TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 7 WASTEWATER AND WATER SUPPLY FACILITIES
PART 10 DRINKING WATER

20.7.10.1 ISSUING AGENCY: Environmental Improvement Board.
[20.7.10.1 NMAC - Rp 20 NMAC 7.1.I.1, 12/04/2002]

20.7.10.2 SCOPE: ~~All~~ This part shall apply to all persons who own, operate, or in any way manage a public water system as defined by these regulations. All persons who own, operate, or ~~for sections 200 and 201, any persons constructing~~ in any way manage a public water system ~~project~~ are responsible for complying with all aspects of these regulations. This part shall apply to each public water system, unless the public water system meets all of the following conditions: (a) it consists of only distribution and storage facilities (and does not have any collection and treatment facilities); (b) it obtains all of its water from, but is not owned or operated by, a public water system to which such regulations apply; (c) it does not sell water to any person; and (d) it is not a carrier which conveys passengers in interstate commerce. A public water system shall bear the burden of demonstrating compliance with all requirements of this part. It is a violation of this part if the system fails to provide required documentation, records, or verifiable evidence when requested or within the timeframe specified by the department. This presumption is rebuttable. A system may rebut the presumption by submitting sufficient documentation or verifiable evidence to demonstrate compliance. The department shall review and consider all evidence submitted by the system before making a final compliance determination. In determining compliance with this part, the department may consider any credible evidence, including but not limited to analytical data, monitoring data, inspection findings, photographs, third-party information, or other information. The department is not limited to specific types or categories of evidence in establishing compliance or noncompliance.
[20.7.10.2 NMAC – Rp 20 NMAC 7.1.I.2, 12/04/2002; A, 01/06/2013]

20.7.10.3 STATUTORY AUTHORITY: NMSA 1978, Sections 74-1-6, 74-1-8, 74-1-10, 74-1-13 and 74-1-13.1
[20.7.10.3 NMAC – Rp 20 NMAC 7.1.I.3, 12/04/2002; A, 04/16/2007; A, 01/06/2013]

20.7.10.4 DURATION: Permanent.
[20.7.10.4 NMAC – Rp 20 NMAC 7.1.I.4, 12/04/2002]

20.7.10.5 EFFECTIVE DATE: December 4, 2002, except where a later effective date is indicated in the history note at the end of a section.
[20.7.10.5 NMAC – Rp 20 NMAC 7.1.I.5, 12/04/2002; A, 04/16/2007]

20.7.10.6 OBJECTIVE: The objective of Part 10 of Chapter 7 is to establish regulations for public water systems.
[20.7.10.6 NMAC – Rp 20 NMAC 7.1.I.6, 12/04/2002]

20.7.10.7 DEFINITIONS: In addition to any other terms defined in 40 CFR Parts 141 and 143, the following terms, as used in this part shall have the following meanings.

A. ~~"~~Definitions that begin with the letter "A."

(1) "Abandoned well" means a well that is no longer used for human consumption and that:
(a) is not viable, meaning the well cannot reasonably be expected to be lawfully operated as a drinking water source due to structural condition, water quality, sustainable yield, or legal availability;
(b) will no longer be used as a drinking water source; or
(c) is an inactive water well that is properly abandoned in accordance with New Mexico Office of the State Engineer regulations.

(2) "Active water well" means a well that is capable of producing potable water utilized for water supply or a well being pumped at the time of a specific sampling event.

(3) "Air gap" means the unobstructed vertical separation distance between the lowest opening of any pipe, faucet, or other water supply outlet conveying water and the flood-level rim of any tank, fixture, receptor, sink, or other receiving vessel or assembly. The required air gap shall be a vertical separation distance of at least twice the nominal diameter of the water supply outlet, but in no case less than one inch, and shall be maintained while the system is in use.

(4) “All Weather Access Road” means a road accessible during all weather conditions when using a four-wheel drive vehicle.
(5) “Appurtenance” or “Appurtenances” means machinery, appliances, structures and other parts of the ~~main structure~~ drinking water infrastructure necessary to allow ~~the main structure~~ that infrastructure to operate as intended ~~but not considered part of the main structure~~.
(6) “Average Daily Demand” (“ADD”) means the average volume of water delivered by a public water system per day, calculated as the total volume of water delivered during the most recent 12-month period divided by 365 days, and expressed in gallons per day.

B. ~~“~~Definitions that begin with the letter “B.”
(1) “Backflow” means a condition that causes water to reverse direction from its intended flow for any reason including but not limited to to backpressure, back siphonage, or any other reason.
(2) “Backpressure” means a resistance or force (positive pressure) opposing the normal direction or flow of a fluid.
(3) “Back siphonage” means a reversal of the normal flow of water due to negative pressure caused by a vacuum or partial vacuum in the water supply line.
(4) “Bag filters” has the meaning defined in 40 CFR Part 141.
(5) “Best available technology” or “BAT” has the meaning defined in 40 CFR Part 141.
~~(6) “Bureau” means the drinking water bureau of the New Mexico environment department.~~

C. ~~“~~Definitions that begin with the letter “C.”
(1) “Cartridge filters” has the meaning defined in 40 CFR Part 141.
(2) “Certified laboratory” means a laboratory certified by the Department to analyze water samples to determine their compliance with maximum contaminant levels.
(3) “CFR” means the code of federal regulations.
(4) “Challenge test” means a study conducted to determine the removal efficiency (i.e., log removal value (LRV) of a membrane material for a particular organism, particulate, or surrogate.
(5) “Community water system” has the meaning defined in 40 CFR Part 141.
(6) “Confined space” means a space that has limited or restricted means for entry or exit and is not designed for continuous occupancy, including but are not limited to tanks, vessels, silos, storage bins, hoppers, vaults, pits, manholes, tunnels, equipment housings, ductwork, pipelines, etc.
(7) “Consecutive connection” point of delivery between a wholesale water system to a purchasing water system via a direct connection to one or more consecutive systems. This connection shall be metered.
(8) “Consecutive systems” has the meaning defined in 40 CFR Part 141.
(9) “Contaminant” has the meaning defined in 40 CFR Part 141.
(10) “Cross-connection” means any unprotected actual or potential connection or structural arrangement between a public water system and any other source or system through which it is possible to introduce into any part of the public water system any contaminant or non-potable substance. Any connection that can, under certain circumstances, allow the backflow of water and has the potential under these conditions to introduce a contaminant or unapproved liquid into the public water system.
(11) “CT” ~~or “CTcalc” has the meaning defined in 40 CFR Part 141 and under the definition of inactivation ratio~~ means the product of the residual disinfectant concentration (C), measured in mg/L, and the corresponding disinfectant contact time (T), measured in minutes, as defined in 40 CFR Part 141 and further described under the definition of inactivation ratio in this section. CT shall be calculated and verified prior to the first user or customer.
(12) "CTcalc" means the calculated CT value for a specific disinfection sequence, used to determine the inactivation ratio as described under the definition of inactivation ratio in this section.

D. ~~“~~Definitions that begin with the letter “D.”
(1) “Day Tank” means a tank used to store a chemical solution of known concentration for feed to a chemical feeder. A day tank usually stores sufficient chemical solution to properly treat the water being treated for one day.
(2) “Department” means the New Mexico environment department.
(3) “Direct integrity test” has the meaning defined in 40 CFR Part 141.
(4) “Disinfectant” has the meaning defined in 40 CFR Part 141.
(5) “Disinfectant contact time” (“T” in CT calculations)~~”~~ has the meaning defined in 40 CFR Part 141.
(6) “Disinfection” has the meaning defined in 40 CFR Part 141.
(7) “Distribution system” A system that conveys potable water from an entry point of a public water system to the consumers. The term includes pump stations, pressure tanks, storage tanks, potable water

mains, and potable water service lines and all associated valves, fittings, and meters, but excludes customer owned service connections.

(8) "Drinking water" All potable water distributed by any public water system, for the purpose of human consumption. The definition of drinking water does not include uses exclusively for plants, pets, livestock, or other similar animals.

E. ~~"~~Definitions that begin with the letter "E." ~~[RESERVED]~~

(1) "e-mail" has the meaning messages distributed by electronic means from one computer user to one or more recipients via a network

(2) "Emergency" means a public drinking water system emergency is defined as an urgent unforeseen natural (including wildfires, tornados, floods, droughts, etc.) or human-made (including terrorism, chemical spills, nuclear disasters, cyber-attacks) incident that poses an imminent threat and impact to the ability to deliver safe, reliable drinking water to the community, and requires immediate exigent responsive action to protect public health and safety. Public water system emergencies exist outside of normal routine operational and maintenance issues that should be managed under system specific emergency response plans.

(3) "Emergency interconnection" means a physical connection between two or more public water systems established to provide drinking water during an emergency condition involving water quantity or quality concerns. An emergency interconnection may remain in place for the duration of the emergency and any necessary recovery period.

(4) "Entry Point" is the point of entry drinking water is introduced into distribution and is the sample location used to determine regulatory compliance before providing water intended for distribution and consumption (finished) to the first consumer.

F. ~~"~~Definitions that begin with the letter "F."

(1) "Filtration" has the meaning defined in 40 CFR Part 141.

(2) "Finished water" has the meaning defined in 40 CFR Part 141.

(3) "First user" has the meaning the first consumer connection after the entry point; synonymous with first customer.

G. ~~"~~Definitions that begin with the letter "G."

(1) "Groundwater" means water beneath the surface of the ground that supplies a public water system through a subsurface source, including a well, spring, infiltration gallery, or similar source, and that the department determines is not surface water or groundwater under the direct influence of surface water for purposes of drinking water regulation.

(2) "Ground water under the direct influence of surface water (GWUDI)" has the meaning defined in 40 CFR Part 141.

~~(3) "Guidance document" means any manual or other document developed or adopted by the department for determining generally acceptable standards for construction and operation of public water systems.~~

H. ~~"~~Definitions that begin with the letter "H."

(1) "Human consumption~~-~~" means the use of water for human drinking, bathing, showering, cooking ~~dishwashing~~; including but not limited to, preparing food and washing dishes, and maintaining oral hygiene. The term "bathing" means use of the water for personal hygiene purposes. The term "bathing" does not refer to situations such as (1) swimming in an open canal or (2) incidental, casual contact with water from an open canal in connection with outdoor activities such as agricultural work, canal maintenance, or lawn and garden care.

(2) "Health hazard" means a cross-connection, potential contamination hazard, or other situation involving any substance that can cause death, illness, spread of disease, or has a high probability of causing such effects if introduced into the potable drinking water supply.

I. ~~"~~Definitions that begin with the letter "I."

(1) "Inactivation ratio" with respect to viruses means the ratio that quantifies inactivation of viruses. The sum of the virus inactivation ratios, or total virus inactivation ratio shown as $\Sigma(\text{~~CT}_{\text{calc}}\text{~~Ctcalc})/(CT_{99.99})$. "CT" or "~~CTcalc~~Ctcalc" is the product of "residual disinfectant concentration" ~~(C)~~ I in mg/l determined before or after the first customer, and the corresponding "disinfectant contact time" (T) in minutes, i.e., "C" x "T." If a public water system applies disinfectants at more than one point prior to the first customer, it must determine the total percent inactivation [~~or "~~]"total inactivation ratio." In determining the total inactivation ratio, the public water system must determine the residual disinfectant concentration of each disinfection sequence and corresponding contact time before any subsequent disinfection application point(s). "$CT_{99.99}$" is the CT value required for 99.99 percent (4-

log) inactivation of viruses. CT99.99 for a variety of disinfectants and conditions appears in Tables D-7, D-9, D-11, D-13 and D-14 in the EPA Handbook for Optimizing Water Treatment Plant Performance Using the Composite Correction Program.

(2) "Inactive Well" means a well owned or controlled by a public water system that is temporarily removed from service, is not currently used to supply water to the distribution system, but has not been permanently abandoned and remains capable of being returned to service, subject to department approval and applicable requirements.

(3) "Interconnection" means a physical connection between two public water supply systems.

(4) "Intruder-resistant fence" means a fence six feet or greater in height, constructed of wood, concrete, masonry, or metal. The fence must be maintained at all times and close enough to surface grade to prevent intruder passage.

J. "Definitions that begin with the letter "J." [RESERVED]

K. "Definitions that begin with the letter "K." [RESERVED]

L. "Definitions that begin with the letter "L." [RESERVED]

M. "Definitions that begin with the letter "M."

(1) "Maximum contaminant level" has the meaning defined in 40 CFR Part 141.

(2) "Maximum Day Demand" ("MDD") means the largest volume of water delivered to the system in a single day during the month of the highest seasonal demand; expressed in million gallons per day. The water supply, treatment plant, transmission lines, and distribution system shall be designed to handle the maximum day demand of the drinking water system.

