



Notification provided via E-mail

April 24, 2024

Ammon Burton; arburton61@gmail.com
Apple Orchard MDWCA, NM3511524
P.O. Box 1607
Bloomfield, New Mexico 87413

**RE: Notice of Violation - Stage 2 Disinfection Byproducts Rule
Haloacetic Acids (HAA5) Maximum Contaminant Level**

Dear Ammon Burton:

This letter serves as Notice of Violation that the Apple Orchard MDWCA water system exceeded the Locational Running Annual Average (LRAA) maximum contaminant level (MCL) for Haloacetic Acids (HAA5) at the TTHM-1 and HAA5-1 sampling locations during the 1st quarter of 2024. The LRAA for the Apple Orchard MDWCA water system at TTHM-1 and HAA5-1 sampling locations are shown in the table below:

| Sample Location | Sample Date | Quarter & Year | HAA5 LRAA (mg/L) |
|-----------------------|-------------|----------------|------------------|
| HAA5-1, 43 Road 4909 | 2/26/2024 | 1Q2024 | 0.061 |
| TTHM-1, 78A Road 4903 | 2/26/2024 | 1Q2024 | 0.063 |

The MCL for Haloacetic Acids is 0.060 milligrams per liter (mg/L) at each individual sampling location. The MCLs for Haloacetic Acids are defined in the New Mexico Drinking Water Regulations, 20.7.10.100 NMAC [incorporating 40 CFR Section 141.64(b)(2)(i)]. The MCLs for Haloacetic Acids are determined by calculating the locational running annual average (LRAA) pursuant to 20.7.10.100 NMAC, [incorporating 40 CFR 141.620(d)].

Based on the exceedance of the MCL for Haloacetic Acids, the New Mexico Environment Department Drinking Water Bureau (DWB) requires the Apple Orchard MDWCA water system to notify customers of these MCL exceedances 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 to all customers and others who drink the water within thirty (30) days from the date on this letter and must be issued every three (3) months as long as the exceedances persist. 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 Apple Orchard MDWCA 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:
Oneva Peña by email to nmenv.dbp@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 Apple Orchard MDWCA. 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 Apple Orchard MDWCA.

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 Oneva Peña at 505-490-5363 or by e-mail at to nmenv.dbp@env.nm.gov.

Respectfully,

Wayne Jeffs
Digitally signed by Wayne
Jeffs
Date: 2024.04.24 16:02:59
-06'00'

Wayne Jeffs, DWB Compliance Supervisor
Drinking Water Bureau
Water Protection Division

Enclosures: Public Notice Template
 Public Notice Certification Form

xc: Gordon Miller, Compliance Officer (electronic)
 Electronic Central File

Public Notice Instructions for Stage 2 HAA5 MCL Violation

Template on Following Page

If your system's locational running annual average for Total Trihalomethanes (TTHM) exceeds the MCL of 0.080 mg/L or the locational running annual average for Haloacetic Acid 5 (HAA5) exceeds the MCL of 0.060 mg/L at one or more sampling locations, 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) 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 is one step commonly taken by water systems with TTHM or HAA5 MCL violations. You can include the following statement, if appropriate, or develop your own text:

- We are working to minimize the formation of [TTHM or HAA5] while ensuring we maintain an adequate level of disinfectant. We have taken additional steps to change disinfectant type/levels, remove natural organic matter, and increased flushing of water lines to determine if our efforts have been effective.

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, describe it. Alternatively, if funding or other issues are delaying progress, 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 Haloacetic Acid 5 (HAA5-1) MCL Violation at Apple Orchard MDWCA

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 show that our system exceeds the standard or maximum contaminant level (MCL) for Haloacetic Acids. The standard for Haloacetic Acids is 0.060 mg/L. The average level of Haloacetic Acids over the last quarter is shown in the table below:

| Sample Location | Sample Date | Quarter & Year | HAA5 LRAA (mg/L) |
|-----------------------|-------------|----------------|------------------|
| HAA5-1, 43 Road 4909 | 2/26/2024 | 1Q2024 | 0.061 |
| TTHM-1, 78A Road 4903 | 2/26/2024 | 1Q2024 | 0.063 |

What should I do?

- There is nothing you need to do. You do not need to boil your water or take corrective actions. If a situation arises where the water is no longer safe to drink, you will be notified within 24 hours.
- 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. HAA5 are five haloacetic acid compounds which form when disinfectants react with natural organic matter in the water. **People who drink water containing Haloacetic Acids in excess of the MCL over many years 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:

Ammon Burton at 505-608-9508
Apple Orchard MDWCA, NM3511524
P.O. Box 1607
Bloomfield, NM 87413

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#: NM3511524 **Water System Name:** Apple Orchard MDWCA

Violation or Situation Date: 1Q2024

Individual Contaminant or Contaminant Group: 02-HAA5 MCL

Violation or Situation Type: Maximum Contaminant Level Exceedance at Distribution

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: _____