



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

Notification provided via E-mail

January 24, 2024

Mike Rife; rutherfordwater@gmail.com
Rutherford Mutual Water Association, NM3502221
PO Box 204
Los Ojos, NM 87551

RE: Notice of Violation—Monitoring & Reporting: Failure to Submit Monthly Operating Report

Dear Mike Rife:

This letter serves as Notice of Violation that the Rutherford Mutual Water Association failed to submit monthly surface water operating reports (MORs) as required in 20.7.10.100 NMAC [incorporating 40 CFR Section 141.75(b) and 40 CFR 141.570] during the December 2023 compliance period.

Based on the failure to submit MORs for the months above, the New Mexico Environment Department Drinking Water Bureau (DWB) requires the Rutherford Mutual Water Association water system to notify customers of the violation(s) as stated in 20.7.10.100 NMAC (incorporating 40 CFR Section 141.203). The notice must be provided to all customers and others who drink the water as soon as practical but no later than 30 days from the date on this letter 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 Rutherford Mutual Water Association 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 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 to Joseph C. Savage, Surface Water Rule Administrator: joe.savage@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. 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 Rutherford Mutual Water Association.

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.

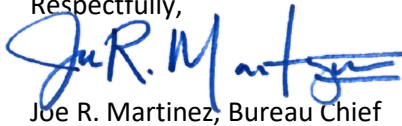
SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

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 Joseph C. Savage, Surface Water Rule Administrator at 575-973-0009 or: 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, Bureau Chief
Drinking Water Bureau
Water Protection Division

Enclosures: Public Notice Template
 Public Notice Certification Form

Electronic cc: Brandi Littleton, Compliance Supervisor
 Joseph C. Savage, Surface Water Rule Administrator
 Electronic Central File

Template on Following Page

Since surface water treatment technique violations require 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 surface water 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:

- Our treatment plant needs upgrades to meet the requirements.
 - We are installing filtration. We expect that the filtration system will be operational by [month, year].
 - We are monitoring for turbidity (cloudiness), disinfectant levels, and the presence of bacteria.
 - We continue to meet the standards for these measurements.

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 in installing filtration, describe it. Alternatively, if funding or other issues are delaying installation, 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 the public notice requirements within ten days after you issued the notice 20.7.10.100 NMAC [incorporating 40 CFR 141.31(d)].

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Monthly Reporting Requirements Not Being Met by Rutherford Mutual Water Association

Our water system recently violated a drinking water regulation. Although this is 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 are required to submit turbidity data and chlorine levels to the State on a monthly basis. This requirement has not been met for the month(s) of December 2023.

What does this mean?

This is not an emergency. If it had been you would have been notified immediately.

Monitoring and reporting turbidity and chlorine levels in your water are important in ensuring safe water to all our customers. **Chlorine is added to the water to inactivate bacteria that may be present. Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.** These symptoms are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice.

Tests taken during this time period **did / did not** indicate the presence of bacteria in the drinking water system during this period.

What should I do?

You **do not** need to use an alternative (e.g., bottled) water supply. However, if you have specific health concerns, please contact your health care professional.

What is being done? [Describe corrective action.]

We anticipate resolving the problem within _____.

For more information, please contact: Mike Rife at **phone number**
Rutherford Mutual Water Association, NM3502221
PO Box 204,
Los Ojos, NM 87551

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#: NM3502221 Water System Name: Rutherford Mutual Water Association

Violation or Situation Date: December 2023

Individual Contaminant or Contaminant Group: N/A

Violation or Situation Type: Monitoring & Reporting: 36 & 38 type NOV

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:

Note: Non-community water systems that serve a school, preschool or daycare must also hand deliver the notice to a parent or legal guardian of each child. For more information reference EPA's Public Notification Handbook at: http://www.epa.gov/safewater/publicnotification/compliancehelp.html

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: