



Notification provided via E-mail

March 20, 2024

Annette Ackerman; amackerman@aol.com
Desert Sky Mountain Water Coop, NM3501223
PO Box 72
Placitas, NM 87043

RE: Notice of Violation – Arsenic Maximum Contaminant Level

Attention Desert Sky Mountain Water Coop:

This letter serves as Notice of Violation that the Desert Sky Mountain Water Coop exceeded the arsenic MCL at Treatment Plant #1 during the 1Q2024. The running annual averages (RAA) for the Desert Sky Mountain Water Coop are shown in the table below:

Sample Location	Quarter & Year	RAA mg/L
Treatment Plant #1	1Q2024	0.033

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 Desert Sky Mountain Water Coop 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 Desert Sky Mountain Water Coop 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:

Frank Baca
1190 ST. Francis Drive
Santa Fe, NM 87505

Or by email to frank.baca@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 Desert Sky Mountain Water Coop. 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 Desert Sky Mountain Water Coop.

Please fill out and return the public notice, public notice certification Form and Level 2 Assessment Checklist to: Frank Baca by email to frank.baca@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 February 19, 2024, the Cabinet Secretary has delegated the authority to issue Notice of Violations to DWB Compliance Supervisor Wayne Jeffs.

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 Frank Baca at 505-469-1232 or by e-mail at frank.baca@env.nm.gov.

Respectfully,

Wayne Jeffs Digitally signed by Wayne Jeffs
Date: 2024.03.20 16:39:56
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Wayne Jeffs, Compliance Supervisor
Drinking Water Bureau
Water Protection Division

Enclosures: Public Notice Template
Public Notice Certification Form

xc: Frank Baca, Compliance Officer (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

Desert Sky Mountain Water Coop 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 1Q2024 was (0.033) mg/L. The table below shows the dates, locations, and values detected:

Sample Location	Quarter & Year	RAA mg/L
Treatment Plant #1	1Q2024	0.033

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:

Annette Ackerman; amackerman@aol.com or 505-867-7461
Desert Sky Mountain Water Coop, NM3501223
PO Box 72
Placitas, NM 87043

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#: NM3501223 **Water System Name:** Desert Sky Mountain Water Coop

Violation or Situation Date: 1Q2024

Individual Contaminant or Contaminant Group: 02-Arsenic MCL

Violation or Situation Type: Maximum Contaminant Level Exceedance at Treatment Plant #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:

- 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) (Phone Number)

Date of Certification: _____