(3) "Membrane filtration" has the meaning defined in 40 CFR Part 141".

(4) "Modified" or "modification" means a change, installation, addition, rehabilitation, or construction of a component of an existing public water system to substantially increase or decrease the system's capability to draw or supply water. For the purposes of this part "modification" does not include routine maintenance.

(5) "Monthly Operating Reports" means records and documentation compiled or maintained on a monthly basis that describe the operation, treatment performance, water production, monitoring, inspections, and other operational or compliance-related activities of a public water system, as required by this part or requested by the department.

N. "Definitions that begin with the letter "N."

(1) "Non-community water system" has the meaning defined in 40 CFR Part 141.

(2) "Non-public water source" means a water source that is not regulated as a public water source.

(3) "Non-public water system" means a water system that does not meet the definition of a public water system as defined in 40 CFR Part 141.

(4) "Non-transient non-community water system or NTNCWS" has the meaning defined in 40 CFR Part 141.

(5) "Novel treatment" means a treatment technology or treatment process, or combination of processes, proposed to achieve compliance with drinking water standards that is not established as a conventional or previously approved treatment approach for the applicable source water and treatment objective, and for which additional review, demonstration, or validation is required by the department prior to approval.

O. "Definitions that begin with the letter "O." ~~[RESERVED]~~

(1) "Operations and Maintenance" means the functions, duties, and labor associated with daily operations and routine repairs, replacement of parts and structural components, and other activities necessary to preserve drinking water system assets, including source, treatment, storage, distribution, and related support facilities and equipment, so the system continues to provide safe, reliable service and achieves its expected service life.

P. "Definitions that begin with the letter "P."

(1) "Peak Hourly Demand (PHD)" means the greatest volume of water delivered by a public water system during any single one-hour period within a consecutive 12-month period, expressed in gallons per minute (gpm) or gallons per hour (gph).

(2) "Performance demonstration" means documentation that proves the efficacy of a treatment technology.

(3) "Person" has the meaning defined in 40 CFR Part 141.

(4) "Pilot study" means a specific type of performance demonstration in which the efficacy of a treatment system is tested by using a full-scale model of the treatment system.

(5) “Plans and specifications” means the technical design drawings and precise standards of performance for construction work, materials and manufactured products certified by a registered professional engineer on behalf of the owner or operator of a public water system.
(6) “Point-of-entry treatment device (POE)” has the meaning defined in 40 CFR Part 141.
(7) “Point-of-use treatment device (POU)” has the meaning defined in 40 CFR Part 141.
(8) “Potable water” means water that meets or exceeds the quality standards prescribed by the U.S. Environmental Protection Agency's National Primary Drinking Water Regulations (40 CFR 141).
(9) “Public water system project” or “project” means the construction of a new public water system, modification to an existing public water system, or conversion of a non-public water system to a public water system.
(10) “psi” means pounds per square inch.

Q. ~~“~~Definitions that begin with the letter “Q.” [RESERVED]

R. ~~“~~Definitions that begin with the letter “R.”
(1) “Record drawings” means drawings that show detail or work as originally planned plus modifications and deviations to reflect actual construction, certified by a registered professional engineer on behalf of the owner or operator of a public water system.
(2) “Registered professional engineer” means a professional engineer registered in the state of New Mexico.
(3) “Regionalization” means the permanent administrative or physical combination of two or more public water systems to improve planning, operation, and/or management
(4) “Regulated contaminant” means a contaminant for which an action level, maximum contaminant level or treatment technique is provided in 40 CFR Part 141.
(5) “Residual disinfectant concentration” (“C” in CT calculations)~~"~~ has the meaning defined in 40 CFR Part 141 and under the definition of inactivation ratio.
(6) “Resident” means a person who physically occupies, whether by ownership, rental, leases, or other means, the dwelling for at least 60 days of the year.
(7) “Routine maintenance” means activities associated with regularly scheduled and general upkeep of a building, equipment, machine, plant, appurtenance, or system against normal wear and tear, including but not limited to those activities set forth in Subsection B of 20.7.10.200 NMAC.

S. Definitions that begin with the letter “S.”
(1) “Sample tap” means a device (e.g. sillcocks, [~~storage tank hatches,~~]sampling stations etc.) where access, pressure, and volume can be controlled to the extent that the drinking water compliance or quality sample collected is representative of the water quality and to facilitate collection of water samples for both bacteriologic and chemical analyses. With the exception of sample taps for total coliform and lead and copper, sample taps shall be non-threaded and located above ground in a location that is easily accessible for sample collection.
(2) “Sanitary survey” means an onsite review of the water source, facilities, equipment, operation and maintenance of a public water system for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water. Pursuant to 40 CFR Part 141, a sanitary survey evaluates at least eight components: source; treatment; distribution system; finished water storage; pump facilities and controls; monitoring and reporting and data verification; system management and operation; and operator compliance with state ~~requirements~~. requirement.
(3) “Secondary contaminant” means a contaminant listed in 40 CFR Part 143.
(4) “Secretary” means the secretary of the department, or an authorized representative.
(5) "Service connection" in addition to the meaning given in 40 CFR Part 141, means ~~a pipe, hose, appurtenance, constructed conveyance or any other temporary or permanent connection between a public water system and a user. Service connection, as used in the definition of a public water system, does not include a connection to a system that delivers by constructed conveyance other than a pipe if: (1) the water is used exclusively for purposes other than residential uses (consisting of drinking, bathing, and cooking, or other similar uses); (2) the department determines that alternative water to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulation is provided for residential or similar uses for drinking and cooking; or (3) the department determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking~~

~~water regulations.]~~a single-family residential unit or each commercial or industrial establishment to which drinking water is supplied from the system. As an example, the number of service connections in an apartment complex would be equal to the number of individual apartment units.

(6) "Service line" means the section of pipe between the potable water main and terminating at the customer's side of the water meter. In cases where no customer water meter exists, it is the section of pipe that is under the ownership and control of the public water system.

(7) "Significant deficiency" means a defect in design, operation, or maintenance, or a failure or malfunction of the source, treatment, storage, or distribution system, that the Department determines is causing, or has the potential to cause, the introduction of contamination into the water delivered to customers, consistent with 40 CFR § 141.403.

(8) "State" means the New Mexico environment department when used in 40 CFR Part 141 and 40 CFR Part 143 in lieu of the meaning set forth in 40 CFR Part 141 and 40 CFR Part 143.

(9) "State ~~act"~~Act" means the Environmental Improvement Act, NMSA 1978, Section 74-1-1 et ~~seq~~se.

(10) "Storage facility" means a structure that stores finished drinking water for the purpose of ensuring an uninterrupted supply during times of peak demand and as an emergency supply when the water source experiences a service outage. A compartment used to accumulate the product water from a water treatment unit so that sufficient quantity, pressure, or both are available for intermittent periods of higher flow-rate water use. A storage facility may be located at or immediately downstream of treatment, or within the distribution system.

(11) "Subpart H systems" has the meaning defined in 40 CFR Part 141

(12) "Supplier of water" has the meaning defined in 40 CFR Part 141

(13) "Surface water" has the meaning defined in 40 CFR Part 141

T. ~~"~~Definitions that begin with the letter "T."

(1) "Transient non-community water system" or "TNCWS" has the meaning defined in 40 CFR Part 141.

(2) "Transmission Line" means a waterline that conveys water from a source, treatment facility, or storage facility to another part of the public water system without providing service to customers and without any service connections.

(3) "Treatment Sample" means a water quality sample collected to verify water provided meets regulatory standards prior to completing installation of a new treatment system, or as part of normal operations a water system to verify compliance with state or federal regulations.

U. ~~"~~Definitions that begin with the letter "U."

(1) "USEPA" means the United States environmental protection agency.

V. ~~"~~Definitions that begin with the letter "V." ~~["RESERVE"]~~

(1) "Variance" means a written approval issued by the department authorizing a public water system to meet a regulatory requirement of this part through an alternative method or approach, subject to the conditions established by the department pursuant to 20.7.10.105 NMAC.

W. ~~"~~Definitions that begin with the letter "W."

(1) "Water hauler" means ~~a person in~~ the ~~business~~ transportation of ~~transporting by vehicle~~ water intended for human consumption to at least 15 service connections or ~~who regularly~~ a distribution system that serves an average of at least 25 individuals ~~daily~~ for at least 60 calendar days out of the year.

(2) "Water main"-A pipe or enclosed constructed conveyance operated by a public water system which is used for the distribution of drinking water to service line(s).

(3) "Water meter" means a device used to measure the volume of water used by residential and commercial building units that are supplied with water by a public water system.

(4) "Wholesale system" has the meaning defined in 40 CFR Part 141

X. ~~"~~Definitions that begin with the letter "X." [RESERVED]

Y. ~~"~~Definitions that begin with the letter "Y." [RESERVED]

Z. ~~"~~Definitions that begin with the letter "Z." [RESERVED]

[20.7.10.7 NMAC - Rp 20 NMAC 7.1.I.103, 12/04/2002; A, 04/16/2007; A, 01/06/2013]

20.7.10.8 SUBMITTALS TO THE DEPARTMENT: The submittal to the department of any application, notification, or other information required in this part shall be accomplished by submitting the required documents to the ~~drinking water bureau within the~~ department in a format defined by the department, unless otherwise specified.

[20.7.10.8 NMAC - N, 01/06/2013]

20.7.10.9 DOCUMENTATION REQUIRED FOR POPULATION DETERMINATION:

A. Owners or operators of community water systems shall determine, document, and maintain records of the population served by the water system. The residential population shall be calculated by multiplying the number of active service connections by the average household size in the county where the service connections are located. The water system shall maintain current records of the total and active number of service connections. The most recent U.S. Census Bureau census shall be the source of average household size data. Water haulers shall document the number of residential accounts using water for human consumption.

B. Owners or operators of non-transient non-community water systems and transient non-community water systems shall determine, document, and maintain records of the population served (e.g., number of employees, number of students, restaurant seating capacity, number of patrons).

C. Owners or operators of a water system may ~~present written documentation to the department for consideration of~~ submit a written request for the Department to consider a population determination that differs from that described in Subsection A or B of this section. The request shall include supporting documentation sufficient to substantiate the proposed population, which may include service connection records, billing records, customer account data, occupancy or enrollment records, seating capacity, or other verifiable information. The Department shall approve or deny the requested population determination based on the documentation submitted and other information that the Department deems relevant.

D. The department ~~will document, in writing,~~ shall issue a written approval or disapproval of any alternative population determination ~~that differs from the population determination described in Subsections A or B of this section~~ submitted under Subsection C within 30 days of receipt of a complete request, and shall provide the determination to the owner or operator.

E. Owners or operators of public water systems shall make the information required in this section available to the department upon request ~~within 45 days of the request~~.

[20.7.10.9 NMAC - N, 01/06/2013]

20.7.10.10 - 20.7.10.99 [RESERVED]

20.7.10.100 ADOPTION OF 40 CFR PART 141:

A. Except as otherwise provided in this section, the regulations of the USEPA set forth at 40 CFR Part 141 as amended from time to time, are hereby incorporated by reference into this part.

B. The term "state" means the New Mexico environment department when used in 40 CFR Part 141, in lieu of the meaning set forth in 40 CFR Part 141.

[20.7.10.100 NMAC - N, 12/04/2002; A, 04/16/2007; A, 10/15/2008; A, 10/28/2010; A, 01/06/2013]

20.7.10.101 ADOPTION OF 40 CFR PART 143:

A. Except as otherwise provided, the regulations of the USEPA set forth at 40 CFR Part 143 as amended from time to time, are hereby incorporated by reference into this part.

B. The term "state" means the New Mexico environment department when used in 40 CFR Part 143, in lieu of the meaning set forth in 40 CFR Part 143.

[20.7.10.101 NMAC - N, 12/04/2002; A, 04/16/2007; A, 10/15/2008; A, 01/06/2013]

20.7.10.102 ~~GUIDANCE DOCUMENTS:~~ [RESERVED]

~~**A.** *Recommended standards for water works* ("10 States Standards"), Great Lakes-Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers, P.O. Box 7126, Albany, New York 12224.~~

~~**B.** Devices listed in the American society of sanitary engineering seal authorization booklet, American society of sanitary engineering, 901 Canterbury Road, Suite A, Westlake, OH 44145.~~

~~**C.** *Cross connection control manual*, USEPA, Washington D.C., 20460.~~

~~[20.7.10.102 NMAC - N, 12/04/2002; A, 04/16/2007; A, 01/06/2013]~~

20.7.10.103 AVAILABILITY OF REGULATIONS AND MATERIALS INCORPORATED BY REFERENCE:

A. Regulations, materials incorporated by reference into this part and guidance documents are available for inspection ~~at the New Mexico Environment Department Drinking Water Bureau, 525 Camino de Los Marquez, Suite 4, Santa Fe, New Mexico 87501~~online at https://www.env.nm.gov/drinking_water/.

