



Notification provided via E-mail

September 6, 2023

Mayor Ernest Vigil, [ernestv@villageofchama.org](mailto:ernestv@villageofchama.org)  
Chama Water System, NM3501021  
PO Box 794  
Chama, NM 87520

**RE: Notice of Violation: Failure to Submit Comprehensive Performance Evaluation Report**

Dear Mayor Vigil:

This letter serves as notice that the Chama Water System has failed to submit a report for a mandatory Comprehensive Performance Evaluation (CPE) within 120 days of the triggered turbidity exceedance. According to 20.7.10.100 NMAC incorporating 40 CFR 141.175(b)(4) a CPE is triggered when an individual filter exceeds 2.0 NTU in two consecutive months. Monthly operating reports submitted for the April and May 2023 compliance periods document that both filters exceeded 2.0 NTU in April and May 2023. The first exceedance triggering the CPE occurred on May 2, 2023.

The Chama Water System was required to submit a CPE report within 120 days of the trigger date of May 2, 2023. This did not occur. Therefore, the New Mexico Environment Department Drinking Water Bureau (DWB) requires the Chama Water System to notify customers of the violation(s) as stated in 20.7.10.100 NMAC [incorporating 40 CFR Section 141.204]. The notice must be provided within one year from the date of this letter to all customers and others who drink the water and must remain in place as long as the violation or situation persists. The public notice must be provided by one or more methods reasonably calculated to reach all persons served by the water system, i.e., appropriate broadcast media (such as radio and television), posting of the notice in conspicuous locations throughout the area served by the water system AND by mail or hand delivery of the notice to persons served by the water system.

Pursuant to 20.7.10.100 NMAC [incorporating 40 CFR Section 141.31(d)] the Chama 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 DWB within 10 days of completing the public notification requirements. A representative copy of each type of notice distributed, published, posted or made available to the persons served by the system must be included with the certification form.

Please fill out and return the enclosed Public Notice Certification Form, along with a copy of the distributed notice in email to: [joe.savage@env.nm.gov](mailto:joe.savage@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 without notice to the Chama Water System. Continued failure to comply with Public Notification Requirements, as defined in 20.7.10.100 NMAC [incorporating

40 CFR Sections 141.204 and 141.31(d)] will result in escalated enforcement actions including issuance of Administrative Order(s) with possible penalties assessed against the Chama Water System.

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.

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.

Pursuant to the NMED Delegation Order dated March 24, 2023, the Cabinet Secretary has delegated the authority to issue Notice of Violations to DWB Bureau Chief Joe R. Martinez.

If you or members of your staff have questions, please feel free to contact Joe Savage at 575-973-0009 or by e-mail at [joe.savage@env.nm.gov](mailto:joe.savage@env.nm.gov)

Respectfully,

A handwritten signature in blue ink that reads "Joe R. Martinez". The signature is stylized with a large "J" and "M".

Joe R. Martinez, Chief  
Drinking Water Bureau  
Water Protection Division

Enclosures: Public Notice Template  
Public Notice Certification Form

Electronic cc: Wayne Jeffs, Compliance Supervisor  
Joseph C. Savage, Surface Water Rule Administrator

## Template on Following Page

If you are required to provide Tier 3 notification, you must provide public notice to persons served within one year after you learn of the violation 20.7.10.100 NMAC [incorporating 40 CFR 141.204(b)].

Community systems must use one of the following 20.7.10.100 NMAC [incorporating 40 CFR 141.204(c)]:

- Hand or direct delivery
- Mail, as a separate notice, in the next Consumer Confidence Report, or included with the bill

In addition, both community and non-community systems must use another method reasonably calculated to reach others if they would not be reached by the first method 20.7.10.100 NMAC [incorporating 40 CFR 141.204(c)]. Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has already been resolved, you must post the notice for at least seven days 20.7.10.100 NMAC [incorporating 40 CFR 141.204(b)]. If you mail, post, or hand deliver, print your notice on your system's letterhead, if available.

The notice on the following page is appropriate for insertion in an annual notice or the Consumer Confidence Report (CCR), as long as public notification timing and delivery requirements are met 20.7.10.100 NMAC [incorporating 40 CFR 141.204(d)]. You may need to modify the template for a notice for individual monitoring violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g., in a footnote.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time. If you do modify the notice, 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 for CPE violations 20.7.10.100 NMAC [incorporating 40 CFR 141.205(d)] must include the nature of the CPE and the failure to either arrange for or submit a report for the CPE.

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.

### **Corrective Action**

In your notice, describe corrective actions you took, or are taking.

### **After Issuing the Notice**

Make sure to send the NMED DWB a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice 20.7.10.100 NMAC [incorporating 40 CFR 141.31(d)]

## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER Chama Water System Failed to Meet Safe Drinking Water Act Requirements

*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 drinking water requirements. Although this was not an emergency, as our customers, you have a right to know what happened, what you should do, and what we did (are doing) to correct this situation.

We were required to submit a Comprehensive Performance Evaluation (CPE) report within 120 days of a turbidity exceedance in an individual filter in the Montezuma Treatment Plant. We did not submit a CPE report within the required deadline. This is a violation of the requirements of the Safe Drinking Water Act.

### What should I do?

- There is nothing you need to do. You **do not** need to boil your water or take other actions. This is an administrative violation and not directly related to water quality. We do not know of any contamination, and **none of our testing has shown current disease-causing organisms in the drinking water.**
- General information is 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.

### What is being done? **[Describe corrective action.]**

### For more information, please contact:

Mayor Ernest Vigil: [ernestv@villageofchama.org](mailto:ernestv@villageofchama.org) **[include telephone number]**

Chama Water System, NM3501021

PO Box 794

Chama, NM 87520

*\*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.\*\***

**PWSID#:** NM3501021      **Water System Name:** Chama Water System

**Violation or Situation Date:** August 2023

**Individual Contaminant or Contaminant Group:** CPE

**Violation or Situation Type:** Type 29

**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)                                      (Phone Number)

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