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District Judge Upholds Environment Department Secretary's Order against G & S Water Works including \$9,000 Penalty

(Santa Fe, NM) – A District Court Judge in Santa Fe upheld New Mexico Environment Secretary Ron Curry's compliance order for a privately owned water system in Grant County that detailed measures of removing fluoride contamination in the system. In upholding the order, the water system's owner must pay a penalty of \$9,000 for failing to comply with the order.

The system, G & S Water Works, is located in southern Grant County and serves approximately 45 residents in the community of Hachita.

"The judge upheld a plan that will force G & S to deal with fluoride contamination that can cause dental fluorosis in children and potentially lead to bone disease," Secretary Curry said. The Environment Department's Drinking Water Bureau began working with owners of the system in 2004 to help the system develop plans for removing fluoride contamination. Unfortunately, G & S made no efforts to comply and that led to this court case."

Judge Daniel Sanchez's Order For Summary Judgment orders that G & S provide the Department with a corrective action plan to clean up fluoride contamination in the water system. Secretary Curry issued a compliance order to G & S in July 2004 for exceeding the maximum contaminant level (MCL) for fluoride in its system. The MCL for fluoride in drinking water is 4 milligrams per liter.

The Secretary's order gave G & S 90 days to develop a plan to ensure the system would meet the MCL for fluoride, two years to develop construction plans for that effort and three years for the system to be below the MCL for fluoride. However, the owner of the system took no action. The judgment requires G & S to follow the Environment Department's original order.

NMED implements the federal Safe Drinking Water Act, which requires that systems not exceed the MCL for fluoride. While fluoride in small amounts helps prevent tooth decay, exposure to excessive amounts of fluoride over time may result in bone disease. That disease results in pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of teeth in children who are nine years old and younger. Mottling, also known as dental fluorosis, may include brown staining and pitting of the teeth and occurs in developing teeth before they grow through the gums. Although it takes many years of exposure to fluoride for bone disease to develop, mottling can occur after a relatively short period of exposure.

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