

**DWB Response to Public Comments  
Proposed NM Drinking Water Regulations  
October 28, 2005**

**Written Comments Received by:**

August 1, 2005: North American Backflow Association, Albuquerque Chapter

August 23, 2005: City of Santa Fe

August 25, 2005: New Mexico Municipal League, NM Municipal Environmental Quality Association

August 26, 2005: NSF International

October 14, 2005: New Mexico Rural Water Association

**Section 20.7.10.7 Definitions**

**NM Rural Water Association**

1)

**20.7.10.7. (B, J, K)** We understand that the changes to this section are driven by changes to the CFR or to prevent duplication. Are the definitions for “Community Water System, Transient Community Water System, and Nontransient NonCommunity Water Systems” included in the CFR?

**DWB Response: The definitions for Community water systems, Transient Non-community water systems, and Non-transient non-community water systems are located in the Code of Federal Regulations under CFR 141.2 Definitions. These definitions are already incorporated in the NM Drinking Water regulations at 20.7.10.100. The definitions of these types of public water systems that are incorporated at 20.7.10.100 are as follows:**

*Public water system* means a system for the provision to the public of water for human consumption through pipes or, after August 5, 1998, other constructed conveyances, if such system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least 60 days out of the year. Such term includes: any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Such term does not include any “special irrigation district.” A public water system is either a “community water system” or a “noncommunity water system.”

*Community water system* means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

*Non-community water system* means a public water system that is not a community water system. A non-community water system is either a “transient non-community water system (TWS)” or a “non-transient non-community water system (NTNCWS).”

*Non-transient non-community water system or NTNCWS* means a public water system that is not a community water system and that regularly serves at least 25 of the same persons over 6 months per year.

*Transient non-community water system or TWS* means a non-community water system that does not regularly serve at least 25 of the same persons over six months per year.

## **NM Municipal League, NM Municipal Environmental Quality Association**

2)

**20.7.10.7.C.** The definition of “Cross Connection” is too broad and must define “separate piping systems”. Residential water customers have their own domestic piping systems that are connected to the public water system. That is not considered a cross connection. The definition of cross connection used by the backflow prevention industry at large is “An actual or potential connection between a potable water system and a non-potable water source or system.”

**DWB Response: The DWB agrees and has developed the following alternative language that more clearly defines “separate piping systems” with respect to cross connection. The following is the new language:**

*C. “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.*

3)

**20.7.10.7.D.** “Department” is defined. This usage with the capitalized first letter of “Department” and the lower case first letter of “department” are used interchangeably in the document. Use either, but make it consistent.

**DWB Response: The DWB will make necessary corrections to the capitalization of “department” in accordance with legislative formatting. Legislative format requires the use of lower case letters.**

4)

**20.7.10.7.F.** “Non-public water system” means a system for the provision of water for human consumption for domestic purposes, if such system does not have at least fifteen service connections ~~and~~ or does not serve an average of twenty-five individuals at least sixty days out of the year. Consider the definition of “Public Water System” in N: “Public water system means a system for the provision to the public of water for human

consumption through pipes or other constructed conveyances, if the system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least sixty days out of the year”.

**DWB Response: The DWB does not plan to modify this definition. The definition of “Non-public water system” is included within the regulations for purposes of clarification. The term “Non-public water system” is only used once within the regulations under Section 20.7.10.200 with respect to public water system projects.**

*Section 20.7.10.102 Guidance Documents*

**NM Rural Water Association**

- 5) **20.7.10.102.** The new language explains that these items are used to determine “generally acceptable standards” for construction of water systems. Should deviations be explained in some way on drawings or applications? Are they solely reference items?

**DWB Response: It is correct that deviations are to be explained on drawings or applications. The guidance documents are not intended to be reference documents, they are to be used as guidance documents to provide consistent interpretation of the regulations throughout the state. Guidance documents are not regulations and are not enforceable.**

**New Mexico Municipal League:**

- 6) **20.7.10.102.** It is important that standards, recommendations, guidelines, and their regulatory implications be defined and distinguished. For example, 20.7.10.102.E lists the Recommended Standards for Drinking Water Facilities, Construction Programs Bureau, NMED. Also under review at this time is an update of that document, now called the Drinking Water Guidelines as prepared by Richard Rose. Richard states in his distribution e-mail that, “The Guidelines primarily apply to review of engineering reports and plans by NMED...” and are based on the “Ten State Standards”. The preface to the “Ten State Standards” (Recommended Standards for Water Works as listed in D of this part) also states the intent of the document is as a design guide. During a past Sanitary Survey, the “Ten State Standards” were used as the basis for regulatory deficiency citations for facilities designed, approved, and constructed many years previously. Clear definitions to distinguish standards, recommendations, guidelines, and their regulatory implications should prevent similar citations in the future.

