



**REGION 6**  
DALLAS, TX 75270

April 17, 2025

**TRANSMITTED VIA EMAIL**

Millisa Nayares  
Morningside Water Users Cooperative  
2102 N. Pine  
Artesia, NM 88210  
morningsidewateruser@gmail.com

RE: Safe Drinking Water Act Notice of Noncompliance  
Morningside Water Users Cooperative  
PWS Identification Number: NM3520408

Dear Millisa Nayares:

Based on information available to the United States Environmental Protection Agency (EPA), the Morningside Water Users Cooperative referenced above has failed to develop its initial service line inventory and submit it to the State by October 16, 2024, and/or has failed to conduct related public education and public notification as required by the Safe Drinking Water Act's (SDWA) Lead and Copper Rule, 40 C.F.R. §§ 141.84, 141.85, and 141.90. The EPA is issuing this notice for the System's noncompliance with the applicable requirements.

EPA issued the final Lead and Copper Rule Improvements (LCRI) on October 8, 2024, and it was published in the Federal Register on October 30, 2024. The 2024 LCRI builds upon and revises the 2021 Lead and Copper Rule Revisions (LCRR). The LCRI incorporated select requirements from the LCRR, including the October 16, 2024, compliance deadline for initial service line inventories. More information on the Lead and Copper Rule can be found on EPA's website at <https://www.epa.gov/ground-water-and-drinking-water/lead-and-copper-rule-improvements>.

Until a State has primary enforcement authority for a new or revised National Primary Drinking Water Regulation (NPDWR), such as the LCRR and LCRI, pursuant to Section 1413 of the SDWA, 42 U.S.C. § 300g-2, only the EPA can enforce the NPDWR pursuant to Section 1414 of the SDWA, 42 U.S.C. § 300g-3.

**Notice of Noncompliance**

1. Morningside Water Users Cooperative (System) is a public water system (PWS) within the meaning of Section 1401(4) of SDWA, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2.
2. The System is a "supplier of water" within the meaning of Section 1401(5) of SDWA, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2.
3. The System is a "community water system" (CWS) within the meaning of SDWA Section 1401(15), 42 U.S.C. § 300f(15), and 40 C.F.R. § 141.2, because it is a public water system that serves at least fifteen service connections used by year-round residents or regularly serves at least twenty-five year-round residents.
4. As required by 40 C.F.R. § 141.84(a) (service line inventory), all water systems must develop a service line inventory that identifies the material and location of each service line connected to the public water

distribution system. All water systems were required to develop and submit to the State an initial service line inventory by **October 16, 2024**, pursuant to 40 C.F.R. §§ 141.84(a)(1) and 141.90(e)(1) (reporting requirements).

5. The System failed to develop and submit its required initial service line inventory to the State by the October 16, 2024, deadline.
6. Failure to develop an initial inventory by October 16, 2024, requires Tier 2 Public Notification (PN) pursuant to 40 C.F.R. Subpart Q of Part 141, Appendix A (public notification of drinking water violations).
7. The System failed to provide Tier 2 PN to the persons it serves, as required by Subpart Q.
8. Failure to submit initial inventory to the State by October 16, 2024, requires Tier 3 PN pursuant to 40 C.F.R. Subpart Q of Part 141, Appendix A (public notification of drinking water violations).
9. The System failed to provide Tier 3 PN to the persons it serves, as required by Subpart Q.

Pursuant to the SDWA, EPA can unilaterally seek compliance with regulatory requirements and address violations through administrative orders. The EPA is providing you with the opportunity to confer regarding the matter and to provide any further information that EPA should consider. Ensuring public health protection is our shared goal, so EPA remains available to provide compliance assistance as you work to address these important regulatory obligations.

EPA will monitor whether the System returns to compliance in a timely manner. Within thirty (30) days of receipt of this letter, please indicate if you request an opportunity to confer with EPA regarding this matter by contacting Mariela Reyna of my staff at 214-665-7177 or [reyna.mariela@epa.gov](mailto:reyna.mariela@epa.gov). Additionally, we are providing notification to your elected local official in accordance with Section 1414(a)(2)(B) of the SDWA, 42 U.S.C. § 300g-3(a)(2)(B).

Sincerely,

  
Bryant Smalley  
Chief  
Water Enforcement Branch

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