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JOHN A. SANCHEZ
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State of New Mexico
ENVIRONMENT DEPARTMENT

Office of the Secretary

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RYAN FLYNN
Cabinet Secretary

BUTCH TONGATE
Deputy Secretary

July 22, 2016

Fred Whistle
Morningstar Water Supply System, NM3510524
Po Box 5520
Farmington, NM 87499

RE: Emergency Powers 2016-2 Extension Request

Mr. Whistle:

In response to the ongoing boil water advisory and extended water outages at the Morningstar Water Supply System (System No. NM3510524), the New Mexico Environment Department (NMED) issued Emergency Order 2016-2 on June 24, 2016. This Emergency Order requires the Morningstar Water Supply to take specific actions to address the ongoing water emergencies at the water system.

On July 15, 2016, the New Mexico Environment Department's Drinking Water Bureau (NMED DWB) received an extension request from Animas Valley Land & Water's legal representative Ms. Germaine Chappelle. In the request, the following summarized items are referenced:

- Emergency Order 2016-2 Order Requirement #1 – Optimizing distribution system operation by identifying deficiencies no later than close of business Friday July 1, 2016
- Emergency Order 2016-2 Order Requirement #2 – Correct identified distribution deficiencies and provide a report of each repair to DWB along with disinfection and sampling no later than 24 hours after the repair has been completed
- Emergency Order 2016-2 Order Requirement #3 – Develop or update a comprehensive distribution map and submitted to DWB no later than July 15, 2016
- Emergency Order 2016-2 Order Requirement #7 – Permanent interconnection construction activities shall be completed no later than July 15, 2016

Through Emergency Order 2016-2, NMED has provided significant assistance in outlining a specific plan to ensure that a timely and reliable source of drinking water would be supplied to Morningstar Water Supply customers. NMED acknowledges that significant progress has been made to complete the interconnection to the Farmington Water System; however as of the date of

this letter, Morningstar has not fully complied with five of the requirements of Emergency Order 2016-2 as noted in the status update letter dated July 22, 2016.

I am denying your request for extension. The NMED mandates that the requirements of Emergency Orders 2016-2 that are past due be completed as soon as possible.

Please be aware that NMED reserves the right to impose a fine of up to one thousand dollars (\$1,000) per day for each requirement contained in Emergency Order 2016-2 with which the System is not in compliance.

If you have any questions or need additional clarification concerning this response to your request for an extension, please contact Joe Martinez at 505-476-8635 or joe.martinez@state.nm.us.

Respectfully,



Ryan Flynn, Secretary
New Mexico Environment Department

Cc: Trais Kliphuis, Director, Water Protection Division
Annie Maxfield, Assistant General Counsel
Stephanie Stringer, Chief, Drinking Water Bureau
Joe Martinez, PWSS Group Manager
Morningstar Water Supply System Area Office file
Electronic Central File