



July 12, 2023

James Sahd  
Loma Escondida Water Association, NM3500432  
10012 San Bernadino NE  
Albuquerque, New Mexico 87112

**RE: Notice of Violation – Arsenic Maximum Contaminant Level**

Attention James Sahd:

This letter serves as Notice of Violation that the Loma Escondida Water Association exceeded the arsenic MCL at Pump Facility #1 during the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> quarters of 2022. The running annual averages (RAA) for the Loma Escondida Water Association are shown in the table below:

Sample Location	Quarter & Year	RAA mg/L
Pump Facility #1	1Q2022	0.016
Pump Facility #1	2Q2022	0.016
Pump Facility #1	3Q2022	0.016

The maximum contaminant level (MCL) for arsenic is 0.010 mg/L (10 ppb). The MCL for arsenic is defined in the New Mexico Drinking Water Regulations, 20.7.10.100 NMAC [incorporating 40 CFR Section 141.62(b)(16)]. The MCL for arsenic 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 arsenic, the New Mexico Environment Department Drinking Water Bureau (DWB) requires the Loma Escondida Water Association to notify customers of this MCL exceedance as required in 20.7.10.100 NMAC [incorporating 40 CFR Section 141.203(b)(1) and 141.203(b)(2)]. The notice must be provided within thirty (30) days from the date on this letter to all customers and others who drink the water 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 Loma Escondida Water Association 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 to:

Oneva Peña  
Po Box 5469  
Santa Fe, NM 87502-5469

Or by email to [oneva.pena@env.nm.gov](mailto:oneva.pena@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 Loma Escondida Water Association. 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 Loma Escondida Water Association.

Please fill out and return the public notice, public notice certification Form and Level 2 Assessment Checklist to: Oneva Pena by email to [oneva.pena@env.nm.gov](mailto:oneva.pena@env.nm.gov)

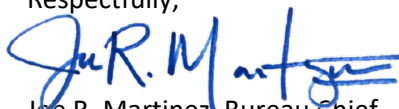
NMED-DWB reserves the right to take additional enforcement action regarding the violations identified in this NOV, to include the issuance of an Administrative Compliance Order compelling compliance and issuing civil penalties.

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 Oneva Peña at 505-490-5363 or by e-mail at [oneva.pena@env.nm.gov](mailto:oneva.pena@env.nm.gov).

Respectfully,



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

Enclosures:     Public Notice Template  
                  Public Notice Certification Form

xc: Wayne Jeffs, Northern Compliance Supervisor (electronic)  
      Electronic Central File

# Instructions for Chemical MCLs Public Notice

## Template on Following Page

Chemical or radiological maximum contaminant level (MCL) 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). This notice includes a placeholder for a specific contaminant's health effects language.

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 chemical or radiological 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 are researching options to correct the problem. These options may include treating the water to remove [contaminant] or connecting to [system]'s water supply.
- We have stopped using the contaminated well. We have increased pumping from other wells, and we are investigating drilling a new well.
- We have increased the frequency that we will test the water for [contaminant].
- We have since taken samples at this location and had them tested. These samples show that we meet the standards.

### Repeat Notices

If this is an ongoing violation and/or you fluctuate above and below the MCL, you should give the history behind the violation, including the source of contamination, if known. 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 can indicate this.

### 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**

### **Loma Escondida Water Association Has Levels of Arsenic 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 we received show that our system exceeds the standard or maximum contaminant level (MCL) for arsenic. The standard for arsenic is 0.010 mg/L. The average level of arsenic in samples taken during the first three quarters of 2022 was 0.016 mg/L. The table below shows the dates, locations, and values detected:

Sample Location	Quarter & Year	RAA mg/L
Pump Facility #1	1Q2022	0.016
Pump Facility #1	2Q2022	0.016
Pump Facility #1	3Q2022	0.016

#### **What should I do?**

- There is nothing you need to do. **You do not need to boil your water** or take 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.

#### **What does this mean?**

This is not an emergency. If it had been, you would have been notified within 24 hours. However, some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system and may have an increased risk of getting cancer.

#### **What is being done?**

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

#### **For more information, please contact:**

James Sahd, 505-263-8001  
Loma Escondida Water Association, NM3500432  
10012 San Bernadino NE  
Albuquerque, NM 87112

*\*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#:** NM3500432    **Water System Name:** Loma Escondida Water Association

**Violation or Situation Date:** 1Q2022, 2Q2022 & 3Q2022

**Individual Contaminant or Contaminant Group:** 02-Arsenic MCL

**Violation or Situation Type:** Maximum Contaminant Level Exceedance at Pump Facility #1

**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: \_\_\_\_\_