TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 7 WASTEWATER AND WATER SUPPLY FACILITIES
PART 10 DRINKING WATER

20.7.10.1 ISSUING AGENCY: Environmental Improvement Board.
[20.7.10.1 NMAC - Rp 20 NMAC 7.1.I.1, 12/04/2002]

20.7.10.2 SCOPE: All persons who own or operate a public water system.
[20.7.10.2 NMAC - Rp 20 NMAC 7.1.I.2, 12/04/2002]

20.7.10.3 STATUTORY AUTHORITY: NMSA 1978, Sections 74-1-8, 74-1-13 and 74-1-13.1.
[20.7.10.3 NMAC - Rp 20 NMAC 7.1.I.3, 12/04/2002; A, 04/16/2007]

20.7.10.4 DURATION: Permanent.
[20.7.10.4 NMAC - Rp 20 NMAC 7.1.I.4, 12/04/2002]

20.7.10.5 EFFECTIVE DATE: December 4, 2002, except where a later effective date is indicated in the history note at the end of a section.
[20.7.10.5 NMAC - Rp 20 NMAC 7.1.I.5, 12/04/2002; A, 04/16/2007]

20.7.10.6 OBJECTIVE: The objective of Part 10 of Chapter 7 is to establish regulations for public water systems.
[20.7.10.6 NMAC - Rp 20 NMAC 7.1.I.6, 12/04/2002]

20.7.10.7 DEFINITIONS: In addition to the terms defined in 40 CFR Parts 141 and 143, the following terms, as used in this part shall have the following meanings.

A. “As-built drawings” means construction drawings that show details of work as originally planned plus modifications and deviations to reflect actual construction.

B. "CFR" means the code of federal regulations.

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.

D. "Department" means the New Mexico environment department.

E. “Guidance document” means any manual or other document developed or adopted by the department for official use to provide general direction, instruction or advice to department employees in determinations regarding application of or compliance with regulations.

F. "Modification" means the replacing, changing, installing, adding to, or construction of a component of an existing public water system to increase or decrease the system's capacity to draw or supply water or to improve its performance or service life. Neither routine maintenance nor the replacement of electrical or mechanical equipment is a modification for purposes of this part.

G. "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 does not regularly serve an average of twenty-five individuals at least sixty days out of the year.

H. "Public water system project" or "project" means the construction of a new public water system, modification to an existing public water system, or conversion of a non-public water system to a public water system.

I. “Record drawings” means as-built drawings certified by a registered professional engineer on behalf of a public water system.

J. "Sanitary survey" means an onsite review of the water source, facilities, equipment, operation and maintenance of a public water system for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water. A sanitary survey evaluates at least nine components: source; treatment; distribution system; finished water storage; pumps; pump facilities and controls; monitoring and reporting and data verification; system management and operation; and operator compliance with state requirements.

K. "Secretary" means the secretary of the environment department, or an authorized representative.

L. "Service connection" means a pipe, hose, appurtenance, constructed conveyance or any other temporary or permanent connection between a public water system and a user.

M. "State act" means the Environment Improvement Act, NMSA 1978, Section 74-1-1 et seq.

N. "USEPA" means the United States environmental protection agency.

[20.7.10.7 NMAC - Rp 20 NMAC 7.1.I.103, 12/04/2002; A, 04/16/2007]

20.7.10.8 - 20.7.10.99 [RESERVED]

20.7.10.100 ADOPTION OF 40 CFR PART 141:

A. Except as otherwise provided in this section, the regulations of the USEPA set forth at 40 CFR Part 141 through July 1, 2007 ~~through July 1, 2005~~ are hereby incorporated by reference into this part. Notwithstanding the incorporation of 40 CFR Part 141 through July 1, 2007 ~~through July 1, 2005~~, the following USEPA regulations are also incorporated by reference to the extent that they amend Part 141:

(1) Lead and Copper Rule, 72 Fed. Reg. 57782 (Oct. 10, 2007).~~Stage 2 Disinfectants and Disinfection Byproducts Rule, 71 Fed. Reg. 388 (Jan. 4, 2006);~~

~~(2) Long Term 2 Enhanced Surface Water Treatment Rule, 71 Fed. Reg. 654 (Jan. 5, 2006).~~

B. The term "state" means the New Mexico environment department when used in 40 CFR Part 141, in lieu of the meaning set forth in 40 CFR section 141.2.

C. The term "service connection" has the meaning set forth in Subsection L of 20.7.10.7 NMAC, in addition to the meaning set forth in 40 CFR section 141.2.

[20.7.10.100 NMAC - N, 12/04/2002; A, 04/16/2007]

20.7.10.101 ADOPTION OF 40 CFR PART 143:

A. Except as otherwise provided, the regulations of the USEPA set forth at 40 CFR Part 143 through July 1, 200~~5~~7 are hereby incorporated by reference into this part.

