



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

State of New Mexico
ENVIRONMENT DEPARTMENT

811 First Street, Suite D
Alamogordo, NM 88310
Tel. 575-437-7115 • Fax 575-434-1813
Toll Free 1-877-654-8720
www.env.nm.gov



RYAN FLYNN
Cabinet Secretary

BUTCH TONGATE
Deputy Secretary

1 August 2016

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

**RE: Notice of Violation— Surface Water Treatment Rule
Failure to Submit Corrective Action Plan**

Dear Mr. Whistle:

This letter serves as Notice of Violation that the Morningstar Water Supply System failed to submit an acceptable corrective action plan and failed to correct 29 significant deficiencies identified during the 2 June 2016 inspection performed by Tanya Trujillo, Joseph Savage, Chris Cudia, and Joe Martinez of the New Mexico Environment Department-Drinking Water Bureau (NMED-DWB).

The NMED-DWB provided the Morningstar Water Supply System with the completed inspection report identifying significant deficiencies. After receiving this report, the Morningstar Water Supply System was required to consult in writing with NMED-DWB regarding the appropriate corrective actions within 45 days as required in 20.7.10.100 NMAC [incorporating 40 CFR Section 141.723(b)]. The NMED-DWB approved corrective action plan must include timeframes to correct said deficiencies. Additionally, 20.7.10.100 NMAC [incorporating 40 CFR Section 141.723(c)] requires the Morningstar Water Supply System to complete the corrective action in accordance with applicable NMED-DWB plan review processes including NMED-DWB-specified interim measures or be in compliance with a NMED-DWB approved corrective action plan and schedule.

Although a response to the significant deficiencies was received, it was after the 45-day response requirement and it did not contain a corrective action plan including a completion schedule. Consequently, the Morningstar Water Supply System is not in compliance with the regulations of the Safe Drinking Water Act (SDWA). Please review the deficiencies identified during the 2 June 2016 inspection. If the Morningstar Water Supply System has already corrected the deficiencies, please submit documentation that verifies the deficiencies have been corrected.

Since a corrective action plan has not been received, one is being assigned to you, and it is contained in an attachment to this letter.

Based on the failure to provide the corrective action plan for the significant deficiencies identified, and the failure to correct these significant deficiencies, the NMED-DWB requires the

Morningstar Water Supply System to notify customers of this violation within 30 days as required in 20.7.10.100 NMAC [incorporating 40 CFR Section 141.203]. The notice must be provided to all customers and others who drink the water and must be issued annually until the significant deficiencies are corrected.

Pursuant to 20.7.10.100 NMAC [incorporating 40 CFR Section 141.31(d)] the Morningstar Water Supply System must certify that the notice was published and provide NMED-DWB with the method of publication, by submitting a completed copy of the enclosed Public Notification Certification Form to the DWB within 10 days of publication. A representative copy of each type of notice distributed, published, posted or made available to the persons served by the system must be included with the certification form.

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

Joseph C. Savage
NMED
811 First Street, Suite D
Alamogordo, NM 88310

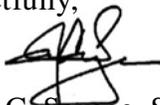
Or by email to joe.savage@state.nm.us

Failure to comply with the public notice requirements will result in an additional violation (failure to notify the public and the state) being issued without notice to the Morningstar Water Supply System. Continued failure to comply with Public Notification Requirements, as defined in 20.7.10.100 NMAC [incorporating 40 CFR Sections 141.403(a)(7)(i-ii) and 141.31(d)] will result in escalated enforcement actions including issuance of Administrative Orders with possible penalties assessed against the Morningstar Water Supply System.

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

If you have any questions or need assistance, please contact NMED-DWB.

Respectfully,



Joseph C. Savage, Surface Water Treatment Rule Administrator
Drinking Water Bureau
Water Protection Division

Enclosures: Corrective Action Plan
Public Notice Template
Public Notice Certification Form

Cc: Region Supervisor (electronic)
Area Office file
Magneto system file



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

State of New Mexico
ENVIRONMENT DEPARTMENT

811 First Street, Suite D
Alamogordo, NM 88310
Telephone (575) 437-7115 Fax (575) 434-1813
www.env.nm.gov



RYAN FLYNN
Cabinet Secretary

BUTCH TONGATE
Deputy Secretary

1 August 2016

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

RE: Corrective Action Plan

Dear Mr. Whistle:

The Morningstar Water Supply System failed to submit an acceptable corrective action plan and failed to correct 29 significant deficiencies identified during the 2 June 2016 inspection performed by Tanya Trujillo, Joseph Savage, Chris Cudia, and Joe Martinez of the New Mexico Environment Department-Drinking Water Bureau (NMED-DWB).

