



SENT VIA EMAIL

12 June 2023

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

RE: Notice of Violation—Treatment Technique—Filtration (95% Turbidity Level)

Dear Mayor Vigil:

This letter serves as Notice of Violation that the Chama Water System did not maintain a turbidity level of 0.3 NTU in 95% or more measurements taken in a single month as required in 20.7.10.100 NMAC [incorporating 40 CFR Section 141.551(a)(1)] during the May 2023 reporting period.

Based on the failure to meet the treatment technique (TT) requirements for turbidity, the New Mexico Environment Department Drinking Water Bureau (DWB) requires the Chama Water System to notify customers of the TT violation(s) as stated in 20.7.10.100 NMAC [incorporating 40 CFR Section 141.203]. The notice must be provided within 30 days from the date of this letter to all customers and others who drink the water 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 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 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.

Failure to comply with the public notice requirements will result in an additional violation (failure to notify the public and the state) being issued without notice to the Chama Water System. 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

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escalated enforcement actions including issuance of Administrative Order(s) 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.

Please fill out and return the enclosed Public Notice Certification Form, along with a copy of the distributed notice in email to: 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 to the Chama Water System. 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 Martinez. If you have any questions or need assistance, please contact Surface Water Rule Administrator Joe Savage at 575-973-0009 or by email at joe.savage@env.nm.gov

Respectfully,

A handwritten signature in blue ink that reads "Joe R. Martinez". The signature is stylized and cursive.

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

Enclosures: Public Notice Template
Public Notice Certification Form

Electronic cc: Joe Savage, Surface Water Rule Administrator
Brandi Littleton, Compliance Supervisor
Electronic Central File

Instructions for Tier 2 SWTR Treatment Technique Failure Notice

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

Non-community 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 non-community 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 Chama Water System Does Not Meet Treatment Requirements

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 was 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 routinely monitor your water for turbidity (cloudiness). This tells us whether we are effectively filtering the water supply. Water samples for [month year] showed that [percentage] percent of turbidity measurements were over 0.3 turbidity units. The standard is that no more than 5 percent of samples may exceed 0.3 turbidity units (NTU) per month. The turbidity levels are relatively low. However, their persistence is a concern. Normal turbidity levels at our surface water treatment facility are [number] units.

We routinely monitor for Turbidity from the filtered water. During the month of <MONTH, DATE> less than 95% of the measurements were below 0.3 NTU. This is a violation of the requirements of the Safe Drinking Water Act.

What should I do?

- Please continue to boil your water or take other actions.
- 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?

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.

What is being done? [Describe corrective action.]

For more information, please contact:

Mayor Ernest Vigil [include telephone number and email address]
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: May 2023

Individual Contaminant or Contaminant Group:44- 95% Turbidity

Violation or Situation Type: 44 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:

Water System Representative: _____
(Signature) (Print Name) (Phone Number)

Date of Certification: _____