, Kirtland, in Section 7, Township 29N, Range 14W, San Juan County. Section 20.6.2.3104 NMAC requires the permittee to comply with the terms and conditions of this Discharge Permit.

NMED has determined that the above referenced facility is operating in violation of the conditions of the Discharge Permit, the WQCC Regulations and the New Mexico Water Quality Act (WQA). Please be advised that NMED requires prompt action as described herein.

**The requirements of the Discharge Permit, the violations, and associated corrective actions are identified below.**

1. Conditions 3 through 9 of the Discharge Permit require the submission of quarterly monitoring reports to NMED by May 1<sup>st</sup> (first quarter), August 1<sup>st</sup> (second quarter), November 1<sup>st</sup> (third quarter), and February 1<sup>st</sup> (fourth quarter) each year.

VIOLATION: NMED has not received the following monitoring reports since the Discharge Permit was approved on April 8, 2020:

- Second quarter of 2020,
- Third quarter of 2020,

- Fourth quarter of 2020,
- First quarter of 2021,
- Second quarter of 2021,
- Third quarter of 2021,
- Fourth quarter of 2021,
- First quarter of 2022,
- Second quarter of 2022,
- Third quarter of 2022,
- Fourth quarter of 2022,
- First quarter of 2023, and
- Second quarter of 2023.

**CORRECTIVE ACTION: Submit the thirteen past due monitoring reports to NMED in their entirety within 30 days of the date of this letter.** In the event that the data necessary to complete the report(s) was not collected, submit a statement indicating why the requirement(s) has not been fulfilled and how this will be corrected in the future. Thereafter, submit complete monitoring reports to NMED in accordance with the Discharge Permit.

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Pursuant to Section 74-6-5(M) of the WQA, NMED has authority to terminate or modify the Discharge Permit prior to its date of expiration for any of the following causes:

1. violation of any condition of the permit;
2. obtaining the permit by misrepresentation or failure to disclose fully all relevant facts;
3. violation of any provisions of the WQA, or any applicable regulations, standard of performance or water quality standards;
4. violation of any applicable state or federal effluent regulations or limitations; or
5. change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

Failure to comply with this Notice of Violation may result in NMED's issuance of a compliance order, including civil penalties, pursuant to Section 74-6-10 of the WQA. NMED may also assess civil penalties up to \$15,000 per day for each violation of Section 74-6-5 of the WQA, any regulation promulgated pursuant to that section or any permit issued pursuant to that section. NMED may assess civil penalties up to \$10,000 per day for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. As an alternative, NMED may commence an action in district court for appropriate relief, including injunctive relief.

Nothing in this letter shall be construed as relieving the permittee of the obligation to comply with all requirements of the Discharge Permit, the WQCC Regulations, the WQA, and any other applicable federal, state, and local laws, regulations, permits or orders. This letter is intended to obtain voluntary compliance in addressing violations of certain requirements of the Discharge Permit and may not address

**Marisela Ornelas**

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all violations. It is the responsibility of the permittee to be familiar with and comply with the Discharge Permit.

Pursuant to the NMED Delegation Order dated March 24, 2023, the Cabinet Secretary has delegated the authority to sign a Notice of Violation under the New Mexico Water Quality Act to the Chief of the Ground Water Quality Bureau. If you have any questions regarding this matter, please contact Jason Herman, Program Manager of the Ground Water Pollution Prevention Section, at (575) 649-3871 or Avery Young, Domestic Waste Team Lead, at (505) 699-8564 or submit an email to [pps.general@env.nm.gov](mailto:pps.general@env.nm.gov).

Sincerely,

Justin D. Ball, Chief  
Ground Water Quality Bureau

JB:JH

Encl: Discharge Permit Renewal, DP-1691, dated April 8, 2020

cc: John Rhoderick, Division Director, Water Protection Division  
Christal Weatherly, Assistant General Counsel, Office of General Counsel  
Jason Herman, Manager, Ground Water Quality Bureau