**DWB Response: We agree with your assessment, guidance documents are not regulations or enforceable. The Section was changed from Reference to Guidance to clearly outline the intent of these documents. The switch from References to**

**Guidance was our attempt to more clearly define the legal extent of the listed documentation.**

7)

**20.7.10.102.** Materials included on the reference list will be used by the Department as “guidance documents” for determining “generally acceptable standards for construction and operation of water systems”. What are “generally acceptable standards for construction and operation of public water systems”?

**DWB Response: “generally acceptable standards for construction and operation of public water systems” are those standards and operational techniques which are recommended by manufacturers; are listed in the appropriate guidance documents, such as the Drinking Water Guidelines or the Ten State Standards; or accepted and documented by industry.**

8)

**20.7.10.102.** Links to the guidance documents should be posted on the NMED web site.

**DWB Response: DWB agrees that it will be beneficial for DWB to post these guidance documents on the NMED Web site. Arrangements will be made to post these guidance documents on the NMED Web site.**

**Section 20.7.10.103 Availability of Regulations and Materials Incorporated by Reference**

**New Mexico Rural Water Association:**

9)

**20.7.10.103.** It would be helpful if the field offices had CD-ROMs with these materials available for distribution or review at their respective locations.

**DWB Response: DWB agrees that it will be helpful to have the reference and guidance documents available at the DWB field offices. DWB will attempt to obtain and provide electronic versions of these documents through the DWB field offices or its Web site.**

Section 20.7.10.200 Public Water System Projects

**New Mexico Municipal League:**

10)

**20.7.10.200.C.** The provision to allow water systems with “master plans” approved by NMED to obtain a waiver from the public water system project approval application requirement in 20.7.10.201 for transmission, storage, and distribution projects if a registered P.E. certifies conformance with the master plan is welcome and encouraged. The end result could be a significant reduction in administrative burden for both NMED and the water system. However, the language in this part is confusing. Can this part be rewritten to clarify the process?

**DWB Response: DWB acknowledges that there is need for clarification of section 20.7.10.200. DWB has re-written this section to clarify the approval process as follows:**

- C. The plan approval requirement in this section may be waived for transmission, storage, and distribution projects proposed for implementation that are certified to be in conformance with a “master design plan” previously approved by the department. Such master design plans may be approved upon the submission to the department and must at a minimum contain:
  - a. Identification of existing system components and service area;*
  - b. A complete set of standard plans, details, and specifications for any component or facility to be eligible for a waiver under this Section; and*
  - c. Written verification that the standard plans, details, and specifications have been adopted by ordinance or resolution in such a manner as to require their use in all associated projects.**
- B. All changes to the standard plans, details, or specifications, must be approved by the department prior to being eligible for a waiver under this Section.*
- C. To obtain a waiver, the owner of the system must submit, in lieu of the application materials in Section 201, 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. All waiver requests shall be properly documented prior to receiving the department’s approval.*

11)

**20.7.10.200.C.** Specific Questions:

**20.7.10.200.C.** What constitutes a “master plan” and what does it include? Who approves it? Is there a checklist or guidelines of what should be included in an acceptable “master plan”. Might plans for a large project such as the Albuquerque Water System Drinking Water Project that includes new construction of a diversion dam on the Rio Grande, a high capacity pump station to move water from the dam to a 92 MGD treatment plant, two 10 million gallons finished water storage reservoirs, and a high capacity pump station to mover finished water through some 56 miles of transmission lines to existing storage reservoirs be considered a “master plan”?

