



Notification provided via E-mail

March 4, 2024

Connie Harrison; cityclerk@yucca.net
Texico Water System, NM3527605
PO Box 208
Texico, NM 88135

RE: Notice of Exceedance—Secondary Maximum Contaminant Level for Fluoride

Dear Connie Harrison:

This letter serves as Notice of Exceedance that the Texico Water System exceeded the fluoride Secondary Maximum Contaminant Level (SMCL) based on the result in the table below:

Sample Location	Sample Date	Result mg/L
Tower TP (002)	3/27/2023	2.03
Brown Well TP (013)	3/29/2029	2.51

The maximum contaminant level (MCL) for fluoride is 4.0 mg/L. The MCL for fluoride is defined in the New Mexico Drinking Water Regulations, 20.7.10.100 NMAC [incorporating 40 CFR Section 141.62(b) (1)]. The SMCL for fluoride is 2.0 mg/L which is ½ of the MCL and requires a special notice for exceedance of the SMCL for fluoride as defined in the New Mexico Drinking Water Regulations, 20.7.10.100 NMAC [incorporating 40 CFR Section 141.208(a)].

Based on the exceedance of the SMCL for fluoride, the New Mexico Environment Department Drinking Water Bureau (DWB) requires the Texico Water System to notify customers of this SMCL exceedance as required in the New Mexico Drinking Water Regulations, 20.7.10.100 NMAC [incorporating 40 CFR Subpart Q, and 20.7.10.600(A)] NMAC which includes the public notification requirements set forth in 20.7.10.100 NMAC (incorporating 40 CFR Subpart Q).

The form and manner of the public notice (including repeat notices) must follow the requirements for a Tier 3 public notice pursuant to 20.7.10.100 NMAC [incorporating § 141.204(c) and § 141.204(d)(1) and § 141.204(d)(3)]. **Public notice must be provided as soon as practical but no later than one year from the date of this letter. A copy of the notice must also be sent to all new billing units and new customers at the time service begins as well as to the New Mexico Department of Health. Texico Water System must repeat the notice at least annually for as long as the SMCL is exceeded. If the public notice is posted, the notice must remain in place for as long as the SMCL is exceeded, but in no case less than seven days (even if the exceedance is eliminated).**

Pursuant to 20.7.10.100 NMAC [incorporating 40 CFR Section 141.31(d)] the Texico 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 people served by the system must be included with the certification form.

Please fill out and return the enclosed Public Notice Certification Form to:

by email to deborah.jones@env.nm.gov

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 Texico Water System. Continued failure to comply with Public Notification Requirements, as defined in 20.7.10.100 NMAC [incorporating 40 CFR Sections 141.204 and 141.31(d)] will result in escalated enforcement actions including issuance of Administrative Orders with possible penalties assessed against the Texico Water System.

A copy of the notice must also be sent to:

New Mexico Department of Health
State Epidemiologist or Deputy State Epidemiologist
Attention: Environmental Health Epidemiology Bureau
1190 St Francis Dr.
Ste N1300
Santa Fe, NM 87505

Or by email to doh-eheb@state.nm.us

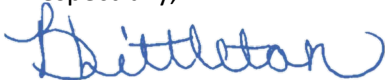
NMED-DWB reserves the right to take additional enforcement action regarding the violations identified in this NOV, to include the issuance of an Administrative Compliance Order compelling compliance and issuing civil penalties.

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 Brandi Littleton.

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 Deborah Jones at 505-795-2642 or by e-mail at deborah.jones@env.nm.gov.

Respectfully,



Brandi Littleton, Southern Compliance Supervisor
Drinking Water Bureau
Water Protection Division

Enclosures: Public Notice Template
Public Notice Certification Form

xc: Deborah Jones, Compliance Officer (electronic)
Electronic Central File

Instructions for Fluoride SMCL Notice

TEMPLATE on Following Page

For any exceedance of the fluoride secondary maximum contaminant level (SMCL), you must provide Tier 3 notification to persons served as soon as practical, but within 12 months after you learn of the exceedance (40 CFR 141.208), using the provided mandatory language and filling in the blanks. Your primacy agency may have more stringent deadlines or other requirements. Because fluoride at levels above the SMCL can permanently discolor children's teeth, you are urged to issue this notice as soon as practical. Noncommunity systems that monitor for fluoride (federal law does not require noncommunity systems to monitor) are encouraged to notify their consumers if they exceed the SMCL, especially at water systems serving children. If you exceed the MCL of 4 mg/l, you must provide Tier 2 notification within 30 days of learning of the violation [40 CFR 141.203(a)].

