



**NEW MEXICO
ENVIRONMENT DEPARTMENT**



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RYAN FLYNN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

**CERTIFIED RETURN RECEIPT REQUESTED
7005 1820 0001 5772 2005**

September 10, 2014

Tom Martin
Cassandra Water System
P.O. Box 2166
Edgewood, NM 87015

**RE: Administrative Compliance Order, No. 2014-ACO-12 Cassandra Water System,
PWS# NM3500330**

Mr. Martin

Please find attached Administrative Compliance Order No. 2014-ACO-12 issued to Cassandra Well Share, for Cassandra Water System, PWS# NM3500330, under the Environmental Improvement Act, NMSA 1978, § 74-1-10, the Drinking Water Regulations, 20.7.10 NMAC. Please review the Administrative Compliance Order (Order) carefully to understand what action must be taken to comply with the requirements of the Order. Cassandra Well Share, has a right to answer the allegations in the Order and request a hearing, NMSA 1978, §§ 61-33-120.E and 74-1-10.E and 20.1.5 NMAC (available at www.nmenv.state.nm.us).

If you have any questions or need assistance with meeting the requirements of this Order, please contact Maria J. Medina, Enforcement Coordinator, at 505-476-8629 or via email at maria.medina@state.nm.us.

Sincerely,

Tom Blaine PE, Division Director
Environmental Health Division

cc. Brandi Garcia, Compliance Officer (Electronic)
Tonia Biggs, Region 6, EPA (Electronic)
Cassandra Well Share
P:\-ENFORCEMENT\Individual PWS Enforcement Info
Central File

STATE OF NEW MEXICO
SECRETARY OF ENVIRONMENT

NEW MEXICO ENVIRONMENT DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION,

Complainant,

No. 2014-ACO-12

v.

CASSANDRA WELL SHARE,
Respondent.

ADMINISTRATIVE COMPLIANCE ORDER

Pursuant to the Environmental Improvement Act (“EIA”), NMSA 1978, § 74-1-10, and the Drinking Water Regulations (“DW Regulations”), 20.7.10 NMAC, the Secretary of the New Mexico Environment Department (“NMED”), acting through the Director of the Environmental Health Division of the NMED, issues this Administrative Compliance Order (“Order”) to Cassandra Well Share (“Respondent”) to enforce the EIA and DW Regulations.

FINDINGS

1. The NMED is an executive agency within the government of the State of New Mexico and is charged with administration and enforcement of the EIA and DW Regulations.

2. Respondent owns and operates a public drinking water system (“System”) Cassandra Water System, PWS# NM3500330, located in Torrance County, New Mexico.

3. The System is a Community water system, as defined by Section 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.2], that regularly provides piped drinking water to approximately fifty-four (54) residents and has approximately eighteen (18) service connections to serve these residents.

4. Respondent, Cassandra Well Share, is a “person” as defined by the EIA, NMSA 1978, § 74-1-3 and 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.2].

5. 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.66(b) and 141.26(c)(3)(i)], General monitoring and compliance requirements for radionuclides and Maximum Contaminant

Level (MCL) for combined radium-226 and radium-228, states compliance with the Maximum Contaminant Level (MCL) is determined by a running annual average (RAA) and the MCL for combined radium-226 and radium-228 is 5 picocuries per liter (pCi/L).

6. On May 20, 2014, a Notice of Violation (NOV) was issued to Respondent by NMED for exceeding the combined radium-226 and radium-228 MCL at Well #2 for the second (2nd), third (3rd), and fourth (4th) quarters of 2013. The NOV notified Respondent that it was required to provide public notice of the violation.

7. On August 20, 2014, a Notice of Violation (NOV) was issued to Respondent by NMED for exceeding the combined radium-226 and radium-228 MCL at Well #2 for the first (1st) and second (2nd) quarters of 2014. The NOV notified Respondent that it was required to provide public notice of the violation.

8. 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.(b)(1)], Coliform Sampling, requires public water systems to collect repeat total coliform samples within twenty four (24) hours of being notified of the positive result.

