



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

December 20, 2023

Felicia Lujan
Cebolla MDWCA, NM3500921
Po Box 216
Cebolla, NM 87518

**RE: Notice of Violation— Ground Water Rule
Failure to Correct Significant Deficiencies**

Dear Felicia Lujan:

This letter serves as Notice of Violation that the Cebolla MDWCA water system failed to correct significant deficiencies identified during the 2022 sanitary survey performed by Janet Cherry with ERG Consultants contracted by the New Mexico Environment Department-Drinking Water Bureau (NMED-DWB). Pursuant to Section 20.7.10.101 NMAC [incorporating 40 CFR Section 141.401 (Sanitary surveys for ground water systems)], public water systems must undergo an onsite inspection (Sanitary Survey) of the water source, facilities, equipment, operation, maintenance and monitoring compliance of a public water system to evaluate the adequacy of the system, its sources and operations and the distribution of safe drinking water.

The NMED-DWB provided the Cebolla MDWCA water system a copy of the completed sanitary survey report identifying significant deficiencies. 20.7.10.100 NMAC [incorporating 141.403 (a) (5)] requires the Cebolla MDWCA water system within 120 days of the sanitary survey report letter date, to complete the corrective action in accordance with applicable NMED-DWB plan review processes including NMED-DWB specified interim measures or be in compliance with a NMED-DWB approved corrective action plan and schedule.

To date, NMED-DWB has not received documentation verifying compliance with the significant deficiencies noted during the Sanitary Survey. Consequently, the Cebolla MDWCA water system is not in compliance with the regulations of the Safe Drinking Water Act (SDWA). If the Cebolla MDWCA water system has already corrected the deficiencies, submit documentation that verifies the deficiencies have been corrected.

Based on the failure to correct the significant deficiencies identified, the NMED-DWB requires the Cebolla MDWCA water system to notify customers of this Tier 2 violation as required in 20.7.10.100 NMAC [incorporating 40 CFR Section §141.203 (b)(i)]. Public Notice must be made within 30 days of this letter. The notice must be repeated every three months until the significant deficiency is corrected. Additionally, as required in 20.7.10.100 NMAC [incorporating 40 CFR Section 141.403(a)(7)(i)] **OR** [141.403(a)(7)(ii)] the public water system must notify the public of any significant deficiency that has not been corrected and continue to inform the public annually until the significant deficiency is corrected.

Pursuant to 20.7.10.100 NMAC [incorporating 40 CFR Section 141.31(d)] the Cebolla MDWCA 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. 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:

Wayne Jeffs
PO Box 5469
Santa Fe, NM 87502

Or by email to Wayne.Jeffs@env.nm.gov

Failure to comply with the public notice requirements will result in an additional violation being issued without notice to the Cebolla MDWCA water system and reported to the Environmental Protection Agency. Continued failure to comply with Public Notification Requirements, as defined in 20.7.10.100 NMAC [incorporating 40 CFR Sections 141.403(a)(7)(i-ii) and 141.31(d)] will result in escalated enforcement actions including issuance of Administrative Orders with possible penalties assessed against the Cebolla MDWCA 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.

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 assistance, please contact me at 505-476-8612 or by e-mail at Wayne.Jeffs@env.nm.gov.

Respectfully,



Joe Martinez, Bureau Chief
Drinking Water Bureau
Water Protection Division

Enclosures: Public Notice Template
 Public Notice Certification Form

cc: Area Supervisor (electronic)
 System file
 Electronic Central File

Instructions for GWR Failure to Take Corrective Action Within Required Time Frame Notice

Template on Following Page

A system's failure to take correct significant deficiencies under the Ground Water Rule is a treatment technique violation and requires Tier 2 notification. 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.

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 20.7.10.100 NMAC [incorporating 40 CFR 141.203(c)]:

- 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 (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.

Corrective Action

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with Ground Water Rule treatment technique 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:

- Although we did not meet our deadline, we are now in consultation with the state to develop a corrective action plan.
- The [source of contamination/significant deficiency] has been identified and addressed.
- We have implemented a short-term plan to address the immediate issue while we pursue the long-term solution.

Repeat Notices

For repeat notices, you should state how long the violation has been ongoing and remind consumers of when you sent out any previous notices. If you are making progress with correcting the significant deficiency or addressing the fecal indicator-positive source sample, describe it. Alternatively, if funding or other issues are delaying corrective action, let consumers know.