[20.7.10.103 NMAC - Rp 20 NMAC 7.1.XIII.1306, 12/04/2002; A, 04/16/2007]

20.7.10.104 REFERENCES: The current editions of the following materials, including all future editions and amendments form a part of this rule to the extent referenced.

A. *Disinfecting water mains, AWWA standard,* (ANSI/AWWA C651), American Water Works Association, 6666 West Quincy Avenue, Denver, Colorado 80235.

B. *Disinfection of water-storage facilities, AWWA standard,* (ANSI/AWWA C652), American Water Works Association, 6666 West Quincy Avenue, Denver, Colorado 80235.

C. *Disinfection of water treatment plants, AWWA standard,* (ANSI/AWWA C653), American Water Works Association, 6666 West Quincy Avenue, Denver, Colorado 80235.

D. *Disinfection of wells, AWWA standard,* (ANSI/ AWWA C654), American Water Works Association, 6666 West Quincy Avenue, Denver, Colorado 80235.

E. *Drinking water laboratory certification program guidance manual*, New Mexico Environment ~~Department~~department, Drinking Water Bureau, 1190 St. Francis Drive, Santa Fe, New Mexico 87502-5469.

F. *Drinking water laboratory certification program guidance manual appendix A - certification application*, New Mexico Environment ~~Department~~department, Drinking Water Bureau, 1190 St. Francis Drive, Santa Fe, NM 87502-5469.

~~**G.** *Recommended standards for water facilities*, New Mexico Environment Department, Construction Programs Bureau, 1190 St. Francis Drive, Santa Fe, New Mexico 87503.~~

H. NSF/ANSI Standard 60 - *drinking water treatment chemicals - health effects*, NSF International P.O. Box 130140, Ann Arbor, MI 48113-0140.

I. NSF/ANSI Standard 61 - *drinking water system components - health effects*, NSF International P.O. Box 130140, Ann Arbor, MI 48113-0140.

J. NSF product and service listings, NSF/ANSI 60 - *drinking water treatment chemicals - health effects*, ~~http://nsf.org/business/search_listings/.~~http://nsf.org/business/search_listings/.

K. NSF product and service listings, NSF/ANSI 61 - *drinking water system components - health effects*, ~~http://nsf.org/business/search_listings/~~.http://nsf.org/business/search_listings/.

L. NSF product and service listings, NSF/ANSI 44, 53, 58, 62 - *drinking water treatment units: - health effects*, ~~http://nsf.org/business/search_listings/~~http://nsf.org/business/search_listings/

M. NSF product and service listings, NSF/ANSI 14, 24- *plumbing system components*, ~~http://nsf.org/business~~http://nsf.org/business/search_listings/

N. Devices listed in the American society of sanitary engineering "*prevention rather than cure*" seal authorization booklet, American society of sanitary engineering, 901 Cantebury Road, Suite A, Westlake, OH 44145.

O. *Handbook for optimizing water treatment plant performance using the composite correction program*, EPA/625/6-91/027, U.S. EPA/NSCEP, P.O. Box 42419, Cincinnati, OH 45242-041.

P. *EPA membrane filtration guidance manual*, EPA 815-R-06-009 November 2005, 26 West Martin Luther King Dr., Cincinnati, OH 45268.

Q. *Environmental technology verification (ETV) program information and guidance for vendors*, Drinking Water Systems (DWS) center February 2004, NSF International, 789 N. Dixboro Road, Ann Arbor, Michigan 48105.

R. *Source water assessment & protection program report of a New Mexico water utility, July 2004 (template for ground water)*, New Mexico environment department, drinking water bureau, ~~525 Camino de los Marquez, Suite 4, Santa Fe, New Mexico 87501.~~online at https://www.env.nm.gov/drinking_water/.

S. *Source water assessment & protection program report of a New Mexico water utility, February 2004 (template for surface water)*, New Mexico environment department, drinking water bureau, ~~525 Camino de los Marquez, Suite 4, Santa Fe, New Mexico 87501.~~online at https://www.env.nm.gov/drinking_water/.

T. *New Mexico Environment ~~Department~~department Drinking Water Bureau Application for Ground Water Rule 4-log Certification*, New Mexico environment department, drinking water bureau, ~~525 Camino de los Marquez, Suite 4, Santa Fe, New Mexico 87501.~~online at https://www.env.nm.gov/drinking_water/

U. Devices listed in the A*merican society of sanitary engineering seal authorization booklet*, American society of sanitary engineering, 901 Canterbury Road, Suite A, Westlake, OH 44145.

V. *Cross connection control manual*, USEPA, Washington D.C., 20460.

[20.7.10.104 NMAC - N, 01/06/2013]

20.7.10.105 VARIANCES:

A. Public water systems may request a variance to any regulatory requirement in this part. Requests for variances to one or more of the requirements in this part shall be considered on an individual basis. Any water system requesting a variance must demonstrate to the satisfaction of the department that the variance will not compromise public health or result in a degradation of water service or water quality.

B. A variance request must be submitted in writing, substantiated by carefully documented data, and shall precede the submission of any engineering application for a proposed project for which the variance is being requested.

C. Each variance request shall include at a minimum:

(1) a statement from the water system describing the need for the variance;

(2) a detailed description of the specific situation that necessitates the variance; and

(3) a design alternative or other documentation demonstrating that approval of the variance will not compromise public health or result in a degradation of water service or water quality.

D. Any request for a variance not approved by the department in writing is denied.

E. Any variance granted by the department is subject to revocation at the discretion of the department.

F. The department may establish site-specific requirements for systems granted a variance. Those requirements may include, but are not limited to, site-specific design, operation, maintenance, and reporting requirements.

G. Public water systems granted a variance shall comply with all requirements established by the department.

H. Any water system granted a variance shall notify all users of the approved variance, the reason the variance was requested, and the steps the water system will take to ensure that public health is not compromised and that water service and water quality are not degraded.

20.7.10.10~~5~~6 - 20.7.10.199 [RESERVED]

20.7.10.200 PUBLIC WATER SYSTEM PROJECTS:

A. Any person undertaking a public water system project shall submit an application to the department and shall not use the new or modified facility to produce, treat, store or distribute water for human consumption until the department has approved the application and the notice of project completion documentation in writing except that:

(1) a person conducting the activities under Subsection B of this section need not submit an application or obtain department approval; and

(2) a person undertaking a water projects under Subsection C of this section must submit an application but may undertake the project without written approval from the department; the department will respond to each application within the period specified in Subsection K of Section 201 of this part.

B. The following activities are considered ongoing operation and routine maintenance and are not public water system projects. Upon completion, the public water system shall disinfect all affected facilities in accordance with applicable AWWA standards and shall maintain a record onsite as required by 20.7.10.400.G NMAC. The owner or operator is not required to notify the Department or obtain approval for these activities:

(1) pipeline leak repair;

(2) replacement of existing deteriorated pipeline, or addition of distribution pipeline, or addition of distribution pipeline or appurtenances of the same type size and capacity; if such replacements or additions, or both, total less than 1,000 feet in any 60 calendar day period;

(3) entry into a drinking water storage facility for the purposes of cleaning and maintenance including re-coating as long as no major structural or operational changes are made;

(4) the replacement of chemical feed pumps and associated appurtenances;

(5) the replacement of electrical or mechanical equipment in an existing public water supply system; and

(6) the replacement of equipment or pipeline appurtenances with the same type, size and rated capacity (fire hydrants, valves, pressure regulators, meters, service laterals, chemical feeders and booster pumps including deep well pumps, filter equipment and media as long as it is the same type and capacity).

(7) the maintenance of wells and appurtenances as long as no changes to design or capacity are made and the pump is of the same type size and capacity;

C. Any person proposing to undertake the following public water system projects must give the department written notice by submitting an application; department approval is not required:

(1) a modification that involves only the replacement or construction of more than 1,000 feet of distribution lines, or of appurtenances, emergency interconnection with an existing public water system, pump

stations, or pressure regulating facilities for which the public water system employs, either by contract or direct employment, a registered professional engineer who is responsible for the project; or

(2) installation of a hypochlorination system, including an on-site hypochlorination generation system, in a public water system under the following conditions:
  (a) water is supplied by ground water that is not under the direct influence of surface water;
  (b) the owner or operator of the system employs, by contract or direct employment, a water operator certified in New Mexico at the level required in the Utility Operator Certification Regulations, 20.7.4 NMAC; and
  (c) the certified operator is responsible for the project and certifies the inactivation ratio achieved by the hypochlorination system; the water system operator shall calculate the inactivation ratio and document the calculation on a form provided by the department.

D. In order to expedite future public water system projects, a public water system with the legal authority to adopt construction plans, details, and specifications by ordinance or resolution may submit a master design plan to the department for approval. Such plan must at a minimum contain:
(1) identification of existing system components and service area.
(2) a complete set of plans, details, and specifications for any component or facility to be eligible for a consideration under this section; and
(3) written verification that the plans, details, and specifications have been adopted by ordinance or resolution in such a manner as to require their use in all associated projects.

E. The approval requirement in Subsection A of Section 201 of this part is satisfied when a transmission, storage, or distribution project is proposed for implementation that is certified to be in conformance with a master design plan previously approved by the department. For a project to be considered under this subsection, the owner or operator of the system must submit in lieu of the application materials in Section 201 of this part, a written summary of the project and certification that the project will be installed in accordance with the approved drawings and specifications, signed by a registered professional engineer who is responsible for the design, development, or maintenance of the public water system. A project request under this subsection shall include all of the documentation listed in this subsection.

[20.7.10.200 NMAC - Rp 20 NMAC 7.1.V.501 and 502, 12/04/2002; A, 04/16/2007; A, 01/06/2013]

20.7.10.201 APPLICATIONS FOR PUBLIC WATER SYSTEM PROJECT APPROVAL:

A. Any person proposing to undertake a public water system project for which an application is required under Section 200 of this part shall complete, sign and submit an application to the department as described in this section.

B. The application shall be made on forms furnished by the department, submitted electronically in a form and manner acceptable to the department. Incomplete applications will not be reviewed. Applications for projects that require department approval shall include:
(1) one set of complete plans and specifications for the project; the plans and specifications must be prepared under the direct supervision of and sealed by a registered professional engineer, specifications shall be included in the application, specification by reference to an outside document may not be allowed;
(2) an engineering design summary which shall include engineering information that sets forth the basis of the project design;
(3) a plan to disinfect the system and sample for the presence of bacterial contamination following completion of the project and prior to providing water to the public; the criteria used by the department to review the adequacy of the plan shall include the current standards of the American water works association for disinfecting water mains, wells, water-storage facilities, and water treatment plants. The submittal shall include a disinfection plan to be implemented after construction and before the system serves water to consumers; and
(4) any other relevant information requested by the department in order to determine compliance with this part.
(5) An identification of the appropriate level of operator certification for the system
(6) If the project involves implementing or updating a chlorine disinfection system an application for calculating the inactivation of pathogens must be submitted with the project on the form provided by the department.
(7) Requests for variances to requirements in this part shall be submitted and processed in accordance with 20.7.10.105 NMAC.

C. For a project involving the construction of a new public water system or conversion of an existing water system to a public water system, an applicant proposing to undertake a public water system project shall submit, in addition to the materials set forth in Subsection B of this section documents demonstrating that the public water system has sufficient technical, managerial and financial capacity[, ~~such as a~~]to effectively manage, operate, and maintain the proposed project. Technical managerial and financial capacity include, but are not limited to verification of an appropriate level of certified operator, testing equipment required to meet regulatory treatment techniques, ownership accountability, staffing and organization, revenue sufficiency, and credit worthiness and fiscal management.

(1) Any proposed new or proposed conversion system shall identify the nearest active Public Water System and provide reasonable explanation for not connecting to the existing system.

(a) If the proposed system is reasonably close as determined by the department to an active public water system, the system must connect to that system unless a variance from this requirement is obtained from the department.

(i) A request for variance may be submitted to the department by providing justification describing the reasons that connection cannot be made.

(2) If an existing Public Water System plans to merge with another existing public water system, the following shall be submitted:

(a) If the combination of water systems is classified as a water system authority and subject to the Regional Water System Resiliency Act, the following shall be submitted to the department to properly document the authority.

(i) A copy of the certification by the secretary of state of the incorporation and bylaws of the regional authority.

(ii) A copy of the approved compliance schedule that addresses the liability if applicable.

(iii) A copy of the service area plat submitted to the county and office of the state engineer.

(iv) A copy of the appropriate office of the state engineer water rights transfer and place of use documentation.

