



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

Notification Sent Via Email

November 15, 2023

Sandra J Gutierrez, penablancawater@gmail.com
Pena Blanca Water & Sanitation District, NM3531623
PO Box 1266
Pena Blanca, NM 87041

RE: Level 1 Assessment – Treatment Technique Violation

Dear Sandra J Gutierrez:

On September 26, 2023, the Pena Blanca Water & Sanitation District water system triggered a Level 1 Assessment under the Revised Total Coliform Rule (RTCR). This assessment was triggered because the Pena Blanca Water & Sanitation District failed to collect all the required repeat samples after a total coliform positive routine sample.

Pursuant to Section 20.7.10.100 New Mexico Administrative Code (NMAC) [incorporating 40 Code of Federal Regulations (CFR) Section 141.859(a)(1)] you were required to conduct a Level 1 Assessment and report the assessment findings and any corrective actions to the New Mexico Environment Department's Drinking Water Bureau (NMED-DWB) within 30 days of the assessment trigger. Because the Pena Blanca Water & Sanitation District failed to conduct and report the Level 1 Assessment within the timeframe specified in § 141.859(b) and (c), the Pena Blanca Water & Sanitation District is in violation of the RTCR.

Pursuant to Section 20.7.10.100 NMAC [incorporating 40 CFR Section 141.203(b)(1) and 141.203(b)(2)] the Pena Blanca Water & Sanitation District is required to notify customers of this treatment technique violation. The notice must be provided within thirty (30) days of triggering the violation, to all customers and others who drink the water and must be issued every three (3) months as long as the violation persists. In addition, public notice must be provided by one other method reasonably expected to reach consumers of the water, i.e., publication in a local newspaper or posting in conspicuous locations. 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 Pena Blanca Water & Sanitation District 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 people served by the system must be included with the certification form.

Please fill out and return the enclosed Public Notice Certification Form to:
Chet Markham at chet.markham2@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 Pena Blanca Water & Sanitation District. Continued failure to comply with Public Notification Requirements, as defined in New Mexico Drinking Water Regulations 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 Pena Blanca Water & Sanitation District.

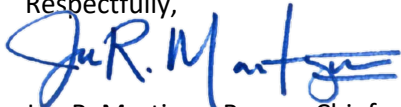
NMED-DWB reserves the right to take additional enforcement action regarding the violations identified in this NOV, to include the issuance of an Administrative Compliance Order compelling compliance and issuing civil penalties.

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 Chet Markham at 505-629-3085 or by e-mail at chet.markham2@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: Wayne Jeffs, Northern Area Compliance Supervisor (electronic)
 Chet Markham, RTR Administrator (electronic)
 Electronic Central File

Public Notice Instructions for Water Systems

Template on Following Page

Since 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 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:

- We have since taken the required samples, as described in the last column of the table above. The samples show we are meeting drinking water standards.
- We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- We plan to take the required samples soon, as described in the last column of the table above.

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)].

****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
Reporting Requirements Not Met for
Pena Blanca Water & Sanitation District**

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.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. Additionally, we are required to submit reports to the state for the various drinking water standards. Pena Blanca Water & Sanitation District water system is required to conduct an Assessment of our water system under the Revised Total Coliform Rule. This assessment report was supposed to be submitted to the New Mexico Environment Department Drinking Water Bureau (NMED DWB) within 30 days of triggering the assessment. Pena Blanca Water & Sanitation District water system did not conduct the assessment and meet the required reporting for this drinking water regulation. This resulted in a violation.

What should you do?

There is nothing you need to do at this time.

What does this mean?

The quality of the water is not compromised; however, failure to complete and submit this report is a violation of the drinking water regulations.

What happened? What is being done?

Pena Blanca Water & Sanitation District water system will complete and submit the required assessment and report to the NMED-DWB.

For more information, please contact:

Sandra J Gutierrez at 505-465-1208
Pena Blanca Water & Sanitation District, NM3531623
PO Box 1266
Pena Blanca, NM 87041

****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#: NM3531623 **Water System Name:** Pena Blanca Water & Sanitation District

Violation or Situation Date: October 27, 2023

Individual Contaminant or Contaminant Group: 2A RTCR Level 1 Assessment

Violation or Situation Type: Treatment Technique

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:

Signature of Responsible Official

Date

Printed Name

Title of Responsible Official