



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

Notification provided via E-mail

6/13/2023

Ernest Vigil; ernestv@villageofchama.org
Chama Water System, NM3501021
PO Box 794
Chama, NM 87520

RE: **Notice of Violation— Failure to provide a Corrective Action Plan**

Dear Ernest Vigil:

This letter serves as Notice of Violation that the Chama Water System failed to provide a corrective action plan (CAP) for all deficiencies and correct significant deficiencies identified during the 2023 sanitary survey performed by the ERG Group under contract with the New Mexico Environment Department-Drinking Water Bureau (NMED-DWB).

The NMED-DWB provided the Chama Water System with a copy of the completed sanitary survey report identifying significant deficiencies. 20.7.10.100 NMAC [incorporating 141.723] requires the Chama Water System to submit a written Corrective Action Plan to DWB within 45 days of the sanitary survey report letter date, indicating how and on what schedule the system will address significant deficiencies noted in the sanitary survey report or be in compliance with a NMED-DWB approved corrective action plan and schedule.

To date, NMED-DWB has not received a corrective action plan for deficiency 005H. Because a corrective action plan was not provided to NMED, the significant deficiency identified was due to be corrected within 45 days of the sanitary survey report. The Chama Water System has also failed to correct the following deficiencies within the required timeframe set by Chama Water System: 004C, 003F, 001T, 005H, 001S at facility 007, 001S at facility 008, 001S at facility 009, 001B at facility 007, 001B at facility 008, 001B at facility 009, 001B at facility 010, 001Q at facility 007, 001Q at facility 008, 001Q at facility 009, 001Q at facility 010, SW03, SW33.

Consequently, the Chama Water System is not in compliance with the regulations of the Safe Drinking Water Act (SDWA). If the Chama Water System has already corrected the deficiencies, documentation must be submitted as verification to the deficiency correction.

Based on the failure to provide a corrective action plan for deficiency 005H and for failure to correct the deficiencies note above, by the due date set by Chama Water System, the NMED-DWB requires Chama 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 from the date on this letter. The notice must be repeated every three months until all significant deficiencies are corrected.

SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

PO Box 5469, Santa Fe, NM 87502 | 505-469-7457 | www.env.nm.gov

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

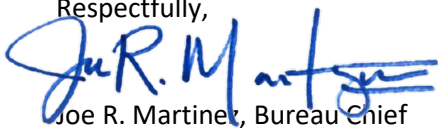
Wayne Jeffs by email to wayne.jeffs@env.nm.gov

Failure to comply with the public notice requirements will result in an additional violation being issued without notice to the Chama 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 141.203 and 141.31(d)] will result in escalated enforcement actions including issuance of Administrative Orders with possible penalties assessed against the Chama 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. If you have any questions or need assistance, please contact Wayne Jeffs at 505-469-7557 or by e-mail at wayne.jeffs@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 Compliance Supervisor (electronic)
 Electronic Central File

Instructions for Failure to provide a Corrective Action Plan and Correct Deficiencies

Template on Following Page

A system's failure to take corrective action within the required timeframe or be in compliance with a state-approved corrective action plan 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.

Consider providing the history of the situation in this notice (i.e., what events lead to requiring corrective action) to avoid confusing the public when this second notice is issued.

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 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

Chama Water System 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 March 3, 2023, by ERG Group under contract by the New Mexico Environment Department-Drinking Water Bureau (NMED DWB) found the following significant deficiencies:

1. **002V** Failure to have enough appropriately leveled certified operators.
2. **004C** Inadequate operations and maintenance plan
3. **003F** No, or inadequate written sampling plans
4. **001T** No or inadequate system maps
5. **006L** Controls at the intake pumping facilities are not secured from the elements or are inadequate/non-functional
6. **005H** System management policies are adversely impacting or have the potential to impact system operations
7. **001S** Failure to properly protect the Storage Tank #1 (#01021007) from unauthorized entry and/or vandalism.
8. **001S** Failure to properly protect the Storage Tank #2 (#01021008) from unauthorized entry and/or vandalism.
9. **001S** Failure to properly protect the Storage Tank #3 (#01021009) from unauthorized entry and/or vandalism.
10. **001B** Failure to ensure that Storage Tank #1 (#01021007) roof is free of any unprotected openings
11. **001B** Failure to ensure that Storage Tank #2 (#01021008) roof is free of any unprotected openings
12. **001B** Failure to ensure that Storage Tank #3 (#01021009) roof is free of any unprotected openings
13. **001B** Failure to ensure that Rabbit Peak Storage Tank (#01021010) roof is free of any unprotected openings
14. **001Q** Failure to ensure that Storage Tank #1 (#01021007) hatch prevents the entry of contaminants
15. **001Q** Failure to ensure that Storage Tank #2 (#01021008) hatch prevents the entry of contaminants
16. **001Q** Failure to ensure that Storage Tank #3 (#01021009) hatch prevents the entry of contaminants
17. **001Q** Failure to ensure that Rabbit Peak Storage Tank (#01021010) hatch prevents the entry of contaminants
18. **001B** Failure to equip Storage Tank #1 (#01021007) with an air vent
19. **001B** Failure to equip Storage Tank #2 (#01021008) with an air vent
20. **001B** Failure to equip Storage Tank #3 (#01021010) with an air vent
21. **001B** Failure to equip Rabbit Peak Storage Tank (#01021010) with an air vent
22. **001B** Failure to provide an overflow line at Storage Tank #1 (#01021007).
23. **001B** Failure to provide an overflow line at Storage Tank #2 (#01021008).
24. **001B** Failure to provide an overflow line at Rabbit Peak Storage Tank (#01021010).
25. **006M** Failure to have the Storage Tank #1 (#01021007) professionally inspected within the past three years.
26. **006M** Failure to have the Storage Tank #2 (#01021008) professionally inspected within the past three years.
27. **006M** Failure to have the Storage Tank #3 (#01021009) professionally inspected within the past three years.
28. **006M** Failure to have the Rabbit Peak Storage Tank (#01021010) professionally inspected within the past three years.
29. **SW03** Failure to properly label chemical tanks with information designating the chemicals contained within them.
30. **SW33** CT study required
31. **005G** Inadequate or lack of a leak detection program and system does not conduct water audits.

We were required to provide a corrective action plan to NMED within 45 days from the date on the survey report and correct all deficiencies by the due date set by Chama Water System. Because we failed to provide a corrective action plan for 005H and correct the significant deficiencies by the date provided by to NMED we are in violation.

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:

Ernest Vigil at ernestv@villageofchama.org
Chama Water System, NM3501021
PO Box 794
Chama, NM 87520

**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#: NM3501021 **Water System Name:** Chama Water System

Violation or Situation Date: 6/13/2023

Individual Contaminant or Contaminant Group: 45- Treatment Technique

Violation or Situation Type: Failure to provide a CAP and 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: _____