B. The term "state" means the New Mexico environment department when used in 40 CFR Part 143, in lieu of the meaning set forth in 40 CFR section 143.2.

[20.7.10.101 NMAC - N, 12/04/2002; A, 04/16/2007]

20.7.10.102 GUIDANCE DOCUMENTS: The current editions of the following materials, including all future editions and amendments are used by the department as guidance documents for determining generally acceptable standards for construction and operation of public water systems.

A. *Standards for disinfecting water mains, wells, water-storage facilities, and water treatment plants*, American Water Works Association, 6666 West Quincy Avenue, Denver, Colorado 80235.

B. *Manual for the certification of laboratories analyzing drinking water for microbiological parameters*, New Mexico Environment Department, Drinking Water Bureau, 525 Camino de Los Marquez, Santa Fe, Suite 4, New Mexico 87501.

C. *Laboratory certification manual for chemistry and radiochemistry parameter, drinking water analysis*, New Mexico Environment Department, Drinking Water Bureau, 525 Camino de Los Marquez, Santa Fe, Suite 4, New Mexico 87501.

D. *Recommended standards for water works*, Great Lakes-Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers, P.O. Box 7126, Albany, New York 12224.

E. *Recommended standards for water facilities*, Construction Programs Bureau, New Mexico Environment Department, 1190 St. Francis Drive, Santa Fe, New Mexico 87503.

F. NSF listings - *drinking water treatment chemicals - health effects*, American National Standards Institute, NSF/ANSI 60, 25 West 43rd Street, New York, NY 10036.

G. NSF listings - *drinking water system components - health effects*, American National Standards Institute, NSF/ANSI 61, 25 West 43rd Street, New York, NY 10036.

H. NSF listings - *drinking water treatment units - health effects*, American National Standards Institute, NSF/ANSI 42, 44, 53, 58, 67, 177, 25 West 43rd Street, New York, NY 10036.

I. NSF listings - *plumbing system components - health effects*, American National Standards Institute, NSF/ANSI 14, 24, 25 West 43rd Street, New York, NY 10036.

J. List of approved backflow prevention assemblies, University of Southern California Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California, Kaprielian Hall 200, Los Angeles, CA 90089-2531.

K. UL listings - *drinking water treatment additives*, Underwriters Laboratory, 333 Pfingston Road, Northbrook, IL 60062-2096.

L. UL listings - *drinking water treatment/filtration units*, Underwriters Laboratory, 333 Pfingston Road, Northbrook, IL 60062-2096.

M. UL listings - *drinking water system components and additives*, Underwriters Laboratory, 333 Pfingston Road, Northbrook, IL 60062-2096.

N. UL listings - *distribution and plumbing products*, Underwriters Laboratory, 333 Pfingston Road, Northbrook, IL 60062-2096.

O. *Cross connection control manual*, USEPA, Washington D.C., 20460, EPA 816-R-03-002.

[20.7.10.102 NMAC - N, 12/04/2002; A, 04/16/2007]

20.7.10.103 AVAILABILITY OF REGULATIONS AND MATERIALS INCORPORATED BY REFERENCE: Regulations, materials incorporated by reference into this part and guidance documents are available for inspection at the New Mexico Environment Department Drinking Water Bureau, 525 Camino de Los Marquez, Suite 4, Santa Fe, New Mexico 87501.

[20.7.10.103 NMAC - Rp 20 NMAC 7.1.XIII.1306, 12/04/2002; A, 04/16/2007]

20.7.l0.104 - 20.7.10.199 [RESERVED]

20.7.10.200 PUBLIC WATER SYSTEM PROJECTS:

A. Except as provided in Subsections B and C of this section, no person shall undertake a public water system project without first obtaining written approval from the department.

B. The following public water system projects do not require approval from the department:

(1) a modification that involves the replacement or construction of less than 1,000 feet of distribution piping and appurtenances during any sixty calendar day period; or

(2) a modification that involves the replacement or construction of only distribution lines and appurtenances, pump stations, or pressure regulating facilities for which the public water system employs a water utility staff that includes, either by contract or direct employment, a professional engineer registered in New Mexico who is responsible for the project;

(3) on-going operation and maintenance procedures; the following activities are considered to be on-going operation and maintenance procedures:

(a) pipeline leak repair;

(b) replacement of existing deteriorated pipeline where the new pipeline segment is the same size and alignment as the pipeline to be replaced;

(c) distribution pipeline additions where the pipeline size is the same as the main supplying the addition, the length is less than 500 feet and contiguous segments of new pipe total less than 1,000 feet in any sixty calendar day period;

(d) entry into a drinking water storage facility for the purposes of cleaning and maintenance;

(e) the replacement of chemical feed pumps and associated appurtenances;

(f) the replacement of electrical or mechanical equipment in an existing public water supply system; and

(g) the replacement of equipment or pipeline appurtenances with the same type, size and rated capacity (fire hydrants, valves, pressure regulators, meters, service laterals, chemical feeders and booster pumps including deep well pumps).