9. On September 17, 2012, a Notice of Violation (NOV) was issued to Respondent by NMED for failure to collect repeat total coliform samples. The NOV notified Respondent that it was required to provide public notice of the violation.

10. On December 6, 2013, a Notice of Violation (NOV) was issued to Respondent by NMED for failure to collect repeat total coliform samples. The NOV notified Respondent that it was required to provide public notice of the violation.

11. On January 21, 2014, a Notice of Violation (NOV) was issued to Respondent by NMED for failure to collect repeat total coliform samples. The NOV notified Respondent that it was required to provide public notice of the violation.

12. 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.402(a)(1) and 40 C.F.R. § 141.402(a)(2)], Triggered source water monitoring, requires public water systems to collect at least one ground water source sample from each ground water source in use at the time of the total coliform positive sample was collected. These samples must be collected within twenty four (24) hours of notification of the total coliform positive result.

13. On September 17, 2012, a Notice of Violation (NOV) was issued to Respondent by NMED for failure to collect a ground water source sample within twenty four (24) hours from each ground water source in use at the time of the total coliform positive sample was collected. The NOV notified Respondent that it was required to provide public notice of the violation.

14. On December 6, 2013, a Notice of Violation (NOV) was issued to Respondent by NMED for failure to collect a ground water source sample within twenty four (24) hours from each ground water source in use at the time of the total coliform positive sample was collected. The NOV notified Respondent that it was required to provide public notice of the violation.

15. On January 21, 2014, a Notice of Violation (NOV) was issued to Respondent by NMED for failure to collect a ground water source sample within twenty four (24) hours from each ground water source in use at the time of the total coliform positive sample was collected. The NOV notified Respondent that it was required to provide public notice of the violation.

16. 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.21(b)(5)], Coliform Sampling, requires public water systems to collect at least five (5) routine total coliform samples the month following a positive result.

17. On January 21, 2014, a Notice of Violation (NOV) was issued to Respondent by NMED for failure to submit five (5) routine total coliform samples. The NOV notified Respondent that it was required to provide public notice of the violation.

18. 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.86], establishes monitoring requirements for lead and copper in tap water.

19. On August 23, 2011, a Notice of Violation (NOV) was issued to Respondent by NMED for failure to conduct lead and copper sampling during the 2010 monitoring period. The NOV notified Respondent that it was required to provide public notice of the violation.

20. On August 20, 2014, a Notice of Violation (NOV) was issued to Respondent by NMED for failure to conduct lead and copper sampling during the 2013 monitoring period. The NOV notified Respondent that it was required to provide public notice of the violation.

21. 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.152(b)], requires all community public water systems must provide a Consumer Confidence Report (CCR) to their consumers and to the State by July 1st of each year.

22. On August 27, 2013, a Notice of Violation (NOV) was issued to Respondent by NMED for failure to submit a CCR to their consumers and the State by July 1, 2013.

23. On August 18, 2014, a Notice of Violation (NOV) was issued to Respondent by NMED for failure to submit a CCR to their consumers and the State by July 1, 2014.

24. 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.21(d)(2)], requires community water systems to undergo a sanitary survey.

25. On November 18, 2013, a Notice of Violation (NOV) was issued to Respondent by NMED for failure to undergo a sanitary survey within three (3) years from the last sanitary survey. The NOV notified Respondent that it was required to provide public notice of the violation.

VIOLATION 1

26. Respondent is in violation of 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.66(b) and 141.26(c)(3)(i)], General monitoring and compliance requirements for radionuclides and Maximum Contaminant Level (MCL) for combined radium-226 and radium-228, which states compliance with the Maximum Contaminant Level (MCL) is determined by a running annual average (RAA) and the MCL for combined radium-226 and radium-228 is 5 picocuries per liter (pCi/L). Respondent exceeded the MCL for combined radium-226 and radium-228 at Well #2 during the second (2nd), third (3rd), and fourth (4th) quarters of 2013 and the first (1st) and second (2nd) quarters of 2014.