**DWB Response: DWB acknowledges that there is need for clarification of section 20.7.10.200. DWB has re-written this section to clarify the approval process and define “master plans” as follows:**

- C. The plan approval requirement in this section may be waived for transmission, storage, and distribution projects proposed for implementation that are certified to be in conformance with a “master design plan” previously approved by the department. Such master design plans may be approved upon the submission to the department and must at a minimum contain:
  - a. Identification of existing system components and service area;*
  - b. A complete set of standard plans, details, and specifications for any component or facility to be eligible for a waiver under this Section; and*
  - c. Written verification that the standard plans, details, and specifications have been adopted by ordinance or resolution in such a manner as to require their use in all associated projects.**
- B. All changes to the standard plans, details, or specifications, must be approved by the department prior to being eligible for a waiver under this Section.*
- C. To obtain a waiver, the owner of the system must submit, in lieu of the application materials in Section 201, 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. All waiver requests shall be properly documented prior to receiving the department’s approval.*

12)

**20.7.10.200.C.** At the end of C., shouldn’t the requirement be”...by a registered professional engineer responsible for the oversight, operation or maintenance of the entire public water system.”?

**DWB Response: DWB acknowledges that there is need for clarification of section 20.7.10.200. DWB has re-written this section to clarify the approval process associated with “master plans” as follows:**

- C. The plan approval requirement in this section may be waived for transmission, storage, and distribution projects proposed for implementation that are certified to be in conformance with a “master design plan” previously approved by the department. Such master design plans may be approved upon the submission to the department and must at a minimum contain:
  - a. Identification of existing system components and service area;*
  - b. A complete set of standard plans, details, and specifications for any component or facility to be eligible for a waiver under this Section; and*
  - c. Written verification that the standard plans, details, and specifications have been adopted by ordinance or resolution in such a manner as to require their use in all associated projects.**
- B. All changes to the standard plans, details, or specifications, must be approved by the department prior to being eligible for a waiver under this Section.*
- C. To obtain a waiver, the owner of the system must submit, in lieu of the application materials in Section 201, 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. All waiver requests shall be properly documented prior to receiving the department’s approval.*

13)

**20.7.10.200.C.** Will a water system be required to submit for approval standard specifications one time or each time the standard specifications are updated?

**DWB Response: A water system will be required to submit for approval each time the standard specifications are updated.**

**Section 20.7.10.201 Application for Public Water System Project Approval**

**New Mexico Rural Water Association:**

14)

**20.7.10.201.** The proposed language provides appropriate enhancements to this section. As a side comment – we (collectively) spend a lot of time and money to ensure facilities are placed in safe areas, away from contamination. What can be done administratively and through a regulatory process to help ensure the facilities remain in a safe area? Given the growth in many portions of the State and varying zoning ordinances – is it possible to require a review, through a process similar to that covered by the regulations, to construction in vicinity of sanitary facilities (for example – wells)?

**DWB Response: It appears that the concern is related to a zoning issue that is outside the jurisdiction of the New Mexico Drinking Water regulations and authority. These issues should be addressed by the appropriate zoning entity or other means through the local government having the appropriate jurisdiction.**

**New Mexico Municipal League:**

15)

**20.7.10.201.C.** Can application forms be made available on the DWB web site?

**DWB Response: DWB plans to make these application forms available on the DWB Web site.**

16)

**20.7.10.201.F.** Write out MCL or include it in the Definitions Section.

**DWB Response: The DWB will change MCL to Maximum Contaminant Level (MCL) when referenced in the proposed amendments.**

17)

**20.7.10.201.G.** What are “sanitary features of design and other features of public health significance.”?

**DWB Response: Sanitary features are directly or indirectly related to the quality of water provided for human consumption, as defined by the New Mexico Drinking Water Regulations (NMDWR). The Department has no authority over design aspects that do not affect water quality.**

18)

**20.7.10.201.H.** Define or describe “defects” as used in “defects in the plans, design drawings and specifications...”.

**DWB Response: Any deficiencies identified during the Departments review that are required, or suggested, to be corrected to receive final approval. This also clarifies that the Department is not the engineer of record for the project and does not assume any liability for the design of the project.**

19)

**20.7.10.201.K.** How much time is necessary to permit Department review and approval of Change Orders?

**DWB Response: It will depend on the complexity of the change order. Thirty (30) days has been added into the proposed language, and a provision for verbal approval has already been included for time sensitive projects.**

20)

**20.7.10.201.K, L, and H.** K, L and H (should this be M?). Construction change orders need NMED approval, notices prior to startup are required, and various project documentation must be furnished to NMED. There does not seem to be any exclusion provision for water systems having their own professional engineering staff. These requirements are a significant additional administrative burden for utilities.

