



Notification provided via E-mail

May 25, 2023

Jerry Gum, sawater@sdcc.org
San Acacia MDWCA, NM3523628
28 San Acacia
San Acacia, NM 87831

RE: Notice of Violation – Inorganics Monitoring and Reporting

Dear Jerry Gum,

This letter serves as Notice of Violation that the San Acacia MDWCA did not complete the monitoring requirements for the inorganic contaminants listed in Table 1. The monitoring requirements for inorganic contaminants are defined in the New Mexico Drinking Water Regulations, 20.7.10.100 NMAC [incorporating 40 CFR Section 141.23, Inorganic chemical sampling and analytical requirements].

Table 1

Contaminant	Facility	Compliance Period
Asbestos	Distribution	2020-2022

The San Acacia MDWCA is required to notify customers of this violation as required in 20.7.10.100 NMAC [incorporating 40 CFR Section 141.204]. The notice must be provided by mail or other direct delivery to customers and others who drink the water within one (1) year of receipt of this letter. In addition, public notice must be provided by any other method reasonably expected to reach persons regularly served by the water system, if they would not normally be reached by the notice described above.

Pursuant to 20.7.10.100 NMAC [incorporating 40 CFR Section 141.31(d)], the San Acacia MDWCA must certify that the notice was published and specify the method of delivery by submitting a completed copy of the enclosed Public Notification Certification Form within 10 days of completing the public notice requirements. A representative copy of each type of notice distributed, published, posted, and made available to the persons served by the system must be included with the certification form.

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

Aaron.Beckworth@env.nm.gov

Failure to comply with the public notice requirements will result in an additional violation being issued without notice to the San Acacia MDWCA. Continued failure to comply with Public Notification Requirements, as defined in 20.7.10.100 NMAC [incorporating 40 CFR Sections 141.204 and 141.31(d)], will result in escalated enforcement actions including issuance of Administrative Orders with possible penalties assessed against the San Acacia MDWCA.

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

If you have questions or need assistance, please contact me at 505-372-8174 or by e-mail to:
Aaron.Beckworth@env.nm.gov

Respectfully,

A handwritten signature in black ink that reads "Aaron Beckworth". The signature is written in a cursive, flowing style.

Aaron Beckworth, Compliance Officer
Drinking Water Bureau
Water Protection Division

Enclosures: Public Notice Template
Public Notice Certification Form

cc: Brandi Littleton, Southern Region Supervisor (electronic)
Electronic Central Files

Instructions for Public Notice

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 San Acacia MDWCA

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

Our water system recently violated a drinking water requirement. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we are doing to correct this situation.

We 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 your drinking water meets health standards. During the 2020-2022 compliance period, we did not monitor or test for asbestos, and therefore cannot be sure of the quality of your drinking water during that time.

What should I do?

There is nothing you need to do. 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 does this mean?

The quality of the water is not compromised; however, failure to report precise disinfectant residuals is a violation of drinking water regulations.

What is being done?

Please explain what happened and what is being done to resolve this violation.

For more information, please contact:

Jerry Gum

28 San Acacia

San Acacia, NM 87831

505-543-8503

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#: NM3523628 **Water System Name:** San Acacia MDWCA

Violation or Situation Date: 5/25/2023

Individual Contaminant or Contaminant Group: Asbestos

Violation or Situation Type: 03 - Inorganic Monitoring & Reporting

Violation or Situation Public Notification Tier: Tier 3

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

<input type="checkbox"/> Continuously Post	Date: _____
<input type="checkbox"/> Separate Mailing to Customers	Date: _____
<input type="checkbox"/> Hand Deliver Notice to Customers	Date: _____
<input type="checkbox"/> Publish Notice in Newspaper	Date: _____
<input type="checkbox"/> Release Notice to and Announced by Broadcast Media	Date: _____
<input type="checkbox"/> Post Notice on System Website	Date: _____
<input type="checkbox"/> Billing	Date: _____
<input type="checkbox"/> Annual Report (Consumer Confidence Report)	Date: _____
<input type="checkbox"/> Other: _____	Date: _____

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

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

Water System Representative: _____
(Signature) (Print Name) (Date)