(v) A copy of the department of finance and administration approval of the operating budget or equivalent operating budget documentation.

(b) A complete engineering application that identifies the existing structures and how the connection will be made;

(c) A copy of the agreement between the two Public Water Systems involved including;

(i) Identifying which system name and number will be used;

(ii) The date of the proposed merger;

(iii) Responsible parties for billing, maintenance, repair, etc.

(d) Water quality results from the sources and identification of any potential water blending issues;

(e) Any other relevant data pertaining to combining two public water systems.

D. For a project involving a storage facility or distribution facility, the applicant shall submit an application to the department no less than 30 days prior to advertising the public water system project for bid; or if the project is not advertised for bid prior to commencement of construction. In addition to the materials set forth in Subsection B and Subsection C of this section the application shall include:

(1) a description of an adequate foundation to include the load bearing capacity of the soil for each storage facility; and

(a) for large tanks over 20,000-gallons a geotechnical report with foundation calculations shall be supplied

(b) for tanks 20,000 gallons or smaller a geotechnical report is preferred but soil load bearing calculations and description of proposed foundation for the tank shall be submitted.

(2) plans and specifications showing hydrants or blow-offs to provide for complete flushing or cleaning of the newly constructed facility if existing flushing appurtenances are insufficient.

(3) a means of sampling water from the storage facility, adequate venting, a means of cleaning and repairing the storage facility.

(4) A variance can be requested for small non-steel tanks for requirements for access to the tanks for cleaning and maintenance.

(a) The variance shall describe the existing tank conditions and provide an appropriate cleaning and maintenance plan that does not involve entry into the tank.

(b) Signage shall be provided indicating entry into the tank is not allowed.

E. For a project that involves construction of a new water source or conversion of an existing non-public source to a public source, in addition to the materials set forth in Subsection B and Subsection C of this section, the application shall include:

(1) the appropriate state engineer office permit including verification of appropriate water rights to satisfy the annual demand of the source;

(2) analytical results for regulated contaminants and secondary contaminants sampling prior to commencement of construction; this section requires sampling for those regulated contaminants and secondary contaminants that are monitored at the source or at the entry point(s).

(3) an annular seal of at least 50ft.

(a) a variance to this requirement may be requested in the engineering application with an engineered impervious surface protection.

F. For a project involving a ground water source that is not under the direct influence of surface water, the applicant shall submit an application to the department no less than 30 days: prior to advertising the public water system project for bid; or if the project is not advertised for bid prior to commencement of construction.

(1) In addition to the requirements in Subsection E of this section, a project involving a new ground water source that is not under the direct influence of surface water must include an inventory of existing and planned facilities and land uses that are actual or potential sources of contaminants of concern located within 1,000 feet of a water source.

(2) At a minimum, potential sources of contamination and land uses in Appendix K of the NMED *source water assessment and protection program report of a New Mexico water utility, July 2004 (template for ground water)* must be considered.

G. For a project involving a 40 CFR Part 141 Subpart H source (filtration and disinfection), including an existing non-public surface water source or a non-public ground water under the direct influence of surface water source that is converted to a public 40 CFR Part 141 Subpart H source, or changes are made to the approved treatment, the applicant shall submit:

(1) an application to the department no less than 60 days: prior to advertising the public water system project for bid; or if the project is not advertised for bid prior to commencement of construction; and

(2) an inventory of existing and planned facilities and land uses that are actual or potential sources of contaminants of concern, located within the delineation specified in *source water assessment and protection program report of a New Mexico water utility, February 2004 (template for surface water)* New Mexico environment department, drinking water bureau.

(3) for a project involving pre-treatment for a surface water source, an application shall be submitted. The application shall include all of the pertinent information on how the pre-treatment proposes to change the water quality prior to the surface water treatment plant.

H. For a project using a best available technology identified in 40 CFR Part 141 for treatment of chemical, radiological or microbiological contaminants, except for *Cryptosporidium*, including any changes to existing treatment, the application shall be submitted to the department no less than 45 days; prior to advertising the public water system project for bid; or if the project is not advertised for bid prior to commencement of construction. Treatment using a point-of-entry treatment device (POE) or a point-of-use treatment device (POU) will be considered only for treatment of chemical contaminants, except nitrate, nitrite and chlorine dioxide, [~~within systems serving not more than 100 service connections~~]shall be allowed only within Non-Community systems serving not more than 100 service connections. POU devices must be installed at any and all points of use with the intended use of human consumption. Systems that have been approved for POU or POE treatment shall maintain an accurate record of population and service connections. If the system grows to serve greater than 100 connections or greater than a population of 300, the system must plan for discontinuing the use of that treatment and begin the process of constructing a system wide treatment plant.

(1) For any project involving treatment, the applicant shall collect a confirmation sample to verify that treatment results meet applicable standards prior to delivering water to consumers.

I. For a project involving treatment of *Cryptosporidium* or a project involving treatment of chemical, radiological or microbiological contaminants that uses a technology other than those identified in 40 CFR 141 as a best available technology, the applicant shall submit an application to the department no less than 120 days: prior to advertising the public water system project for bid; or, prior to commencement of construction. The application shall include a performance demonstration. The performance demonstration

must be conducted using parameters and water quality similar to the final expected treatment facility if not conducted on site. A pilot study submitted as a performance demonstration shall have been conducted by a field-testing organization in accordance with Subsection J of this section.

(1) The following requirements apply to each surface water project involving treatment for *Cryptosporidium*:

(a) The application shall include a test protocol to demonstrate the performance of *Cryptosporidium* treatment meeting the requirements of the Long Term 2 Enhanced Surface Water Treatment rule, 40 CFR Part 141 Section 715 (microbial toolbox options for meeting *Cryptosporidium* treatment requirements).

(b) For a project involving treatment of *Cryptosporidium* using bag filters or cartridge filters or membrane filtration, the application shall also include a challenge test demonstrating performance, pursuant to 40 CFR Section 141.719(a)(2) through (a)(10) or (b)(2) as applicable.

(c) For a project involving treatment of *Cryptosporidium* using membrane filtration, pursuant to 40 CFR Section 141.719(b)(3), the application shall include documentation of the log removal that can be verified by a direct integrity test in addition to the challenge required in Paragraph (2) of Subsection I of Section 201 of this part.

(d) If the project will be conducted by a public water system that serves at least 10,000 people:

(i) turbidity shall be measured;

(ii) a surface water microscopic particulate analysis (MPA) shall be conducted; and

(iii) removal efficiencies for E. *coli* (analyzed by an enumeration method) and *Cryptosporidium* shall be determined and

(iv) plant detention time shall be factored into the sample collection.

(e) If the project will be conducted by a public water system that serves fewer than 10,000 people:

(i) removal efficiencies for E. *coli* shall be determined (E. *coli* shall be analyzed by an enumeration method); and

~~(ii)~~ plant detention time shall be factored into the sample collection.**[~~(2)~~**

(2) ~~For all contaminants other than *Cryptosporidium*, the application shall include a test protocol developed by the "USEPA environmental technology verification program" for demonstrating treatment performance of chemical, radiological or microbiological contaminants. The department will also consider other test protocols.~~ For any project involving treatment, the applicant shall collect a confirmation sample to verify that treatment results meet applicable standards prior to delivering water to consumers.

J. For a project utilizing a novel treatment or series of treatments to treat water to drinking water standards shall submit an application and include the following:

(1) Additional capacity demonstration

(2) The application shall be submitted to the department no less than 180 days; prior to advertising the public water system project for bid; or if the project is not advertised for bid prior to commencement of construction;

(3) A minimum 1 (one) year pilot study shall be conducted on the novel treatment prior to full scale implementation;

(a) The pilot study shall be conducted by a field testing organization as outlined by 20.7.10.201.K NMAC.

K. A pilot study submitted pursuant to Subsection I of Section 201 of this part must be or must have been conducted by a field-testing organization or person with the following qualifications:

(1) a registered professional engineer with experience in conducting drinking water pilot studies who will oversee field testing operations; or

(2) experience in conducting drinking water pilot studies for a state or an organization conforming to the requirements of that state; or

(3) experience in preparing and executing a project-specific QA/QC plan (i.e., a quality assurance project plan (QAPP)) for a drinking water treatment project or pilot study under the direction of the USEPA, water research foundation, national water research institute or other relevant organization.

L. Incomplete applications will not be reviewed. The applicant will be notified within 15 days of the need to submit a complete application. The department shall either approve an application, approve an application subject to conditions, or deny an application, and shall notify the applicant of such determination. The department shall not condition or in any manner require as part of an approval that the applicant use a specific process or type of equipment.

(1) For a project involving a storage facility, or for a project involving a distribution facility, the department shall notify the applicant of the determination within 30 days after receipt of the complete application.
(2) For a project involving ground water sources that are not under the direct influence of surface water, the department shall notify the applicant of the determination within 30 days after receipt of the complete application.
(3) For a project involving a surface water source or ground water under the direct influence of surface water, the department shall notify the applicant of the determination within 60 days after receipt of the complete application.
(4) For a project using a best available technology identified in 40 CFR Part 141 for treatment of a chemical, radiological or microbiological contaminant, except for *Cryptosporidium*, the department shall notify the applicant of the determination within 45 days after receipt of the complete application.
(5) For a project involving treatment of *Cryptosporidium* or for a project involving treatment of a chemical, radiological or microbiological contaminant that use a technology other than those identified in 40 CFR Part 141 as a best available technology, the department shall notify the applicant of the determination within 120 days after receipt of the complete application.
(6) For a project involving novel treatment or series of treatments, the department shall notify the applicant of the determination within 180 days after receipt of the complete application.

M. If, in the judgment of the department, exigent circumstances warrant a waiver of the requirement for approval of an application prior to construction, the department may permit a prospective applicant to commence construction of a public water system project upon receipt of written permission from the department. The owner or operator of the public water system must submit an application within 30 days of receipt of the permission. Any project that changes the quality of the water must provide an engineering application per 20.7.10.201.B NMAC within the 30 days of written approval by the department or cease use of the constructed components.

N. The department may deny an application for a public water system project, in whole or in part, if the department determines that:
(1) any maximum contaminant level (MCL) or treatment technique set forth at 40 CFR Part 141 will not be met after completion of the project;
(2) any other requirement of 20.7.10 NMAC will not be met after completion of the project;
(3) the design of the project is inconsistent with generally acceptable standards for construction of public water systems and their components including, but not limited to, [~~*the recommended standards for water facilities, construction programs bureau*, New Mexico environment department;~~] the most recent edition of the Ten States Standards for Water Facilities;
(4) the design of the project will not meet project goals;
(5) the public water system does not demonstrate sufficient technical, managerial or financial capacity;
(6) an existing or planned source of actual or potential contamination may adversely impact a water source proposed to be utilized by the system; to make this determination, the department may require the applicant to submit to the department analyses relating to hydrogeological, soil or ground water conditions at the site, and information regarding proposed technology or installation methods that may be employed to prevent or mitigate the impact of the contaminant source on the water source; or
(a) In the case of a novel treatment system the department may require:
(i) additional monitoring and/or plans deemed appropriate by the department for the novel treatment system.
(ii) Consultation with source water protection
(7) a regulated contaminant or disinfectant will be injected into the source (e.g., chlorine pellet drop system).

O. The department's approval of an application is limited to the sanitary features of design and other features of public health significance. The department's approval of an application does not imply a guarantee of any type for the constructed project nor does it relieve the applicant from the responsibility for the overall integrity of the project, the adequacy of the project's design, or from the responsibility of complying with any of the provisions of this part or other applicable state and federal laws or regulations.

P. The department is not responsible for increased costs resulting from defects in the plans, design drawings and specifications or any other contract documents.

Q. The applicant shall notify the department in writing when work on the public water system project is initiated. The department may inspect the project during construction and at completion to ensure compliance with the approved plans and specifications.

R. If a public water system project receives approval from the department but does not commence construction within one year after the date of department approval, the supplier of water must submit a new application to the department that includes any project changes since the previous application.

S. Any deviations from approved plans or specifications affecting capacity, operating units, the functioning of water treatment processes, or the quality of water to be delivered, shall be reported to the department in writing. If deemed appropriate, the department may require that revised plans and specifications be submitted for review. Revised plans or specifications shall be submitted to the department in time to permit the review and approval of such plans or specifications before any construction work, which will be affected by such changes, is begun. In the event that this requirement would result in construction delays, verbal approval by the department may be given followed by written review within 30 days. The applicant must submit a copy of the completed change order to the department as soon as possible for review, final approval and filing.

T. Staff from the department, after reasonable notice and presentation of credentials, may make visits to the work site to assure compliance with these rules. In the event deficiencies are noted, the applicant will be notified in writing of any deficiency. All deficiencies must be resolved prior to the start-up of the system or component of the system.