**DWB Response: The Section identified as “H.” located on page 6 will be changed to “M.”. Section 20.7.10.201 NMAC only applies to projects that require approval by NMED. If a project requires NMED approval, then any significant change order also requires NMED approval. Provisions for a PWS having their own engineering staff is listed under Section 20.7.10.200.**

21)

**20.7.10.201.H** H (should this be M?). Must samples collected to verify proper disinfection and flushing of projects be collected by a certified sampler (once the Sampler Certification program is in place)?

**DWB Response: Section 20.7.201.M. does not require samples collected for purposes of verifying proper disinfection and flushing to be collected by a certified sampler.**

**City of Santa Fe:**

22)

**20.7.10.201. D, E, and F.** The Department needs to clarify how Guidance Documents referred to in 20.7.10.102 (D) and (E) and 20.7.10.201 (F) will be applied. While it is NMED's expressed intent to use these documents solely in the review of public water supply projects, the City is concerned as to how they could be used to impose and enforce operational and maintenance issues that may be cited in subsequent inspections or reviews, outside the project process.

**DWB Response: As written in the regulations, the use of the guidance documents listed in 20.7.10.102 (D) and (E) can only be enforced in conjunction with 20.7.10.201.F.**

**Section 20.7.10.400 General Operating Requirements**

**North American Backflow Association (NABA):**

**L. Cross Connections:**

23)

**20.7.10.400.L.** 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 ~~device, or a method acceptable to the department~~ backflow prevention assembly listed by the Foundation for Cross-Connection Control and Hydraulic Research (FCCCHR) at the University of Southern California, to prevent the back flow of water.

The reason for this comment is for New Mexico to remain consistent with the other surrounding states in the western part of the United States and the Navajo Nation. The previous NMED regulations required FCCCHR listing.

**DWB Response: The DWB appreciates the comments on Section 20.7.10.400.L.; however, DWB does not agree that Section 20.7.10.400 should be modified.**

**City of Santa Fe:**

24)

**20.7.10.400.K.** NMEDs current regulations require that all direct and indirect additives and components must comply with NSF/ANAI 60 or NSF/ANSI 61 standards and be certified by an ANSI-accredited certification body.

NMED is proposing to eliminate ANSI/NSF Standards 60 and 61 as the criterion for approval of direct and indirect additives. ANSI/NSF Standards 60 and 61 served as the

basis for acceptance of additives products in drinking water in New Mexico and on a national basis. Prior to the use of ANSI/NSF Standards 60 and 61, EPA and the states pieced together drinking water additive authorization programs and some individually developed approval processes. These programs lacked systematic and comprehensive test protocols and decision criteria for product evaluation. Reversion to this method will result in regulatory uncertainty for municipalities.

**DWB Response: After consideration of the comments received regarding the removal of ANSI/NSF Standards 60 and 61 in Section 20.7.10.400.K. The DWB has re-written Section 20.7.10.400.K. to include language similar to that suggested by NSF International as follows:**

*K. Direct and indirect additives. A component, material, treatment chemical or other substance that may come into contact with drinking water shall be certified by an independent, third-party certifier accredited by ANSI as meeting at a minimum the most recent version of NSF/ANSI Standard 60: Drinking Water Treatment Chemical-Health Effects, or NSF/ANSI Standard 61: Drinking Water System Components-Health Effects.*

**See Attachment “A” to this response.**

**New Mexico Municipal League:**

25)

**20.7.10.400.B. Security and Protection of a Public Water System.** Who determines whether or not water system facilities have been constructed and are operated and maintained to prevent unauthorized entry? What is the basis of the decision? Shouldn't the approval of the water system project approval have included approval of construction to prevent unauthorized entry? Water systems have already complied with U.S. EPA requirements to conduct vulnerability assessments and have submitted those studies directly to U.S. EPA.