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

Cebolla MDWCA Failed to Correct Significant Deficiencies Within Required Time Frame

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

A routine sanitary survey conducted on January 19, 2023 by Janet Cherry, with ERG Consultants under contract with the New Mexico Environment Department-Drinking Water Bureau (NMED DWB) found the following Significant Deficiencies in our water system:

1. Significant Deficiency 002V - Inadequate number of operators for system.
Required Corrective Action: Cebolla MDWCA must have a properly certified operator overseeing all operations of the system.
2. Significant Deficiency 003Q - Required records not kept on site including Contract with Certified Operator, copies of Public Notices; copies of laboratory reports, copies of correspondence, sampling plans.
Required Corrective Action: Cebolla MDWCA must provide the above-referenced documents, maintaining the documents on site, and make them available for review.
3. Significant Deficiency 004B - Inadequate or lack of an emergency response plan.
Required Corrective Action: Cebolla MDWCA must submit an adequate Emergency Response Plan to DWB.
4. Significant Deficiency 004C - Inadequate or lack of an operations and maintenance plan or necessary operational policies. Required Corrective Action: Cebolla MDWCA must submit an adequate Operations and Maintenance plan to DWB.
5. Significant Deficiency 003F through 004I - No, or inadequate written sampling plans for Revised Total Coliform Rule, Disinfectants and Disinfection Byproducts Rule, Lead and Copper Rule, Inorganic Compounds (IOCs), Volatile Organic Compounds (VOCs), Semi-volatile Organic Compounds (SOCs), radionuclides, nitrates, and asbestos, or failure to follow the sampling plan.
Required Corrective Action: Cebolla MDWCA must submit an adequate sampling plan for Revised Total Coliform Rule, Disinfectants and Disinfection Byproducts Rule, Lead and Copper Rule, IOCs, VOCs, SOCs, radionuclides, nitrates, and asbestos to DWB.
6. Significant Deficiency 001T - No or inadequate system maps.
Required Corrective Action: Cebolla MDWCA must provide a copy of, or images showing, the facility map that is specific to their water system.
7. Significant Deficiency 001B - Failure to ensure that the storage tank roof is free of any unprotected openings.
Required Corrective Action: Cebolla MDWCA must provide photo documentation of the tank roof to demonstrate all openings are protected.
8. Significant Deficiency 001Q - Failure to ensure that the storage tank hatch prevents the entry of contaminants.
Required Corrective Action: Cebolla MDWCA must provide photo documentation of the storage tank hatch to demonstrate it is adequately constructed to prevent the entry of contaminants.
9. Significant Deficiency 001B and 001O - Failure to equip the storage tank with an air vent and failure to equip the storage tank with a properly constructed air vent which prevents the entry of contaminants.
Required Corrective Action: Cebolla MDWCA must provide photo documentation of the storage tank air vent and the storage tank air vent screen.
10. Significant Deficiency 001Q – Failure to equip storage tank overflow with proper corrosion-resistant screen or fitted with an acceptable flap valve.

Required Corrective Action: Cebolla MDWCA must submit a photograph or other documentation acceptable to DWB indicating that the existing screen has been replaced with a new screen.

11. Significant Deficiency 006M - Failure to have the tank professionally inspected within the past 3 years.

Required Corrective Action: Cebolla MDWCA must submit the most recent tank inspection report demonstrating the tank was inspected within the past three years or schedule to have the tank inspected and provide the report from the inspection.

12. Significant Deficiency 004M – Failure to properly maintain storage tank foundation.

Required Corrective Action: Cebolla MDWCA must submit photo documentation that the tank foundation was repaired.

13. Significant Deficiency: 001E - Poor housekeeping or maintenance of system facilities.

Required Corrective Action: Cebolla MDWCA must provide documentation to DWB that the treatment plant and chlorine room are adequately protected from rodents.

As required by Environmental Protection Agency's (EPA's) Ground Water Rule, we were required to correct these deficiencies. However, we failed to take this action by the deadline established by the NMED DWB.

What should I do?

- There is nothing you need to do. You do not need to boil your water or take other corrective actions. However, if you have specific health concerns, consult your doctor.
- If you have a severely compromised immune system, have an infant, are pregnant, or are elderly, you may be at increased risk and should seek advice from your health care providers about drinking this water. General guidelines on ways to lessen the risk of infection by microbes are 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.

Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

These symptoms, however, are not caused only by organisms in drinking water, but also by other factors. If you experience any of these symptoms and they persist, you may want to seek medical advice.

What is being done?

[Describe corrective action.] We anticipate resolving the problem within [estimated time frame] (or the problem was resolved on [give date]).

For more information, please contact:

Felicia Lujan at 505-699-9455
Cebolla MDWCA, NM3500921
Po Box 216
Cebolla, NM 87518

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#: NM3500921 **Water System Name:** Cebolla MDWCA

Violation or Situation Date: December 20, 2023

Individual Contaminant or Contaminant Group: 45-120 day Ground Water Rule (Treatment Technique)

Violation or Situation Type: Failure to resolve significant deficiencies

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:

- | | |
|---|-------------|
| <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: _____