U. The department shall be notified in writing when a public water supply system project, or well-defined phase thereof, is at or near completion. This notification must be provided and a response from the department received by the public water system prior to activating the components of the project. This notification shall consist of:

(1) for a project requiring department approval, a written statement from a registered professional engineer or a representative of the water system that all conditions of project approval were accomplished;

(2) evidence of proper flushing and disinfection in accordance with the appropriate ANSI/AWWA standard, including bacteriological sampling results;

(3) other water quality data where appropriate;

(4) all other documentation which may have been required during the plan review process;

(5) confirmation that the water system owner has been provided with an operation and maintenance manual for the new facility, where appropriate; and

(6) when the project includes construction of a new source or incorporation of an existing source into a public water supply system, documents filed with the state engineer office, including the well log and proof of completion of well for ground water sources, and a proof of completion of works for surface water sources.

V. For a project requiring department approval, the supplier of water shall submit record drawings and certification of project completion in an electronic format acceptable to the department within 120 days after completion of the project.

[20.7.10.201 NMAC - Rp 20 NMAC 7.1.I.109 and 20 NMAC 7.1.V.502, 12/04/2002; A, 04/16/2007; A, 01/06/2013]

20.7.10.202 APPLICATION FOR WATER HAULERS THAT ARE NOT OWNED OR OPERATED BY ANOTHER PUBLIC WATER SYSTEM:

A. This section applies to each water hauler that is not owned or operated by a public water system. This section does not apply to the transport of bottled water regulated pursuant to 21 CFR Part 165.

B. Any person proposing to commence a water hauling operation for human consumption under this section shall complete, sign and submit an application to the department no later than 30 days prior to entering a service contract for delivering water for human consumption. This requirement may be waived at the discretion of the department. The water hauler shall not produce, withdraw, store, transport or deliver water for human consumption until the department has approved the application in writing.

(1) Upon approval from engineering the proposed water hauler will be subject to an in-person inspection of the facility prior to delivering water for human consumption.

C. The application shall be made on form(s) furnished by the department and shall include:

(1) evidence that the water tank and other delivery components are approved for contact with water for human consumption, conforming to NSF 61 or equivalent;

(a) provide evidence that the tank and appurtenances are approved for food grade products conforming to NSF 51, or equivalent;

(2) a declaration that the water tank and other water delivery components have never come into contact with a non- potable or non-food grade product, or a declaration listing any such products and evidence that the tank has been sufficiently reconditioned to enable hauling of potable water;
   (a) the statement shall be signed by the applicant

(3) a contract with a public water system authorizing receipt of water or other documentation demonstrating that the water to be hauled will come from a drinking water system that is included in the safe drinking water information system (SDWIS) inventory;
   (a) If the water system providing the water is located outside of the regulatory jurisdiction of the department, the department must be notified of the jurisdiction the water source is regulated under and provide the information on forms provided by the department.

(4) a description of water hauling operation including the procedures for obtaining, storing, treatment of and delivery of water; and

(5) a disinfection plan for routine and seasonal disinfection of each tank.
   (a) The disinfection plan shall be in conformance with AWWA standard C652;
   (b) the plan shall detail the appropriate disposal of highly chlorinated water in accordance with all applicable state or federal regulations.
   (c) records of disinfection should be kept in a readily accessible place

(6) evidence of conformance with the water operator certification regulations as per 20.7.4 NMAC.

D. Water hauling as a result of an emergency must be approved by the department in conformance with 20.7.10.203 NMAC.

[20.7.10.202 NMAC - N, 01/06/2013]

20.7.10.203 TEMPORARY OR EMERGENCY WATER HAULER ACTIVITIES

A. Prior to entering into a contract with a water hauler, other state agencies must coordinate with the department, referring emergency water haulers.

(1) If the emergency water hauler intends to haul water to a public water system and has already been approved for potable water hauling by a federal agency the hauler shall submit documentation requested by the department to ensure equivalency with state water hauling requirements.

(2) Emergency contracts longer than 90 calendar days of service, must apply to be a certified water hauler and given a public water system number.

(3) At least one New Mexico Certified Utility Operator at any certification level must be physically present to oversee all water deliveries.

(4) Shall follow the requirements of 20.7.10.202.C NMAC.

B. An emergency shall mean a condition declared by a county emergency operations authority or by the governor that necessitates temporary water hauling to protect public health.

C. Temporary Water Hauling

(1) If the applicant is applying for a temporary water hauling application in response to a declared emergency the following requirements apply;
   (a) A complete application shall be submitted indicating the proposed start and end date, if hauling is intended for more than 60 calendar days a full time water hauling application shall be submitted.
   (b) Disinfection in conformance with AWWA C652 shall be completed prior to delivering water for human consumption and bacteriological samples submitted to the department.
   (c) Complete records of chlorine residual testing, disinfection and amount of water delivered during the temporary hauling project shall be maintained and submitted to the department at the end of the hauling project.
   (d) A new complete application shall be submitted for each individual temporary water hauling situation.

20.7.10.204 STANDARDS INCORPORATED BY REFERENCE:

A. The most recent edition of the *Recommended Standards for Water Works* (Ten States Standards), as developed by the Great Lakes-Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers, is hereby incorporated by reference and shall serve as the minimum standard for the engineering and construction of public water system projects under this part.

B. Where the department determines that a provision of the most recent edition of the Ten States Standards is inconsistent with New Mexico conditions, applicable federal requirements, or the requirements of this part, the department shall notify public water systems in writing and identify the applicable alternative standard.

C. Nothing in this section prevents the department from applying more stringent standards where necessary to protect public health.

20.7.10.20~~35~~- 20.7.10.299 [RESERVED]

20.7.10.300 COMPLIANCE; EMERGENCY POWERS:

A. [~~**A.** No public water system shall supply drinking water to the public unless the system is operated and maintained in compliance with this part.~~]

B. Powers of the secretary.

(1) The secretary may take any action necessary to protect the health of persons who are or may be served by a public water system, including but not limited to issuing orders, assessing penalties, or commencing a civil action for appropriate relief:

(a) if the public water system fails to meet any requirement of this part;

(b) upon receiving information that a contaminant, whether or not listed in 40 CFR Part 141 Subparts B and G, is present in or likely to enter the public water system, that the presence of such contaminant may present an imminent and substantial endangerment to the health of persons served by the system, and that appropriate local authorities have not acted to protect the health of such persons; or

(c) in response to a civil emergency involving public drinking water; the secretary's response shall be coordinated, when appropriate, with other state emergency response and relief efforts.

(2) If the secretary determines that treatment of water is necessary for a public water system to achieve concentrations no greater than the maximum contaminant levels set forth at 40 CFR Part 141 Subparts B and G, such treatment shall be continuously maintained until the public water system can demonstrate to the secretary that such treatment is no longer necessary.

[20.7.10.300 NMAC - Rp 20 NMAC 7.1.II.201, 12/04/2002; A, 04/16/2007; A, 01/06/2013]

20.7.l0.301 - 20.7.10.399 [RESERVED]

20.7.10.400 GENERAL OPERATING REQUIREMENTS:

A. WATER SOURCES

(1) The well site shall be graded so that the site is free from depressions, reverse grades, or areas too rough for proper ground maintenance to ensure that water will drain away from the well. In all cases, well head and all appurtenances shall be constructed to ensure that water drains away from the well. Where applicable, drainpipes shall be provided to prevent ponding or collecting liquids around the wellhead.

(2) Water wells shall be located no less than 200 horizontal feet from any possible source of contamination such as septic tanks, sewers, sewage wet wells, sewage pumping stations, sewage or septic disposal fields, or any other potential source of contamination as determined by the department.

(a) If a water well cannot meet this requirement the public water system may request a variance from NMED in accordance with 20.7.10.105 NMAC.

(3) In all cases, a concrete sealing block extending at least three feet from the well casing in all directions, with a minimum thickness of six inches and sloped to drain away at not less than 0.25 inches per foot shall be provided around the wellhead. Concrete sealing blocks shall be maintained in good condition at all times, free of cracks, or other conditions that could compromise the integrity of the block.

(4) Wellheads and pump bases shall be sealed where they connect to the casing by a gasket or sealing compound and properly vented to prevent the possibility of contaminating the well water.

(5) A well casing vent shall be provided with an opening that is covered with 24-mesh or finer corrosion-resistant screen, facing downward, elevated and located to prevent the drawing of contaminants into the well.

(6) A suitable non-threaded raw water sampling tap or a tap in accordance with Ten States Standards shall be provided on the discharge pipe of each well pump prior to any treatment.

(7) Flow meters shall be provided for each well to measure production yields and provide for the accumulation of water production data. These devices shall be located to facilitate daily reading.

(8) A well blowoff line shall be required, in order to easily flush the well without sending water to the distribution system.
(9) The well discharge shall terminate in a downward direction and at a point which will not be submerged by flood waters.
(10) Well sites must have road access during all weather conditions
(11) Fill stations must be designed and approved by the department prior to use and include appropriate backflow prevention or air gap to prevent contamination from entering the distribution system.

B. WATER STORAGE

(1) All public water system storage tanks shall be inspected on a routine basis as required by subsections (2) through (5) of this section.
(2) Public water system storage tanks shall be inspected externally and documented annually by a certified operator. Annual inspections shall assess external observable conditions only; interior evaluation is required as part of the five-year inspection under subsection (4).
(3) Annual storage tank inspections performed by a certified operator shall verify that the tank remains in a watertight condition and that there is adequate protection against insects, rodents, and other vermin. At minimum, the annual inspection shall verify the following:
   (a) Vents are in place, properly screened with #24 non-corrodible mesh, and fitted with elbowed down fittings or appropriately designed rain caps.
   (b) Roof hatches are closed and locked.
   (c) Overflows are fitted with a flap valve or duckbill valve and, where a flap valve is used, a 24-mesh corrosion-resistant screen installed in a manner that does not impair the functionality of the valve. Overflow pipes shall terminate between 12 and 24 inches from ground level and shall be separate from vents.
   (d) Entryway gaskets and seals are intact and in good condition.
   (e) Instrumentation and controls are functioning properly.
   (f) Any documented deficiency shall be corrected within 90 days.
(4) All public water system storage tanks shall be inspected by a qualified tank inspector at a minimum every five years. Five-year inspections shall meet at minimum AWWA D101-53 standards or equivalent.
(5) Five-year inspections shall include all items required under the annual inspection and shall additionally evaluate the condition of the interior and exterior surfaces of the tank, determine whether coating systems continue to provide adequate protection to all metal surfaces, and assess the integrity of the tank foundation.
(6) All required tank inspections shall be documented in a written tank inspection report that includes photographs and is signed by the certified operator or qualified tank inspector who conducted the inspection.
(7) Storage facilities shall be operated in a manner that limits access to authorized personnel and contractors of the public water system. Security measures shall include a locking mechanism on all hatches, restricted ladder access, and appropriate security fencing.
(8) Storage facilities shall be provided with a sampling tap located on the outlet piping from the tank at a point downstream of the tank itself. Taps located on the sidewall of the tank shall not be considered an appropriate sampling location. Access hatches shall not be considered an appropriate sampling location.
(9) Storage facility overflows shall be designed to terminate between 12 and 24 inches from ground level. Overflows shall be fitted with a flap valve or duckbill valve. Where a flap valve is used, a 24-mesh corrosion-resistant screen shall also be installed in a manner that does not impair the functionality of the valve. Overflow pipes shall be separate from vents.WATER TREATMENT

C. For the purpose of microbiological control and distribution protection, disinfection facilities shall be provided and used for all Public Water Systems which use groundwater as a source and which serve:
(1) a population of 3,301 or greater, effective January 1, 20XX,
(2) a population of 501-3,300, effective January 1, 20XX,
(3) a population of 101-500, effective January 1, 20XX, and
(4) a population of 25-100, effective January 1, 20XX.
(5) A disinfection residual of at least 0.2 mg/L of free available chlorine shall be maintained throughout the distribution system for public water systems that are required to disinfect.

(6) The department may require 4-log removal or inactivation of viruses for public water systems of any size based on sampling results required by the Groundwater Rule or Revised Total Coliform Rule.
(7) Chemicals shall be stored in day tanks to minimize the possibility of severely overfeeding liquid chemicals from bulk storage facilities.
(8) Every chemical storage tank and day tank shall have a label that identifies tank's contents and a way of easily determining the total amount of chemical remaining in the tank.
(9) Chemical storage tanks must be designed to minimize the possibility of leaks and spills and be constructed to be compatible with the chemicals being stored.
(10) Adequate containment must be provided for all chemical storage tanks. Containment must be sufficient to hold the entire volume of the largest storage tank plus 10% so as to prevent large chemicals spills.

