



New Mexico Environment Department Drinking Water Bureau



Exemption and Variance Checklist

Date of Evaluation _____

General Requirements - These items are required for all requests.

1. The PWS must submit a request, in writing, for an exemption or variance.
2. The PWS must outline their inability to comply with the new arsenic MCL by the implementation date (January 23, 2006). The PWS must document the “compelling factors” that are preventing it from achieving compliance within the mandated timeframe.
3. The PWS must provide a proposed strategy for compliance with the new arsenic MCL
4. The PWS must include, as part of its strategy, a timeframe for compliance.
5. The PWS must provide information regarding their current financial and management structure, including a summary of the operating fund base for the community and it’s mandated uses. The PWS must also provide information regarding: Current Water Rates; Current Median Household Income; and Certified Operator Documentation
6. The PWS must document all funding considerations, both from existing internal sources and future acquisition of funds, including their impact on the community. This should include an evaluation of the current water rate structure and the feasibility of rate increases to address the proposed solution.
7. The PWS must document that no alternate supply of water is available and document the reason(s) why for each of the following categories: New Water Sources; Modified or Re-structured Water Source(s); Consolidation with Another System.
8. The PWS must document that the proposed exemption or variance and associated timeframe for compliance does not cause an “unreasonable risk to human health”.

	Complete	Incomplete

Additional Exemption Requirements – These additional items are only required for exemption requests.

1. The PWS must document that it was in operation prior to the effective date of the Arsenic Rule, January 23, 2006.
2. The PWS must evaluate the feasibility of internal re-structuring as a means to either achieve compliance with the new arsenic MCL .
3. The PWS must evaluate the feasibility of external re-structuring as a means to either achieve compliance with the new arsenic MCL .

	Complete	Incomplete

Additional Variance Requirements – These additional items are only required for variance requests.

1. The PWS must document the existence or provide clear evidence regarding the installation of a BAT prior to the compliance deadline.
2. The PWS must document the limitations of the existing or proposed BAT: For an existing BAT, provide justification why modifications to the treatment train cannot be made to achieve compliance; For a proposed BAT, provide documentation that the proposed BAT is the most viable and feasible solution for the PWS, which includes comparison to the other BAT options available for arsenic.
3. The PWS must provide supporting documentation as to the limitations of the selected BAT in treating the source water available to the PWS.
4. The PWS must provide supporting documentation to show how the alternate MCL was determined and show that this level of treatment can be reliably and consistently maintained.
5. The PWS must identify a schedule for compliance as part of the variance. The schedule must include a schedule to comply with the PWS’s proposed Alternate MCL and an additional schedule to comply with 10 ppb MCL.

	Complete	Incomplete