**DWB Response: Section 20.7.10.400.B. has been included in the Drinking Water Regulations since at least 1995 and is not being proposed as an amendment. Additionally, as the Primacy Agency, the NMED determines satisfactory compliance with this issue. See addition to 20.7.10.201.F**

26)

**20.7.10.400. F and G.** Must samples collected to verify proper disinfection and flushing be collected by a certified sampler (once the Sampler Certification Program is in place)?

**DWB Response: Sections 20.7.10.400. F and G do not require samples collected for purposes of verifying proper disinfection and flushing to be collected by a certified sampler. The intent of Section 20.7.10.400 F and G is to ensure appropriate disinfection procedures are implemented when there is construction activity that may introduce microbiological contaminants and prior to the startup of seasonal water system facilities.**

27)

**20.7.10.400.K.** NMED is proposing the elimination of ANSI/NSF Standards as the criterion for approval of direct and indirect additives. These standards have served as the basis for acceptance of additives in drinking water both in New Mexico and on a national basis for over a decade. Prior to the use of ANSI/NSF Standards 60 and 61, EPA and the state pieced together a drinking water additive authorization program that lacked systematic and comprehensive test protocols and decision criteria for product evaluation.

**DWB Response:** After consideration of the comments received regarding the removal of ANSI/NSF Standards 60 and 61 in Section 20.7.10.400.K., the DWB has decided to refrain from removing the ANSI/NSF Standards 60 and 61 from Section 20.7.10.400.K. The DWB has re-written Section 20.7.10.400.K. to include language similar to that suggested by NSF International as follows:

*K. Direct and indirect additives. A component, material, treatment chemical or other substance that may come into contact with drinking water shall be certified by an independent, third-party certifier accredited by ANSI as meeting at a minimum the most recent version of NSF/ANSI Standard 60: Drinking Water Treatment Chemical-Health Effects, or NSF/ANSI Standard 61: Drinking Water System Components-Health Effects.*

**See Attachment “A” to this response.**

28)

**20.7.10.400.K.** NMED should explore all possible options and retain ANSI/NSF Standards (or equivalent) as the proposed alternative will result in ambiguity and regulatory uncertainty for municipalities.

**DWB Response:** After consideration of the comments received regarding the removal of ANSI/NSF Standards 60 and 61 in Section 20.7.10.400.K., the DWB has decided to refrain from removing the ANSI/NSF Standards 60 and 61 from Section 20.7.10.400.K. The DWB has re-written Section 20.7.10.400.K. to include language similar to that suggested by NSF International as follows:

*K. Direct and indirect additives. A component, material, treatment chemical or other substance that may come into contact with drinking water shall be certified by an independent, third-party certifier accredited by ANSI as meeting at a minimum the most recent version of NSF/ANSI Standard 60: Drinking Water Treatment Chemical-Health Effects, or NSF/ANSI Standard 61: Drinking Water System Components-Health Effects.*

**See Attachment “A” to this response.**

**NSF International:**

29)

**20.7.10.400.K.** I am writing in regards to the proposed revisions to the New Mexico Drinking Water Regulations Title 20, Chapter 7, Part 10, Section 400 (K). I am concerned that the requirement for certification of drinking water treatment chemicals and drinking water components to NSF Standard 60 and 61 is being replaced with a requirement that the products “...must not degrade the quality of the water and must be

acceptable to the Department...”. I understand the motivation behind this is from a legal opinion that if the regulations reference a product standard, then the regulation must be updated anytime the standard is revised. I think it might be worthwhile pursuing additional legal opinions on this matter since most states do currently have references to NSF Standards in their regulations.

Currently 37 U.S. states reference NSF/ANSI Standard 60 and/or NSF/ANSI Standard 61 in regulations per the enclosed 2004 survey by the Association of State Drinking Water Administrators. (California, Texas, Ohio examples provided).

NSF staff suggest using the following in revising New Mexico regulation 20/7.10.400 K:

**Direct and Indirect Additives.** A component, material, treatment chemical or other substance that may come into contact with drinking water shall be certified by an independent, third-party certifier accredited by ANSI as meeting the most recent version of NSF/ANSI Standard 60: Drinking Water Treatment Chemical-Health Effects, or NSF/ANSI Standard 61: Drinking Water System Components-Health Effects.