D. CONSECUTIVE WATER SYSTEMS. The following requirements apply only to systems which receive drinking water from a wholesale system to meet all or part of their drinking water production.
(1) The wholesale system and consecutive system shall enter into a legal agreement to ensure that the terms of drinking water delivery are defined. For purposes of this section, a legal agreement may be defined as a signed written document of specific terms agreeable to the consecutive system and the wholesale system, such as a contract, or in its absence, a binding memorandum or letter of understanding between the consecutive system and the wholesale system.
(2) At a minimum the legal agreement shall include:
(a) The name of the wholesale system that will be providing the drinking water.
(b) The name of the consecutive system that will be receiving the drinking water.
(c) The maximum rate at which water may be taken by the consecutive system on a daily and hourly basis as well as the maximum amount of water in gallons per day that may be taken on a daily basis.
(d) The legal agreement must be provided to the department upon request.
(3) The wholesale system is responsible for ensuring that the drinking water provided to the consecutive system at the point of delivery meets all regulated water quality requirements and agreements noted in the legal agreement.
(4) The consecutive system is responsible for ensuring maintaining water quality throughout their system and ensuring that they are providing enough drinking water to meet the needs of their system.

E. WATER DISTRIBUTION
(1) Water distribution facilities shall be pressure tested prior to activation in the water system. Records of pressure testing shall be kept in a reasonably accessible place and provided upon request.
(2) Water distribution facilities shall be disinfected in accordance with AWWA C651 prior to activation in the water system for all repair and maintenance activities that may not require an engineering application. Records of this disinfection shall be kept in a reasonably accessible place and provided upon request.
(3) Water distribution facilities shall maintain at least a ten (10) foot parallel separation from existing or proposed sanitary sewer, storm sewer, septic tank, or subsoil treatment system unless an approved variance is granted by the department.
(4) Water loss within distribution shall be evaluated at least annually, and a copy of the results shall be provided to the department by March 1st of the following year. The department may require corrective action based on audit results. Free water audit software from AWWA is available on the department website.

F. MINIMUM REQUIRED OPERATIONAL PRACTICES
(1) Public water systems shall not allow new or repaired production, treatment, storage, pressure maintenance, or distribution facilities to be placed into service without the prior guidance and approval of a certified operator.
(2) The grounds and facilities of a public water system shall be maintained in a manner that minimizes the harboring of rodents, insects, and other disease vectors, and prevents conditions that could cause contamination of the water supply.
(3) Operational sample taps used for routine water quality monitoring shall be accessible for collection via various sample bottle types and sizes. Operational sample taps shall be located no less than 8 inches and no more than 4 feet off the floor, outside of confined spaces, with a downward orientation, and shall not be located where a risk of electrical short circuiting could occur. These requirements apply to operational sample taps used for routine water quality monitoring. For compliance sampling tap location requirements, see 20.7.10.500.F NMAC.

(4) No physical connection between the distribution system of a public drinking water supply and that of any other unapproved water supply shall be permitted unless the other water supply is of a safe, sanitary quality and the interconnection is approved by the department.
   (a) A list of approved backflow prevention devices can be found on the department's website. Backflow prevention devices must be approved by the department for the proposed operating situation.
(5) All dead-end mains must be flushed as needed if water quality complaints are received from water customers or if disinfectant residuals fall below acceptable levels. A log that tracks the amount of water, in gallons, flushed from dead end mains during flushing events shall be maintained and available to the department upon request.
(6) Each community public water system shall provide metering devices at each active residential, commercial, or industrial service connection for the accumulation of water usage data.
(7) All water system electrical wiring must be securely installed in conduit and in compliance with a local or national electrical code.
(8) Facilities such as wells, treatment plants, storage tanks, pump stations, or any other facility as determined by the department, shall be protected by intruder-resistant fences, in order to prevent the possible contamination or damage to the facilities by trespassers. The facilities shall be locked during periods of darkness or when the facility is unattended.
(9) Valves and blowoffs shall be provided so that necessary repairs can be made without undue interruption of service over any considerable area and for flushing the system when required.
(10) All-weather access roads shall be provided to all drinking water facilities that have components that require routine maintenance or inspections as determined by the department.
(11) Systems shall be designed and operated to maintain a minimum pressure of 20 psi at each service connection and at all points in the distribution system under all conditions of flow.
(12) At no time shall system pressures below 20 psi or greater than 80 psi be delivered to the customer. The public water system shall evaluate if pressures exceeding the recommended operating pressures delivered to the customers will be provided. Pressures exceeding the recommended pressures may be met by pressure reducing valves in the vicinity of each customer service line, or by designing the distribution system to limit the maximum pressure.
(13) All treatment systems including chemical feed equipment shall be monitored and recorded daily by certified operators. These records shall be available for review by the department upon request.
(14) Operating records shall be organized and maintained on file or stored electronically. Records shall be accessible for review during inspections and available to the department upon request. Public water systems are responsible for maintaining all required records and shall not rely on the department to produce any records the system is required to maintain.
(15) Certified operators for consecutive public water systems shall maintain a weekly record of the amount of water that is received from the wholesale public water system.
(16) Operators shall maintain monthly operating reports documenting the operation of the public water system. At a minimum, monthly operating reports shall include the following information, as applicable to the system:
   (a) The amount of water, in gallons, produced by each public water system source, recorded at least weekly. Certified operators for consecutive public water systems shall also record the amount of water received from the wholesale public water system at least weekly.
   (b) The amount of treatment chemicals used, by type, recorded at least weekly.
   (c) The volume and type of chemicals remaining in each chemical storage tank, recorded at least weekly.
   (d) For public water systems required to disinfect with chlorine or chloramines, disinfectant residuals measured within the distribution system at least weekly.
   (e) The volume of water in each storage tank, recorded at least weekly.
   (f) Records of any known or identified leaks in the water system.
   (g) Records of repairs completed during the reporting month.
   (h) Distribution system pressure measurements shall be taken at representative locations within the distribution system, including at a minimum the highest and lowest pressure points in the system, and shall be recorded at least weekly. Pressure measurements shall be taken at points representative of customer service conditions and shall not be satisfied by pressure readings taken at storage facilities or pump stations alone. Systems serving a population greater than 3,300 or

operating multiple pressure zones shall identify and document a minimum of one representative monitoring location per pressure zone.

(17) The following records shall be retained on-site for at least three years:
- (a) Copies of notices of violation and any resulting corrective actions. The records of the actions taken to correct violations of primary drinking water regulations must be retained for at least three years after the last action taken with respect to the particular violation involved.
- (b) Copies of any public notice issued by the water system.
- (c) Disinfectant residual monitoring results from the distribution system, including chlorine residual and chlorite residual results for systems using chloramines.
- (d) The calibration records for laboratory equipment, flow meters, rate-of-flow controllers, on-line turbidimeters, and on-line disinfectant residual analyzers.
- (e) The records of backflow prevention device programs.
- (f) The results of all surface water treatment monitoring are used to demonstrate log inactivation or removal.
- (g) a log of all customer complaints received by the public water system. The complaint log shall at a minimum include:
  - (i) Date the complaint was received.
  - (ii) Location or address of the complaint
  - (iii) Nature of the complaint
  - (iv) Results of the complaint investigation

(18) The following records shall be retained for a period of five years after they are no longer in effect:
- (a) Records concerning a variance or waivers granted to the system.
- (b) Concentration Time (CT) studies for subpart H water systems.
- (c) Turbidity monitoring results and reports for individual filters as required by drinking water regulations.

(19) The following records shall be retained for at least five years.
- (a) Results of microbiological analyses.
- (b) Results of inspections for all water storage and pressure maintenance facilities
- (c) Results of inspections for all pressure filters

(20) All Public Water Systems that are classified as Subpart H water treatment plants shall be maintain equipment for making at least the following determinations:
- (a) pH, temperature, disinfectant residual, alkalinity, turbidity, jar tests for determining the optimum coagulant dose; and any other tests deemed necessary to monitor specific water quality problems or to evaluate specific water treatment processes.
- (b) Metering devices shall be provided to measure raw water, recycled decant water, treated water used to backwash the filters, and the treated water sent to distribution. Additional metering devices shall be provided where appropriate to monitor the flow rate through specific treatment processes. Metering devices shall be located to facilitate use, assist in determination of chemical dosages, accumulation of water production data, and operation of plant facilities. Meters shall be maintained, read, and logged daily.

(21) No later than December 31st of every year, the owner of a public water system shall provide the department with an up-to-date list of the following:
- (a) list of all the operators or operating companies that are responsible for operations at the water system The list shall contain the name, contact information, work status, license number, and license class of each operator.
- (b) List of the administrative contact responsible for the system.
- (c) Information regarding the legal owner of the water system.

(22) Current plans, specifications, maps, and other pertinent information shall be maintained to facilitate the operation and maintenance of the system's facilities and equipment. These records shall be maintained on file at the public water system and be available to the department upon request.
- (a) An accurate and up-to-date map of the distribution system shall be available so that valves and mains can be easily located during emergencies.
- (b) Each Community Public Water System and each Non-Transient Non-Community Public Water System shall have a written operations & maintenance plan. The operations and maintenance plan shall at a minimum contain the following:
  - (i) Define the PWSs organizational structure.

(ii) Formalize general and detailed descriptions of system components and treatment units.
(iii) A schedule of standard operating, maintenance, and sampling procedures.
(iv) Define specifications for new installations and repairs.
(v) Identify chemical, appurtenance and equipment suppliers and contractors.
(vi) Schedule of maintenance activities.
(vii) A schedule of compliance reporting requirements.

(23) Public water systems, or their contracted certified laboratories, shall submit compliance documentation and sampling results to the department in the format and within the timeframes required by applicable regulations. The department may issue guidance specifying acceptable submission methods and formats.

(24) When pressure filters are used, a visual inspection of the filter media and internal filter surfaces shall be conducted annually to ensure that the filter media is in good condition and the coating materials continue to provide adequate protection to internal surfaces. A record of the inspection shall be maintained onsite and provided to the department upon request.

(25) All water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances shall be maintained in a watertight condition and be free of excessive solids that interfere with the delivery of safe and adequate drinking water.

(26) When a public water system changes ownership, a written notice of the transaction must be provided to the department by the existing owner within 30 days after the effective date of the change in ownership. The following information must be provided:
(a) Name of the new owner
(b) Effective date of the change in ownership
(c) Physical and mailing address and phone number of the new owner
(d) Public water system's drinking water supply identification number, and any other information necessary to identify the transaction.

(27) All systems shall maintain internal procedures to immediately notify the department of events that may negatively impact the production or delivery of safe and adequate drinking water. Those include, but are not limited to:
(a) Unusual or unexplained unauthorized entry at property of the public water system.
(b) An act of terrorism against the public water system.
(c) Unauthorized attempt to probe for or gain access to proprietary information that supports the key activities of the public water system.
(d) Theft of property that supports the key activities of the public water system; or
(e) A natural disaster, accident, or act that results in damage to the public water system.
(f) The inability of the water system to effectively treat or operate a system in a manner that may negatively impact the public health of the systems' customers.

(28) Emergency Response Plans - Each Community Public Water System and each Non-Transient Non-Community Public Water System shall maintain a written emergency response plan specific to drinking water emergencies. The emergency response plan shall at a minimum meet the requirements of Section 1433 of the Safe Drinking Water Act, as amended by Section 2013 of America's Water Infrastructure Act of 2018. The emergency response plan shall include:
(a) Strategies and resources to improve the resilience of the system, including physical security and cybersecurity.
(b) Plans and procedures that can be implemented, and identification of equipment that can be utilized, in the event of a malevolent act or natural hazard that threatens the ability of the water system to deliver safe drinking water.
(c) Actions, procedures, and equipment that can avoid or significantly lessen the impact of a malevolent act or natural hazard on public health and safety and the supply of drinking water, including the development of alternative source water options, relocation of water intakes, and construction of flood protection barriers.
(d) Strategies that can be used to assist in the detection of malevolent acts or natural hazards that threaten the security or resilience of the system.
(e) Names and telephone numbers of responsible utility personnel, and procedures to be followed in the event of loss of electricity, source, treatment, storage, or distribution facilities, or in the event of a loss of distribution system pressure or a known or suspected introduction of contaminants into the distribution system.

(f) Procedures for timely notification to customers about emergencies, including identification and direct notification of sensitive populations within the distribution system such as schools, hospitals, retirement homes, dialysis centers, and early childhood programs.
(g) Identification of an alternative source of water to be used in the event that the current water supply is unavailable or unusable.
(h) Procedures for notifying the department in the event of a security breach, contamination event, or other condition that endangers the water supply, consistent with the requirements 20.7.10.400.J NMAC. The emergency response plan shall designate a primary and backup contact responsible for making the required telephone notification to the department and shall include the department's current emergency contact information.
(i) The emergency response plan shall be reviewed and updated annually and submitted to the department upon request.

