



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

May 8, 2024

Jonathan Valdez
Des Moines Water System, NM3527131
P.O. Box 127
Des Moines, NM 88418

RE: Lead and Copper Monitoring and Reporting Notice of Violation

Dear Jonathan Valdez:

The **Des Moines Water System** (“system”) has violated the lead and copper monitoring and reporting requirements established by the New Mexico Environment Department Drinking Water Bureau (“DWB” or “Department”) in accordance with the New Mexico Drinking Water Regulations, 20.7.10.100 New Mexico Administrative Code (NMAC) [incorporating 40 Code of Federal Regulations (CFR) Section 141].

The system did not complete the lead and copper monitoring sampling schedule requirements. This is a monitoring requirement violation of the drinking water regulations in accordance with 40 CFR 141.201. The system did not complete the following schedule:

- Last date sampled: 08-28-2020
- Sampling schedule missed:

Schedule Begin Date	Schedule End Date	Sampled date
1/1/2021	12/31/2023	Did not sample

Due to your monitoring violation, the public water system shall:

- **Collect five (5) lead and copper samples between June 1, 2024 and September 30, 2024.**
- Provide public notice, in accordance with 40 CFR part 141.204, informing consumers of this violation **within one (1) year of receipt of this letter**. The notice must reach all consumers that utilize water from this system. These individuals must be notified annually as long as the violation persists. The public notice must be delivered by mail or any other direct delivery method that will ensure users of water from your system are advised of the violation.
 - Please read the attached Instructions for Monitoring Violations. Then edit the public notice template (replace highlighted areas) and deliver the public notice.
- Certify the delivery of the public notice and the method of distribution, in accordance with 40 CFR part 141.31, by filling out the “Public Notification Certification Form” (see attached).

- Submit a copy of the certification form and the delivered public notice **within 10 days of completing the public notification requirements** to the Lead and Copper Program Administrator to lcr.manager@state.nm.us.

The completion of all elements listed, in accordance with 20.7.10.100 NMAC [incorporating 40 CFR Section 141.31(d)], will enable DWB to verify your public notice.

To return to compliance with the lead and copper monitoring requirements, the system must collect the indicated sample schedules of lead and copper samples between June 1, 2024 and September 30, 2024 and fulfill the public notice requirements. Once the water system returns to compliance, the water system will continue to sample every three years from the date of the last monitoring event, providing that the 90th percentile is less than or equal to the Action Level for lead and copper.

Failure to comply with the Public Notice requirements including, failure to notify the public and the state, will result in additional violation(s) being issued without notice to the system. Any continued violations regarding the Public Notification Requirements, will result in enforcement actions including issuance of Administrative Orders with possible penalties assessed against the Des Moines Water System as defined in 20.7.10.100 NMAC [incorporating 40 CFR Sections 141.204 and 141.31(d)], **or** the lead and copper monitoring requirements as defined in the New Mexico Drinking Water Regulations, 20.7.10.100 NMAC [incorporating 40 CFR Section 141.86].

Pursuant to the NMED Delegation Order dated March 19, 2024, the Cabinet Secretary has delegated the authority to issue Notice of Violations to DWB Area Supervisor Wayne Jeffs.

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

If you have any questions or need assistance e-mail lcr.manager@env.nm.gov

Respectfully,

Wayne Jeffs Digitally signed by Wayne Jeffs
Date: 2024.05.08 08:24:20
-06'00'

Wayne Jeffs
Compliance Supervisor
Drinking Water Bureau
Water Protection Division

Enclosures: Public Notice Template
 Public Notification Certification Form

cc: Diana Aranda, Lead and Copper Rule Administrator (electronic)
 Jacob Kruse, Compliance officer
 Electronic Central File

Instructions for Monitoring Violations

Template on Following Page

If you are required to provide Tier 3 notification, you must provide public notice to persons served within one year after you learn of the violation 20.7.10.100 NMAC [incorporating 40 CFR 141.204(b)]. Multiple monitoring violations can be serious, and the NMED DWB may have more stringent requirements. Check with the NMED DWB to make sure you meet its requirements.