The NMED-DWB provided the Morningstar Water Supply System with the completed inspection report identifying significant deficiencies. After receiving this report, the Morningstar Water Supply System was required to consult in writing with NMED-DWB regarding the appropriate corrective actions within 45 days as required in 20.7.10.100 NMAC [incorporating 40 CFR Section 141.723(b)]. The NMED-DWB approved corrective action plan must include timeframes to correct said deficiencies. Additionally, 20.7.10.100 NMAC [incorporating 40 CFR Section 141.723(c)] requires the Morningstar Water Supply System to complete the corrective action in accordance with applicable NMED-DWB plan review processes including NMED-DWB-specified interim measures or be in compliance with a NMED-DWB approved corrective action plan and schedule.

Although a response to the significant deficiencies was received, it was after the 45-day response requirement and it did not contain a corrective action plan including a completion schedule. Consequently, the Morningstar Water Supply System is not in compliance with the regulations of the Safe Drinking Water Act (SDWA).

Since a corrective action plan has not been received, one is being assigned to you. The Morningstar Water System must complete the following **within 30 days** of receipt of this letter:

1. Physically disconnect the treatment plant from the water system until such a time that the treatment plant can be demonstrated to deliver consistently compliant water. This mitigates Deficiencies 1-4, 6-24, and 26-29.

The Morningstar Water System must complete the following **within 120 days** of receipt of this letter:

1. Provide a copy of an Operation and Maintenance (O&M) Plan approved by the NMED-DWB. This and Item #2 below mitigates Deficiency #5 **Inadequate or lack of an operations and maintenance plan or necessary operational policies.**
2. Submit documentation that all operators are trained on and are implementing the O&M Plan. This and Item #1 above mitigates Deficiency #5 **Inadequate or lack of an operations and maintenance plan or necessary operational policies.**
3. Send all current operators to at least 10 additional hours of training on subjects to be approved by the NMED-DWB. This mitigates Deficiency #25 **Operations staff lacks understanding of treatment method & objectives, process control, and key chemical interactions.**

Please send documentation of all corrected deficiencies, including photographs where applicable, to:

Joseph C. Savage
NMED
811 First Street, Suite D
Alamogordo, NM 88310

Or send by email to joe.savage@state.nm.us.

NMED-DWB reserves the right to take additional enforcement action regarding the corrective action plan, to include the issuance of an Administrative Compliance Order compelling compliance and issuing civil penalties.

If you have any questions or need assistance, please contact NMED-DWB.

Respectfully,



Joseph C. Savage, Surface Water Treatment Rule Administrator
Drinking Water Bureau
Water Protection Division

Cc: Region Supervisor (electronic)
Annie Maxfield, Office of General Counsel, NMED
Area Office file
Magneto system file

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Morningstar Water Supply System Failed to Submit Corrective Action Within Required Time Frame.

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 incident was not an emergency, as our customers, you have a right to know what happened and **what we did (are doing)** to correct this situation.

An inspection conducted on 2 June 2016 by the New Mexico Environment Department-Drinking Water Bureau (NMED DWB) found 29 significant deficiencies in our water system.

We were to consult with the NMED-DWB regarding the appropriate corrective actions within 30 days as required by Environmental Protection Agency's (EPA's) Ground Water Rule. However, we failed to take these actions by the deadlines established by the NMED DWB.

What should I do?

- There is nothing you need to do. You do not need to boil your water or take other corrective actions. However, if you have specific health concerns, consult your doctor.
- If you have a severely compromised immune system, have an infant, are pregnant, or are elderly, you may be at increased risk and should seek advice from your health care providers about drinking this water. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

What does this mean?

This is not an emergency. If it had been, you would have been notified within 24 hours.

Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

These symptoms, however, are not caused only by organisms in drinking water, but also by other factors. If you experience any of these symptoms and they persist, you may want to seek medical advice.

What is being done?

[Describe corrective actions.] We anticipate resolving the problem within **[estimated time frame]** (or the problem was resolved on **[give date]**).

For more information, please contact:

Fred Whistle 505-325-2435 or fwhistle@animasvalleylwc.com
Morningstar Water Supply System, NM3510524
PO Box 5520
Farmington, NM 87499

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.