(29) In addition to the boil advisory requirements set forth in the National Primary Drinking Water Regulations, public water systems shall issue a precautionary boil water advisory as soon as possible, but no later than 24 hours after any of the following triggering conditions is identified:
(a) Water distribution system pressures lower than 20 psi.
(b) Finished water entering the distribution system, produced by a treatment plant that is treating surface water or groundwater under the direct influence of surface water, has a turbidity level that is above one NTU.
(c) Confirmed E. coli positive sample taken as part of routine or repeat monitoring as required by 20.7.10.400.L through N NMAC.
(d) For systems that are required to disinfect, free chlorine residual below 0.2 mg/L recorded in the distribution system over two or more consecutive days.
(e) Other conditions as determined by the department.

(30) Upon identifying a triggering condition under 20.7.10.400.F.29 NMAC, the public water system shall notify all affected customers as soon as possible, but no later than 24 hours after the triggering condition is identified. Notification shall be delivered through at least two of the following methods: direct customer contact by telephone or in person, posted notices at representative locations within the affected area, distribution of written notices, or announcement through local media or official social media channels.
(a) All customer notifications issued under this subsection shall be written in plain language that is clear and easily understood by the general public. Public water systems serving a population in which 10 percent or more of the residents primarily speak a language other than English shall provide notifications in both English and that language. The department shall make template boil water advisory notices available in English and Spanish on its website for use by public water systems.
(b) Prior to issuing a precautionary boil water advisory, or as soon as practicable thereafter, the public water system shall directly notify known sensitive facilities within the affected area, including but not limited to schools, hospitals, licensed care facilities, dialysis centers, and early childhood programs. Direct notification to sensitive facilities shall be completed as soon as possible, but no later than four hours after the triggering condition is identified.

(31) The public water system shall notify the department as soon as possible, but no later than 24 hours after issuing a precautionary boil water advisory. Notification shall include the triggering condition, the area of the distribution system affected, the date and time the advisory was issued, and the notification methods used to reach customers.

(32) A public water system required to issue a precautionary boil water advisory under 20.7.10.400.F.29 NMAC may request to limit the area of the advisory if the system can demonstrate that the area impacted by the triggering condition is isolated from other parts of the distribution system. Requests to limit the area of the boil advisory must be submitted to the department in writing and must be approved by the department in writing.

(33) When a wholesale public water system issues a precautionary boil water advisory, the wholesale system shall immediately notify all consecutive systems receiving water from the affected portion of the distribution system. Each consecutive system that receives water from the affected area shall issue its own precautionary boil water advisory in accordance with this subsection and shall comply with all applicable notification and recordkeeping requirements.

(34) If the triggering condition for a precautionary boil water advisory has not been resolved within seven calendar days of the advisory being issued, the public water system shall submit a written status report to the department describing the nature of the condition, corrective actions taken to date, and the estimated timeline for resolution. The department may require additional corrective actions or may issue a compliance order if the condition poses an ongoing risk to public health.

(35) A boil water advisory issued under this subsection shall remain in effect until the public water system has provided compliance documentation to the department demonstrating that all applicable requirements of subsections (a) through (d) have been met. Upon department confirmation that all applicable requirements have been met, the public water system shall notify customers throughout the distribution system or in the affected area that the boil water advisory has been lifted as soon as possible, but no later than 24 hours after department confirmation is received. Notification shall be delivered using the same methods required under 20.7.10.400.F.35 NMAC. The public water system shall also notify the department within 24 hours of rescinding a boil water advisory.

(a) Water distribution system pressures in excess of 20 psi have been maintained throughout the distribution system for a minimum of 24 consecutive hours..

(b) For systems required to disinfect, affected areas of the distribution system have been thoroughly flushed and a minimum of 0.2 mg/L free chlorine residual has been maintained in each finished water storage tank and throughout the distribution system for a minimum of 24 consecutive hours.

(c) Finished water entering the distribution system, produced by a treatment plant that is treating surface water or groundwater under the direct influence of surface water, has maintained a turbidity level below 1.0 NTU for a minimum of 24 consecutive hours.

(36) The public water system shall collect water samples for microbiological analysis from representative locations throughout the distribution system or within the affected area after all other applicable requirements of subsections (a) through (c) have been met. All samples shall be marked as "special" on the laboratory sample submission form. The following sampling requirements apply based on the nature of the triggering condition:

(i) For boil water advisories triggered by a confirmed E. coli positive sample, the public water system shall collect a minimum of two rounds of samples from representative locations within the affected area, including the original sampling location where the E. coli positive result was obtained. Each round of samples shall be collected on separate days. All samples from both rounds must return negative results for coliform and E. coli organisms before the advisory may be rescinded.

(ii) For boil water advisories triggered by system conditions such as low distribution system pressure, turbidity exceedances, or inadequate disinfectant residual, the public water system shall collect a minimum of two rounds of samples from locations representative of the affected area. The number of sampling locations shall be proportional to the size and complexity of the affected area, as determined in coordination with the department. Each round of samples shall be collected on separate days. All samples from both rounds must return negative results for coliform and E. coli organisms before the advisory may be rescinded.

(37) The public water system shall maintain a written record of each precautionary boil water advisory issued. Records shall be retained for a minimum of five years and shall be made available to the department upon request. The record shall include at minimum the following:

(a) The date and time the triggering condition was identified.

(b) The nature of the triggering condition.

(c) The area of the distribution system affected.

(d) The date and time the advisory was issued.

(e) The notification methods used and the date and time customer notification was completed.

(f) The date and time the department was notified.

(g) The date and time the advisory was rescinded and the basis for rescission.

(38) For systems that use SCADA or similar remote operations technologies, systems must continually evaluate and correct any potential vulnerabilities to unauthorized access of their SCADA systems or their vulnerability to cybersecurity attacks. All network components (SCADA) and data must be able to be accessed and provided at the request of the department.

G. Protection of public water systems during maintenance or replacement of electrical or mechanical equipment. The owner or operator of a public water system shall prevent contamination of the water in the system while undergoing maintenance or replacement of electrical or mechanical equipment.

H. Security and protection of a public water system. Any part or component of a public water system including but not limited to spring junction boxes, well houses, storage reservoirs, collection devices, pump facilities, and treatment facilities shall be constructed, operated and maintained to prevent:

(1) unauthorized entry to the water supply.

(2) flooding of the water supply; and

(3) contamination of the water supply.

I. Protection of a public water system well. A ground water supply well serving a public water system shall have a sanitary seal installed at the wellhead to protect against entry of storm water and other non-potable fluids or foreign materials and against access by insects, rodents, birds or other vermin. All vents installed in the well casing shall be oriented downward and protected against entrance of foreign material and flooding. ~~[If the well is completed in a subsurface vault, the casing shall extend above the potential flooding height.]~~ All cracks, joints or other openings at the wellhead and all penetrations to the casing at or near the ground surface shall be tightly sealed with an impermeable material.

J. Finished water storage facilities. A finished water storage facility shall be protected from flooding or infiltration of raw or non-potable water and from entry by birds, insects, rodents, or other vermin. The following design and construction standards apply:

(1) Overflow pipes shall terminate between 12 and 24 inches from ground level and shall be fitted with a flap valve or duckbill valve. Where a flap valve is used, a 24-mesh corrosion-resistant screen shall also be installed in a manner that does not impair the functionality of the valve. Overflow pipes shall be separate from vents.

(2) Storage tank vents shall be screened with #24 non-corrodible mesh to exclude insects and shall be protected from dust and rainwater with elbowed down fittings or appropriately designed rain caps.

(3) Access hatches or openings below the maximum operating water level shall be fitted with a watertight cover and an appropriate seal or gasket.

(4) Roof hatches or other openings above the maximum operating water level shall be fitted with a watertight cover and appropriate seal or gasket or shall be framed above the tank surface at the opening. Framed hatches shall be fitted with a solid cover that overlaps the framed opening and extends down around the frame. All framed hatches shall restrict the entry of vermin and water.

(5) Clearwells, while not classified as finished water storage facilities, shall meet the vent screening requirements of subsection (b) of this section.

(6) **Notice to the department.** If the safety precautions or preventive measures required to be employed under this section fail to protect the public water system from unauthorized entry or contamination, or if the water supply is endangered for any reason, the supplier of water shall immediately notify the department and its customers and take appropriate action to protect the supply.

K. Disinfection following construction, modification or repair ~~**[not requiring department approval.]**~~**.** Any part or component of a public water system that has undergone repair, construction or modification ~~[not requiring department approval]~~shall be properly flushed, disinfected and sampled in accordance with the current editions of the *standards for disinfecting water mains*, American water works association; *standards for disinfection of wells*, American water works association; *standards for disinfection of water-storage facilities*, American water works association; and *standards for disinfection of water treatment plants*, American water works association. Flushing, disinfection, and sampling records must be maintained by the system for a period of at least 5 years and provided to the department upon request.

L. In addition to the requirements of Subsection K, projects requiring department approval shall include a written certification signed by the contractor or party completing disinfection, submitted to the department upon project completion, confirming that disinfection was completed in accordance with the applicable AWWA standards referenced in Subsection K. The certification shall constitute an unsworn declaration pursuant to NMSA 1978, Sections 44-10-4 and 44-10-6. Disinfection and sampling shall be conducted in accordance with a plan submitted to and approved by the department pursuant to Paragraph (3) of Subsection B of 20.7.10.201 NMAC.

M. Disinfection of seasonally operated facilities. A public water system that operates on a seasonal basis shall be flushed and disinfected following the non-use period and shall conduct special sampling to demonstrate the absence of bacterial contaminants in the system prior to providing drinking water to the public. During

the public water system's non-use period, the public water system shall be maintained to prevent unauthorized entry to, and contamination of, the water supply.

N. [~~**I. Maintenance and disinfection of storage structures.** All materials used to re-coat or repair the interior of water storage structures must be suitable for potable water contact. After the interior of a storage structure has undergone maintenance or re-coating, the storage structure must be flushed and disinfected pursuant to Subsection G of this section.~~][~~**J. Prohibition of iodine as a disinfectant.** No public water system shall use iodine as a disinfectant.~~][]**Standards for additives, materials and equipment - direct additives.**

(1) Each product added directly to water during production or treatment, including treatment in storage and distribution, shall conform to American national standards institute (ANSI) or national sanitation foundation international (NSF) Standard 60, or equivalent. Products covered by this subsection may include but are not limited to:

(i) coagulation and flocculation chemicals.
(ii) chemicals for corrosion and scale control.
(iii) chemicals for softening, precipitation, sequestering, and pH adjustment.
(iv) disinfection and oxidation chemicals.
(v) chemicals for fluoridation, defluoridation, algae control, and dechlorination;
(vi) dyes and tracers.
(vii) antifreezes, antifoamers, regenerants, and separation process scale inhibitors and cleaners.
(viii) water well drilling and rehabilitation aids; and
(ix) well pump lubricants and well sealants.

(2) In the case of a situation where NSF certified chemicals cannot be acquired due to supply chain issues or other approved reasons an application for a temporary variance for using NSF 60 certified chemicals may be submitted.

(a) These variances will be for a specified period of time and the following requirements must be met:
(i) The chemicals are approved for food grade use or has an acknowledged history in the state for temporary drinking water applications.
(ii) There is no substantial evidence that the use of the chemical has caused consumers to register complaints about aesthetic issues or health related concerns.

O. Standards for additives, materials and equipment - indirect additives. Except as identified in Subsections N and O, a material or product that comes into contact with water or water treatment chemical shall conform to ANSI/NSF Standard 61. Products and materials covered by this subsection may include but are not limited to:

(1) process media, such as carbon and sand.
(2) joining and sealing materials, such as solvents, cements, welding materials, and gaskets.
(3) mechanical plumbing devices, including submersible pumps.
(4) pipes and related products, such as pipe and fittings.
(5) mechanical devices used in treatment, transmission, or distribution systems such as tanks, valves, chlorinators, and separation membranes; and
(6) protective (barrier) materials such as coatings.

P. Standards for additives, materials and equipment - certification. The appearance on the product or product package of a seal of a certifying entity that is accredited by the ANSI/NSF to provide the certification or inclusion of the product in the NSF product and service listings shall be considered as proof that a product conforms to the requirement of this section.

Q. Standards for additives, materials and equipment - alternative certification. In those instances where a chemical, additive or drinking water system component that comes into contact with drinking water is essential to the design, construction or operation of the drinking water system and has not been certified by the ANSI/NSF, the operator may utilize the alternatives given in this subsection:

(1) a water system owner or operator may submit evidence that a chemical not included in ANSI/NSF Standard 60, such as EPI-DMA polyamines, anhydrous monosodium phosphate, permanganates other than potassium permanganate and sodium fluorosilicate, meets standards consistent with NSF Standard 60;
(2) a water system owner or operator may submit evidence that a system is made entirely of components certified under ANSI/NSF Standard 61; or
(3) a water system owner or operator may submit evidence that a component meets standards consistent with ANSI/NSF Standard 61.