Community systems must use one of the following 20.7.10.100 NMAC [incorporating 40 CFR 141.204(c)]:

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

Noncommunity systems must use one of the following 20.7.10.100 NMAC [incorporating 40 CFR 141.204(c)]:

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and noncommunity systems must use another method reasonably calculated to reach others if they would not be reached by the first method 20.7.10.100 NMAC [incorporating 40 CFR 141.204(c)]. Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has already been resolved, you must post the notice for at least seven days 20.7.10.100 NMAC [incorporating 40 CFR 141.204(b)]. If you mail, post, or hand deliver, print your notice on your system's letterhead, if available.

The notice on the following page is appropriate for insertion in an annual notice or the Consumer Confidence Report (CCR), as long as public notification timing and delivery requirements are met 20.7.10.100 NMAC [incorporating 40 CFR 141.204(d)]. You may need to modify the template for a notice for individual monitoring violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g., in a footnote.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time. If you do modify the notice, you must still include all required PN elements from 40 CFR 141.205(a) and leave the mandatory language unchanged (see below).

Mandatory Language

Mandatory language for monitoring and testing procedure violations 20.7.10.100 NMAC [incorporating 40 CFR 141.205(d)] must be included as written (with blanks filled in) and is presented in this notice in italics and with an asterisk on either end.

You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable 20.7.10.100 NMAC [incorporating 40 CFR 141.205(d)]. This language is also presented in this notice in italics and with an asterisk on either end.

Corrective Action

In your notice, describe corrective actions you took, or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. You can use the following language, if appropriate, or develop your own:

- We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- We plan to take the required samples soon, as described in the last column of the table above.

After Issuing the Notice

Make sure to send the NMED DWB a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice 20.7.10.100 NMAC [incorporating 40 CFR 141.31(d)]

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER
Monitoring and Reporting Requirements Not Met for DES MOINES WATER SYSTEM

Este informe contiene información importante acerca de su agua potable. Haga que alguien lo traduzca para usted, o hable con alguien que lo entienda.

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what happened, what we are doing (did) to correct these situations.

*We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. Our system did not complete all monitoring requirements for lead and copper and, therefore, cannot be sure of the quality of our drinking water during that time.**

The table below lists the contaminants we need to properly test for the next year, required samples to be collected and our new compliance schedule.

Contaminants	Number of samples required	Must now sample during this period to comply
Lead and Copper	5	06/01/2024- 09/30/2024

What should you do?

There is nothing you need to do. You do not need to boil your water or take other corrective actions. You may continue to drink the water. If a situation arises where the water is no longer safe to drink, you will be notified within 24 hours.

What is being done? The distribution system shall be sampled in 2024 between June 1 to September 30th.

For more information, please contact: Jonathan Valdez at 575-278-2127, dmmayor@bacavalley.com , or at Des Moines Water System, NM3527131, P.O. Box 127, Des Moines, NM 88418

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.



New Mexico Environment Department - Drinking Water Bureau

Public Notification Certification Form – All Tiers; Requirements Pursuant to 40 CFR 141 (Subpart Q)

This form and a copy of your Notice to the Public must be submitted to the State within **10 days** of notifying your customers.

PWSID#: NM3527131 **Water System Name:** DES MOINES WATER SYSTEM

Violation/Situation Date: 2023

Individual Contaminant or Contaminant Group: 52-Lead and Copper in Tap Water

Violation/Situation Type: Monitoring Requirements

Violation or Situation Public Notification Tier: Tier 3

Distributed the notice by the following method(s), and on the following date(s) in accordance with 40 CFR 141.201:

- Continuously Post Date: _____
- Separate Mailing to Customers Date: _____
- Hand Deliver Notice to Customers Date: _____
- Publish Notice in Newspaper Date: _____
- Release Notice to and Announced by Broadcast Media Date: _____
- Post Notice on System Website Date: _____
- Billing Date: _____
- Annual Report (Consumer Confidence Report) Date: _____
- Other: _____ Date: _____

Attach a copy of the posted Public Notice(s) to this certification form.

The public water system named above hereby certifies that public notification has been provided to its consumers in accordance with all delivery, content, and format requirements specified in 40 CFR Part 141:

Water System Representative:

Signature **Print Name** **Phone Number**