Community systems must use one of the following [40 CFR 141.204(c)]:

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Public notice must be provided as soon as practical but no later than 12 months from the day the water system learns of the exceedance. A copy of the notice must also be sent to all new billing units and new customers at the time service begins and to the New Mexico Department of Health. The public water system must repeat the notice at least annually for as long as the SMCL is exceeded. If the public notice is posted, the notice must remain in place for as long as the SMCL is exceeded, but in no case less than seven days (even if the exceedance is eliminated).

In addition, you must use another method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.204(c)]. Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the exceedance is resolved. If the exceedance has been resolved, you must post the notice for at least seven days [40 CFR 141.204(b)]. If you mail, post, or hand deliver, print your notice on your system's letterhead, if available.

The notice on the following page is appropriate for insertion in an annual notice or the Consumer Confidence Report (CCR), as long as public notification timing and delivery requirements are met [40 CFR 141.208(a)]. Although you may add to the notice, as suggested below, you must leave the mandatory language unchanged.

Mandatory Language

Mandatory language for fluoride SMCL exceedances (40 CFR 141.208) must be included as written (with blanks filled in) and is presented in this notice in italics and with an asterisk on either end.

Explaining the Situation

Use the following language, if applicable:

- Fluoride contamination is rarely due to human activity. Fluoride occurs naturally in some areas and is found in high concentrations in the aquifer of our source water.

If the fluoride levels in the water have returned to below the SMCL, be sure to make this clear in your notice.

Corrective Actions

In your notice, you should describe corrective actions you took or are taking, if any. The bullet below describes one action commonly taken by water systems with fluoride SMCL exceedances. You can use this language, or develop your own:

- We are continuing to monitor fluoride levels. We will inform you if they exceed the limit of 4 mg/l.

After Issuing the Notice

Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice [40 CFR 141.31(d)]

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Elevated Fluoride Levels Detected in Texico Water System

**This is an alert about your drinking water and a cosmetic dental problem that might affect children under nine years of age. At low levels, fluoride can help prevent cavities, but children drinking water containing more than 2 milligrams per liter (mg/l) of fluoride may develop cosmetic discoloration of their permanent teeth (dental fluorosis). The drinking water provided by the Texico Water System had the following concentrations of fluoride:*

Sample Location	Sample Date	Result mg/L
Tower TP (002)	3/27/2023	2.03
Brown Well TP (013)	3/29/2029	2.51

Dental fluorosis, in its moderate or severe forms, may result in a brown staining and or pitting of the permanent teeth. This problem occurs only in developing teeth, before they erupt from the gums. Children under nine should be provided with alternative sources of drinking water or water that has been treated to remove the fluoride to avoid the possibility of staining and pitting of their permanent teeth. You may also want to contact your dentist about proper use by young children of fluoride-containing products. Older children and adults may safely drink the water.

Drinking water containing more than 4 mg/l of fluoride (the US Environmental Protection Agency's drinking water standard) can increase your risk of developing bone disease. Your drinking water does not contain more than 4 mg/l of fluoride, but we're required to notify you when we discover that the fluoride levels in your drinking water exceeded 2 mg/l because of this cosmetic dental problem.

*For more information, please call Connie Harrison of the Texico Water System at 575-482-3314 . Some home water treatment units are also available to remove fluoride from drinking water. To learn more about available home water treatment units, you may call NSF International at 1-877-8-NSF-HELP**

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.

Fluoride contamination is rarely due to human activity. Fluoride occurs naturally in some areas and is found in high concentrations in our source water.

We are continuing to monitor fluoride levels. We will inform you if they exceed the level of 4 mg/l.

We anticipate resolving the problem within [estimated time frame].



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#: NM3527605 **Water System Name:** Texico Water System

Violation or Situation Date: 3/4/2024

Individual Contaminant or Contaminant Group: 99- Secondary Fluoride

Violation or Situation Type: Secondary MCL

Violation or Situation Public Notification Tier: Tier 3

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"/> Provide Notice to NM Department of Health (REQUIRED) | 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 Public Notice Certification: _____