VIOLATION 2

27. Respondent is in violation of 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.(b)(1)], Coliform Sampling, which requires public water systems to collect repeat total

coliform samples within twenty four (24) hours of being notified of the positive result. Respondent failed to collect repeat total coliform samples on August 2012, November 2013, and December 2013.

VIOLATION 3

28. Respondent is in violation of 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.402(a)(1) and 40 C.F.R. § 141.402(a)(2)], Triggered source water monitoring, which requires public water systems to collect at least one ground water source sample from each ground water source in use at the time of the total coliform positive sample was collected. These samples must be collected within twenty four (24) hours of notification of the total coliform positive result. Respondent failed to collect at least one ground water source sample after a total coliform positive sample on August 2012, November 2013, and December 2013.

VIOLATION 4

29. Respondent is in violation of 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.21(b)(5)], Coliform Sampling, which requires public water systems to collect at least five (5) routine total coliform samples the month following a positive result. Respondent failed to collect at least five (5) total coliform samples on December 2013.

VIOLATION 5

30. Respondent is in violation of 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.86], which establishes monitoring requirements for lead and copper in tap water. Respondent failed to collect lead and copper compliance samples during the 2010 and 2013 monitoring period.

VIOLATION 6

31. Respondent is in violation of 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.152(b)], which requires all community public water systems must provide a Consumer

Confidence Report (CCR) to their consumers and to the State by July 1st of each year. Respondent failed to submit a CCR for the 2012 calendar year to their consumers and the State by July 1, 2013. Respondent failed to submit a CCR for the 2013 calendar year to their consumers and the State by July, 2014.

VIOLATION 7

32. Respondent is in violation of 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.21(d)(2)], which requires community water systems to undergo a sanitary survey. Respondent failed to undergo a sanitary survey within three (3) years from the last sanitary survey.

RETURN TO COMPLIANCE

Based upon the foregoing, Respondent is hereby ordered to comply with the following:

33. By March 30, 2015, Respondent shall have completed a final preliminary engineering report (PER) prepared by a professional engineer to determine what options it has available to enable long term compliance. Respondent shall submit the PER to NMED for review.

34. By December 31, 2015, comply with 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.66(b)], and provide drinking water with concentrations of combined radium-226 and radium-228 below the MCL of 5 pCi/L.

35. By December 31, 2016, comply with 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.26(c)(3)(i)], and have an RAA for combined radium-226 and radium-228 below the MCL of 5 pCi/L for five (5) consecutive quarters.

36. Upon receipt of this Order, comply with 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.(b)(1)], and collect four (4) repeat total coliform samples and submit the sample results to NMED DWB by the 10th day of the month following receipt of this Order.

37. Upon receipt of this Order, comply with 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.402(a)(1) and 40 C.F.R. § 141.402(a)(2)], and collect total coliform samples from each ground water source in use at the time of the total coliform positive sample was collected.

Submit the sample results to NMED DWB by the 10th of the month following receipt of this Order.

38. Upon receipt of this Order, comply with 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.21(b)(5)], and collect five (5) monthly routine total coliform samples and submit the sample results to NMED DWB by the 10th of the month following receipt of this Order.

39. By September 30, 2014, comply with 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.86], and collect lead and copper samples.

40. By October 31, 2014, comply with 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.152(b)], and provide a CCR to their consumers and the State.

41. By December 31, 2015, comply with 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.21(d)(2)], and schedule and undergo a sanitary survey.

42. Submittals made pursuant to paragraphs 33 through 41 of this Order shall be sent by standard U.S. mail or certified mail with return receipt requested to the following:

Maria J. Medina, Enforcement Coordinator
New Mexico Environment Department
Drinking Water Bureau
P.O. Box 5469
Santa Fe, NM 87502-5469

If respondent fails to comply with the requirements of paragraphs 33 through 42 of this order, the Secretary of NMED may assess additional civil penalties not to exceed one thousand dollars (\$1,000) for each instance of noncompliance with this order.