R. Standards for additives, materials and equipment - exemptions. The following materials and products are exempt from the requirement to conform to ANSI/NSF Standard 61 or equivalent.

(1) an uncoated concrete structure, tank or treatment basin that is constructed onsite if the structure, tank, or basin is not normally coated or sealed and the construction materials used in the concrete are consistent with Subsection N;

(2) an earthen reservoir or canal located upstream of water treatment; and

(3) a water treatment plant that is comprised of components that comply with Subsections L or N; and

(4) stainless steel components.

S. Cross-connections. Cross-connections to a public water system or within a public water system shall be prohibited, unless the public water system is protected by a method acceptable to the department using either a device listed in the American society of sanitary engineering "*prevention rather than cure*" seal authorization booklet or a device acceptable to the department to prevent the back flow of water.

T. Operator certification. Public water systems shall comply with the utility operator certification requirements in the Utility Operator Certification Act, NMSA 1978, 61-33-1 et seq. as amended, and in regulations and program requirements adopted pursuant to the Safe Drinking Water Act.

[20.7.10.400 NMAC - Rp 20 NMAC 7.1.II.208, 12/04/2002; A, 04/16/2007; A, 01/06/2013]

20.7.10.401 GENERAL OPERATING REQUIREMENTS FOR WATER HAULERS:

A. This section applies to each water hauler.

B. A water hauler subject to this section shall obtain for delivery disinfected water only from public water systems that are part of the department safe drinking water information system (SDWIS) inventory and do not pose an acute health threat based on violation of a maximum contaminant level or treatment technique.

(1) If water is obtained from an unchlorinated source, the water must be chlorinated to a free chlorine residual of at least one mg/L during transport.

C. A water hauler subject to this section shall:

(1) disinfect each tank, before filling the tank for delivery, if it has not been used more than eight consecutive days;

(2) disinfect each tank after every three months of continuous operation;

(3) measure and record the disinfectant residual at the same time and place water is obtained from the public water system and immediately prior to when the water is delivered to the customer;

(4) maintain a record of the date and time that each water hauling truck is disinfected;

(5) for those water haulers that are owned or operated by a public water system, comply with the sampling requirements applicable to consecutive systems in accordance with Subsection E of Section 500 of this part; and

(6) make each vehicle used for water hauling available for inspection by the department; at the time of the inspection the tank shall be empty and have a hatch or other opening to facilitate internal inspection.

D. A water hauler subject to this section shall use only water tanks with the following features:

(1) Hatches or openings must have water tight covers.

(2) The tank drain must allow for complete draining of the tank.

(3) All hoses and other dispensing units must be equipped with water tight caps. [20.7.10.401 NMAC - N, 01/06/2013]

20.7.l0.402 - 20.7.10.499 [RESERVED]

20.7.10.500 MONITORING REQUIREMENTS:

A. Pursuant to NMSA 1978, 74-1-13.1, the department shall test non-transient non-community water systems for arsenic, fluoride and radionuclides. The reporting and public notification requirements for non-transient non-community water systems for these contaminants shall be identical to those for community water systems as set forth in 40 CFR Part 141 Subpart Q.

B. Each supplier of water shall begin routine sampling in accordance with 40 CFR Part 141 within 90 days after providing water for human consumption.

C. All public water systems shall conduct sampling at the rates set forth in 40 CFR Part 141, Subpart C, except that non-transient non-community systems shall conduct coliform sampling at the same rates as like-sized community water systems in 40 CFR 141.21(a)(2) and except that consecutive systems shall sample as required in Subsection E of Section 500 of this part. The department may order a supplier of water, when necessary, to conduct more frequent sampling than is required under 40 CFR Part 141.

D. The department may order a public water system that uses two or more water sources to collect special purpose samples directly from the water sources, in addition to routine samples from sampling points as required under 40 CFR Part 141.

E. Consecutive systems shall collect samples for those contaminants for which monitoring is required in the distribution system. This includes measurement of disinfectant residuals and collection of samples for total coliform, asbestos, lead and copper, and disinfection byproducts.

F. ~~All public water systems must have sample taps to collect water representative of each applicable facility at sampling points required under 40 CFR Part 141.~~All public water systems shall maintain compliance sampling taps to collect water representative of each applicable facility at sampling points required under 40 CFR Part 141. Compliance sampling taps shall be located outside of confined spaces and positioned no less than 18 inches and no more than five feet above grade. These requirements apply specifically to taps used for regulatory compliance sampling. Operational sample taps used for routine water quality monitoring are governed by 20.7.10.400.E.3 NMAC.

G. For systems subject to triggered monitoring under 40 CFR Part 141 ground water rule: for each total coliform positive sample collected from the distribution system, at least one ground water source sample must be collected from each ground water source that was in use at the time the total coliform-positive sample was collected.

[20.7.10.500 NMAC - Rp 20 NMAC 7.1.III.301, 12/04/2002; A, 04/16/2007; A, 01/06/2013]

20.7.10.501 [RESERVED]

[20.7.10.501 NMAC - Rp 20 NMAC 7.1.III.309, 12/04/2002; Repealed, 01/06/2013]

20.7.10.502 VALIDATION OF ANALYTICAL DATA OR CONDITIONS: The department may take any action it deems necessary to validate the results of a sample taken pursuant to this part. Data that the department determines to be invalid shall not be used to determine compliance with this part.

[20.7.10.502 NMAC - Rp 20 NMAC 7.1.III.311, 12/04/2002]

20.7.10.503 DEPARTMENT MONITORING AND SAMPLING: Nothing in this part shall be construed to preclude the department from taking samples or from using the results from such samples to determine compliance with this part or in an enforcement proceeding for violation of this part.

[20.7.10.503 NMAC - Rp 20 NMAC 7.1.III.312, 12/04/2002]

20.7.10.504 INSPECTIONS, INVESTIGATIONS AND SANITARY SURVEYS:

A. The secretary may, upon the presentation of proper credentials and after receiving consent from the supplier of water, enter at reasonable times upon or through the premises of any public water system to conduct a sanitary survey, inspection or investigation and during such survey, inspection or investigation:

(1) have access to and copy, at reasonable times, any records required to be kept pursuant to this part;

(2) inspect or review any monitoring equipment or methods required under this part;

(3) sample or otherwise test the water supplied by such system; and

(4) have access to a public water system facility for visual inspection.

B. If permission to enter a public water system to conduct a sanitary survey, inspection or investigation in accordance with Subsection A of this section is denied, the secretary may apply to a court of competent jurisdiction for an order allowing for such entry.

C. To aid the secretary in conducting sanitary surveys, inspections or investigations pursuant to this part, the supplier of water or his duly authorized representative shall, prior to the commencement of such inspection or investigation, be given the opportunity to accompany the inspector upon or through the premises of the public water system.

[20.7.10.504 NMAC - Rp 20 NMAC 7.1.I.108, 12/04/2002; A, 01/06/2013]

20.7.10.505 SUBPART H SYSTEM REPORTING: In addition to complying with any other reporting requirements in 40 CFR Part 141, operators of public water systems shall submit the following reports electronically on forms furnished by the department, if applicable:

A. monthly operating reports required of 40 CFR 141 Subpart H systems; and

B. for systems that use membrane filtration, a direct integrity test required of 40 CFR Part 141 Subpart

[20.7.10.505 NMAC - N, 01/06/2013]

20.7.l0.506 - 20.7.10.599 [RESERVED]

20.7.10.600 PUBLIC NOTIFICATION:

A. Non-transient non-community water systems that exceed the MCL for arsenic or radionuclides set forth at 40 CFR sections 141.11, 141.62, and 141.66, or exceed one-half the MCL for fluoride set forth at 40 CFR section 141.62, shall comply with the public notification requirements set forth at 40 CFR Subpart Q.

B. A supplier of water shall notify persons served by the public water system ~~to boil water used for drinking or culinary purposes if routine coliform samples indicate the presence of bacterial contamination which would not otherwise trigger the public notice requirements set forth at~~ when routine monitoring indicates the presence of bacterial contamination that poses a threat to public health and safety, consistent with the requirements of 40 CFR Subpart Q ~~but which, in the judgment of the department, poses a threat to public health and safety. If the supplier of water fails to provide notice on its own, or at the direction of the department, the department may directly notify the persons served by the system~~. When a confirmed E. coli positive sample is obtained as part of routine or repeat monitoring, the public water system shall also issue a precautionary boil water advisory in accordance with 20.7.10.400.E.29 NMAC and comply with all applicable notification and recordkeeping requirements of 20.7.10.400.E.30 through E.37 NMAC.

C. If the safety of a water supply is endangered for any reason, the supplier of water shall notify persons served by the public water system of the appropriate action to protect themselves against any waterborne hazards. Notification shall be delivered in accordance with the methods and timeframes required under 20.7.10.400.E.30 NMAC. The type of advisory or protective action guidance issued shall be appropriate to the nature of the hazard, as different contamination events may require different protective responses. The public water system shall not issue a boil water advisory where boiling would not address or could worsen the public health risk posed by the identified condition. ~~If the supplier of water fails to take such action on its own, or at the direction of the department, the department may directly notify the persons served by the system.~~

D. If a supplier of water fails to provide required notice under this section on its own, or at the direction of the department, the department may directly notify the persons served by the system and may require the public water system to reimburse the department for reasonable costs incurred in providing such notification.

E. Nothing in this section limits the authority of the secretary to take emergency action under 20.7.10.300 NMAC to protect public health.

[20.7.10.600 NMAC - Rp 20 NMAC 7.1.IV.402, 12/04/2002; A, 04/16/2007]

20.7.l0.601 - 20.7.10.699 [RESERVED]

20.7.10.700 SEVERABILITY: The provisions of this part shall be severable, and if any section, subsection, paragraph, subparagraph, sentence, clause, subclause or item of this part, or the applicability thereof to any person or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, and the application thereof, but shall be confined in its operation to the section, subsection, paragraph, subparagraph, sentence, clause, subclause or item thereof, or to the person or circumstance directly involved in the controversy in which such judgment shall have been rendered.
[20.7.10.700 NMAC - Rp 20 NMAC 7.1.XIII.1301, 12/04/2002]

20.7.10.701 20.7.10.701 SAVING CLAUSE: Repeal of 20 NMAC 7.10 shall not affect any administrative or judicial enforcement action pending on the effective date of this part.
[20.7.10.701 NMAC - Rp 20 NMAC 7.1.XIII.1305, 12/04/2002]

20.7.10.702 CONSTRUCTION: This part shall be liberally construed to effectuate the purpose of the state act.
[20.7.10.702 NMAC - Rp 20 NMAC 7.1.XIII.1303, 12/04/2002]

20.7.10.703 COMPLIANCE WITH OTHER REGULATIONS: Compliance with this part does not relieve a person from the obligation to comply with other applicable state and federal regulations.
[20.7.10.703 NMAC - Rp 20 NMAC .1.XIII.1302, 12/04/2002]

20.7.10.704 EFFECT OF STAY OR INVALIDATION OF INCORPORATED FEDERAL STANDARDS: If any federal standard or regulation incorporated by reference in this part is stayed, invalidated or otherwise rendered unenforceable, in whole or in part, by action of a federal court or USEPA, such incorporated federal standard or regulation shall be enforceable by the department only to the extent it is enforceable by USEPA. [20.7.10.704 NMAC - N, 12/04/2002]

HISTORY OF 20.7.10 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the Commission of Public Records - State Records Center and Archives:

EIB 77-1, Regulations Governing Water Supplies, filed 12-12-77; WSR 1, Regulations Governing Water Supplies, filed 3-11-85; EIB/WSR 1, Regulations Governing Water Supplies, filed 7-16-86; EIB/WSR 2, Regulations Governing Water Supplies, filed 9-12-88; EIB/WSR 3, Water Supply Regulations, filed 4-16-91.

History of Repealed Material:

20 NMAC 7.1, Wastewater and Water Supply Facilities - Drinking Water, 1-1-95.

Other History:

EIB/WSR 3, Water Supply Regulations, filed 4-16-91 was renumbered, amended, and replaced by 20 NMAC 7.1, Wastewater And Water Supply Facilities - Drinking Water, filed 12-1-94.

20 NMAC 7.1, Wastewater And Water Supply Facilities - Drinking Water, filed 12-1-94, **replaced** by 20.7.10 NMAC, Wastewater And Water Supply Facilities - Drinking Water, effective 12-4-02.