



Notification provided via E-mail

July 12, 2023

Salem Sager, salem_sgr@yahoo.com
Desertaire Water Company, NM3520027
PO Box 356
Socorro, NM 87801

RE: Notice of Violation--Fluoride Maximum Contaminant Level

Dear Salem Sager,

This letter serves as Notice of Violation (NOV) that the Desertaire Water Company exceeded the fluoride maximum contaminant level (MCL) during the 2nd quarter of 2023, as shown in the table below.

Sample Location	Quarter/Year	RAA (mg/L)
Entry Point #1, Facility ID 20027003	2 nd Quarter 2023	5.4

The maximum contaminant level (MCL) for fluoride is 4.0 milligrams per liter (mg/L) as defined in the New Mexico Drinking Water Regulations, 20.7.10.100 NMAC [incorporating 40 CFR Section 141.62 (b)(1)]. The MCL is determined by a running annual average (RAA) pursuant to 20.7.10.100 NMAC [incorporating 40 CFR 141.23 (i)(1)].

Based on the exceedance of the MCL for fluoride, the New Mexico Environment Department Drinking Water Bureau (NMED-DWB) requires the Desertaire Water Company to notify customers of this MCL exceedance as required in 20.7.10.100 NMAC [incorporating 40 CFR Section 141.203(b)]. The notice must be provided to all customers and others who drink the water within thirty (30) days from the date on this letter and must be issued every three (3) months as long as the exceedance persists. Public notice must be provided by hand delivery, mail delivery or by posting in conspicuous locations and any other method reasonably calculated to reach others. 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 Desertaire Water Company 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. 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 to: aaron.beckworth@env.nm.gov

Failure to comply with the public notice requirements will result in an additional violation(s) (failure to notify the public and the state) being issued without notice to the Desertaire Water Company. 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 Desertaire Water Company.


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

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 clarification, please contact DWB Compliance Officer Aaron Beckworth at 505-372-8174 or by e-mail to: aaron.beckworth@env.nm.gov

Respectfully,

A handwritten signature in blue ink that reads "Joe R. Martinez". The signature is stylized and includes a horizontal line at the end.

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

Enclosures: Public Notice Template
 Public Notice Certification Form

xc: Brandi Littleton, Southern Compliance Supervisor(electronic)
 Aaron Beckworth, Compliance Officer (electronic)
 Electronic Central File

Instructions for Fluoride MCL Public Notice

Since exceeding the fluoride maximum contaminant level (MCL) is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation 20.7.10.100 NMAC [incorporating 40 CFR 141.203(b)]. You must issue a repeat notice every three months for as long as the violation persists. If you exceed the secondary maximum contaminant level of 2 milligrams per liter but not the MCL of 4 milligrams per liter, you must issue a special notice with different health effects language.

Community systems must use one of the following methods 20.7.10.100 NMAC [incorporating 40 CFR 141.203(c)]:

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Noncommunity systems must use one of the following methods:

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and noncommunity 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 141.203(c)]. Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on your system's letterhead, if available.

The notice on the reverse is appropriate for mailing, posting, or hand delivery. If you modify this notice, you must still include all required PN elements from 40 CFR 141.205(a) and leave the mandatory language unchanged.

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.

Corrective Action

In your notice, describe corrective actions you are taking. Do not use overly technical terminology when describing treatment methods. Listed below are some steps commonly taken by water systems with fluoride violations. Depending on the corrective action you are taking, you can use one or more of the following statements, if appropriate, or develop your own text:

- We are working with [local/state agency] to evaluate the water supply and researching options to correct the problem. These options may include treating the water to remove fluoride or connecting to [system]'s water supply.
- We have adjusted the amount of fluoride added to the water so that levels are lower, and we meet the standards.
- We have stopped using the contaminated well. We have increased pumping from other wells, and we are investigating drilling a new well.
- We will increase the frequency at which we test the water for fluoride.
- We have since taken samples at this location and had them tested. They show that we meet the standards.

Repeat Notices

If this is an ongoing violation and/or you fluctuate above and below the MCL, it is a good idea to give the history behind the violation. You should list the date of the initial detection, as well as how levels have changed over time. If levels are changing as a result of treatment you should indicate that fact.

After Issuing the Notice

Make sure to send The New Mexico Environment Department's Drinking Water Bureau a copy of each type of notice and a certification that you have met all public notification requirements within ten days after issuing the notice 20.7.10.100 NMAC [incorporating 40 CFR 141.31(d)].

****PUBLIC WATER SYSTEM MUST APPROPRIATELY MODIFY THIS PUBLIC NOTICE TO INCLUDE UP-TO-DATE INFORMATION REGARDING THE VIOLATION AS WELL AS INFORMATION ABOUT THE CURRENT STATUS OF THE VIOLATION'S AFFECT ON THE WATER SYSTEM. PUBLIC WATER SYSTEM OFFICIAL MUST DELETE THIS PARAGRAPH ONCE PUBLIC NOTICE HAS BEEN APPROPRIATELY UPDATED, PRIOR TO SENDING OUT TO THE PUBLIC****

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Desertaire Water Company Has Levels of Fluoride Above Drinking Water Standards

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 a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Testing results show that our system exceeds the standard, or maximum contaminant level (MCL), for fluoride. The MCL for fluoride is 4.0 mg/L and is determined by a running annual average (RAA). The average level of fluoride in samples taken during the last year is shown in the table below.

Sample Location	Quarter/Year	RAA (mg/L)
Entry Point #1, Facility ID 20027003	2 nd Quarter 2023	5.4

What should I do?

Children under the age of nine should use an alternative source of water that is low in fluoride. In addition, you may want to consult your dentist about whether to avoid dental products containing fluoride. Adults and children over age nine should consult their dentist or doctor and show him/her this notice to determine if an alternate source of water low in fluoride should be used.

What does this mean?

This is not an emergency. If it had been, you would have been notified within 24 hours. Fluoride in small amounts helps prevent tooth decay. **However, some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or greater may cause mottling of **children's** teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the permanent teeth. This problem occurs only in developing teeth, before they erupt from the gums.** Although it takes many years of exposure to fluoride for bone disease to develop, mottling can occur after a relatively short period of exposure.

What happened? What is being done?

[Describe corrective action]. We anticipate resolving the problem within **[estimated time frame].**

For more information, please contact:

Salem Sager at 575-854-2784, Desertaire Water Company, NM3520027, PO Box 356, Socorro, NM 87801

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. ****

PWS ID#: NM3520027 **Water System Name:** Desertaire Water Company

Violation or Situation Date: 7/12/2023

Individual Contaminant or Contaminant Group: 1025 - Fluoride

Violation or Situation Type: 02 - Maximum Contaminant Level (MCL) Exceedance

Violation or Situation Public Notification Tier: Tier 2

Distributed the notice by the following method(s), and on the following date(s) in accordance with 40 CFR 141.201:

- Continuously Post Date: _____
- Separate Mailing to Customers Date: _____
- Hand Deliver Notice to Customers Date: _____
- Publish Notice in Newspaper Date: _____
- Release Notice to and Announced by Broadcast Media Date: _____
- Post Notice on System Website Date: _____
- Billing Date: _____
- Annual Report (Consumer Confidence Report) Date: _____
- 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) (Date)