We appreciate the support that the Drinking Water Bureau and water utilities in New Mexico have demonstrated for NSF Standards 60 and 61, and we hope that the regulations can be revised to continue to reference them. We believe that this would avoid confusion in the marketplace and prevent legal challenges that some product distributors may pose in an effort to get products that do not comply with these national standards accepted for use in New Mexico.

**DWB Response: After consideration of the comments received regarding the removal of ANSI/NSF Standards 60 and 61 in Section 20.7.10.400.K., the DWB has decided to refrain from removing the ANSI/NSF Standards 60 and 61 from Section 20.7.10.400.K. The DWB has re-written Section 20.7.10.400.K. to include language similar to that suggested by NSF International as follows:**

*K. Direct and indirect additives. A component, material, treatment chemical or other substance that may come into contact with drinking water shall be certified by an independent, third-party certifier accredited by ANSI as meeting at a minimum the most recent version of NSF/ANSI Standard 60: Drinking Water Treatment Chemical-Health Effects, or NSF/ANSI Standard 61: Drinking Water System Components-Health Effects.*

*Section 20.7.10.500 Sampling Requirements*

**New Mexico Rural Water Association:**

30)

**20.7.10.500.** a. Editorial comment. “nontransient noncommunity” is used in the first line of paragraph A, and it is later hyphenated.

**DWB Response: Thank you for identifying this error. It has been corrected. See Attachment “A”**

31)

**20.7.10.500.C.** b. Paragraph C of this section addresses sampling for non-transient non-community (NTNC) water systems and requires them to conduct coliform testing at the same rates as like-sized community water systems. As a point of clarification – such sampling is based upon population, so the regulation is requiring that the NTNC be able to provide some form of census or counting procedure to determine the customer base, and that procedure will be examined during a sanitary inspection or be included in the sampling plan?

**DWB Response: Section 20.7.10.500.C. NMAC requires that NTNC water systems report the population served. It is correct that the population served by the water system is typically provided by the water system by their Total Coliform Rule Sampling Plan or during the course of a sanitary survey inspection.**

32)

**20.7.10.500.E.** c. Paragraph E of this section imposes a new requirement for certification of those pulling samples. The certification process for water operators includes this type of training and examination. The Operator Certification recently examined this requirement and deferred action, but the discussion was not positive in nature, from what I understand. We request the department reexamine this requirement in light of the federal requirement for every PWS to have a certified operator and that we have, collectively, been unable to attain and satisfy that requirement. Adding additional certifications does not seem to be in the best interest of the State’s regulatory program, nor are we aware of the negative affects that the lack of such a requirement has produced. Perhaps a future clarification allowing microbiologicals, lead and copper and chlorine residuals (for example). This is a critical issue for us and the small community water systems around the State.

**DWB Response: The DWB has decided to remove Section 20.7.10.500.E. requiring the collection of samples by certified samplers. The DWB will pursue the certification of samplers through the New Mexico Utility Operator regulations.**

**New Mexico Municipal League:**

33)

**20.7.10.500.E.** NMED proposes to reinstate the Sampler Certification Program. All compliance samples, including for the first time microbiological compliance samples, must be collected by NMED certified samplers. We agree that training requirements and competency testing for sampler certification as in the past is critical to proper collection of representative samples. However, we ask that consideration be given to including the sampler certification training and testing program as a future requirement for all Water Systems Operators, regardless of system size/type, within the existing Operator Certification Program. Thus, all operators could be avoided, and NMED and water systems alike would have assurance that samplers have a knowledge of operations and therefore, representative monitoring, as well as proper sampling technique. Options for sampler certification for laboratory staff, Point of Use Water Treatment System purveyors, field inspectors, and others must be considered.

**DWB Response: See response above.**

**City of Santa Fe:**

34)

**20.7.10.500.E.** NMED should avoid creating another program outside the Utility Operator Certification Program (Op Cert). Rather, the Op Cert program should be modified to ensure that operators seeking certification are adequately trained and tested in proper sampling techniques. Individuals that obtain certification pursuant to NMAC 20.7.4 can be deemed eligible to collect compliance samples. This will provide a basis of understanding in operations for those individuals who are responsible for collection and analysis of compliance samples. This will also serve to enhance participation in the Operator Certification Program and generate additional program revenues. Finally, the requirement for proper sample collection should extend to all public water supplies regardless of system type.

**DWB Response: See response above.**