RIGHT TO ANSWER AND REQUEST A HEARING

Pursuant to NMSA 1978, §§ 61-33-120.E and 74-1-10.E and 20.1.5 NMAC (available at www.nmenv.state.nm.us), Respondent has the right to request a hearing. If Respondent (a) contests any material or legal matters upon which this Order is based; (b) contends that Respondent is entitled to prevail as a matter of law; or (c) otherwise contests the appropriateness

of this Order, Respondent may mail or deliver within thirty (30) days of receipt of this Order a written Request for Hearing at the following address:

Hearing Clerk
New Mexico Environment Department
P.O. Box 5469
Santa Fe, New Mexico 87502

Respondent must attach a copy of this Order to the Request for Hearing. 20.1.5.200.A(2)(d) NMAC.

The Request for Hearing shall include an Answer. Respondent's Answer shall clearly and directly admit, deny or explain each of the factual allegations contained in this Order with regard to which Respondent has any knowledge. Where Respondent has no knowledge of a particular factual allegation, Respondent should so state, and the Respondent may deny the allegation on that basis. Any allegation in this Order not specifically denied shall be deemed admitted. 20.1.5.200.A(2)(a) NMAC.

Respondent's Answer shall also include any affirmative defenses upon which Respondent intends to rely. Any affirmative defense not asserted in the Answer, except a defense asserting lack of subject matter jurisdiction, shall be deemed waived. 20.1.5.200.A(2)(b) NMAC.

Respondent's Answer shall be signed under oath or affirmation that the information contained therein is to the best of the signer's knowledge believed to be true and correct. 20.1.5.200.A(2)(c) NMAC.

FINALITY OF ORDER

Pursuant to NMSA 1978, §§ 61-33-10.E and § 74-1-10.E, this Order shall become final unless the Respondent files a Request for Hearing with the Hearing Clerk within thirty (30) days of receipt of this Order.

SETTLEMENT CONFERENCE

Whether or not a Request for Hearing has been filed, Respondent may confer with the NMED concerning settlement of this Order. The NMED encourages settlement consistent with the provisions and objectives of the EIA and the DW Regulations. Settlement discussions neither extend the thirty (30) day deadline for filing a Request for Hearing and Answer nor alter the deadline imposed for compliance with the mandate of this Order. Settlement discussion may be pursued as an alternative to, and simultaneously with, the hearing proceedings. Respondent may appear at the settlement conference alone or accompanied or represented by legal counsel.

A Stipulated Final Order shall finalize any settlement reached by the parties. The Stipulated Final Order must resolve all issues raised in this Order, shall be final and binding on all parties, and may not be appealed.

To explore the possibility of settlement in this matter, contact Maria J. Medina, Drinking Water Bureau, New Mexico Environment Department, P.O Box 5469, Santa Fe, New Mexico 87502-5469, (505) 476-8629.

COMPLIANCE WITH OTHER LAWS

Compliance with the requirements of this Order does not relieve Respondent of the obligation to comply with all other applicable laws and regulations. This Order does not constitute a waiver, suspension, or modification of the requirements of 20.7.10 NMAC and 20.7.4 NMAC which remain in full force and effect. Issuance of this Order is not an election by the NMED to forgo any civil or criminal action otherwise authorized under the EIA.

TERMINATION

This Order shall terminate when Respondent certifies that all requirements of this Order have been met and the NMED has approved such certification in writing, or when the Secretary approves a Stipulated Final Order.

Tom Blaine

Tom Blaine PE
Division Director
Environmental Health Division
Harold L. Runnels Building
1190 St. Francis Drive
Santa Fe, New Mexico 87502

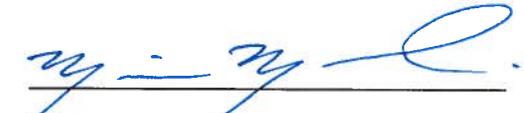
9/15/14

Date

Certificate of Service

I hereby certify that a copy of the foregoing Administrative Compliance Order was sent on 9/16, 2014 via certified return receipt requested to the following:

Tom Martin
Cassandra Water System
P.O. Box 2166
Edgewood, NM 87015



Maria J. Medina