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 submission to the department and must at a minimum contain:

(1) identification of existing system components and service area;

(2) a complete set of standard plans, details, and specifications for any component or facility to be eligible for a waiver under this section; and

(3) 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.

D. 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.

E. To obtain a waiver, the owner of the system must submit, in lieu of the application materials in 20.7.10.201 NMAC, 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.

[20.7.10.200 NMAC - Rp 20 NMAC 7.1.V.501 and 502, 12/04/2002; A, 04/16/2007]

20.7.10.201 APPLICATIONS FOR PUBLIC WATER SYSTEM PROJECT APPROVAL:

A. Any person proposing to undertake a public water system project that requires the review and approval of the department shall complete, sign and submit an application to the department as described in this section.

B. The applicant shall submit an application to the department no less than thirty days prior to advertising the public water system project for bid or, if the project is not advertised for bid, not less than thirty days prior to the commencement of construction, except that the department may permit an applicant to advertise for bids or commence construction of a public water system project prior to the submission of a written application if, in the judgment of the department, exigent circumstances warrant a waiver of the thirty-day notice requirement. Permission to advertise for bids or commence construction without first submitting an application shall expire if the applicant does not submit a written application to the department that meets the requirements of this section within fifteen days of the date of permission.

C. The application shall be made on forms furnished by the department and shall include:

(1) one set of complete plans and specifications for the project; the plans and specifications must be prepared under the direct supervision of and sealed by a professional engineer registered in New Mexico;

(2) an engineering design summary which shall include engineering information that sets forth the basis of the project design;

(3) a plan to disinfect the system and sample for the presence of bacterial contamination following completion of the project and prior to providing water to the public; the criteria used by the department to review the adequacy of the plan shall include the current standards of the American water works association for disinfecting water mains, wells, water-storage facilities and water treatment plants;

(4) an inventory of existing and planned sources of actual and potential contamination located within one thousand (1,000) feet of a water source proposed to be utilized by the public water system; and

(5) all other relevant information as needed by the department to determine compliance with this part.

D. The department shall require an applicant proposing to undertake a public water system project to submit, in addition to the materials set forth in Subsection C of this section:

(1) for projects involving the construction of a new public water system, documents demonstrating that the public water system has sufficient technical, managerial and financial capacity, such as a certified operator, testing equipment required to meet regulatory treatment techniques, ownership accountability, staffing and organization, revenue sufficiency, credit worthiness and fiscal management; and

(2) for projects involving the construction of a new water source, analytical results of nitrate sampling conducted during exploratory drilling or aquifer testing and prior to commencement of construction;

(3) for projects involving the construction of distribution facilities, provision shall be made to include sufficient hydrants or blow-offs to provide for complete flushing of the newly constructed facilities; this may include reference to existing flushing appurtenances.

E. The department shall either approve an application, approve an application subject to conditions or deny an application, and shall notify the applicant by mail of such determination within thirty days after filing of a complete application pursuant to this section. The department shall not condition or in any manner require as part of an approval that the applicant use a specific process or type of equipment.

F. The department may deny an application for a public water system project, in whole or in part, if the department determines that:

(1) any maximum contaminant level (MCL) or treatment technique set forth at 40 CFR Part 141 will not be met after completion of the project;

(2) any other requirement of 20.7.10 NMAC will not be met after completion of the project;

(3) the design of the project is inconsistent with generally acceptable standards for construction of public water systems and their components including, but not limited to, the *recommended standards for water facilities*, Construction Programs Bureau, New Mexico Environment Department, 1190 St. Francis Drive, Santa Fe, New Mexico 87502;

(4) the design of the project will not meet project goals;

(5) the public water system does not demonstrate sufficient technical, managerial or financial capacity; or

(6) an existing or planned source of actual or potential contamination may adversely impact a water source proposed to be utilized by the system. To make this determination, the department may require the applicant to submit analyses relating to hydrogeological, soil or ground water conditions at the site, and/or information regarding proposed technology or installation methods that may be employed to prevent or mitigate the impact of the contaminant source on the water source.

G. The department's approval of an application is limited to the sanitary features of design and other features of public health significance. The department's approval of an application does not imply a guarantee of any type for the constructed project nor does it relieve the applicant from the responsibility for the overall integrity of the project, the adequacy of the project's design, or from the responsibility of complying with any of the provisions of this part or other applicable state and federal laws or regulations.

H. The department is not responsible for increased costs resulting from defects in the plans, design drawings and specifications or any other contract documents.

I. The applicant shall notify the department in writing when work on the public water system project is initiated. The department may inspect the project during construction and at completion to ensure compliance with the approved plans and specifications.

J. If a public water system project receives approval from the department but does not commence construction within one year after the date of department approval, the supplier of water must submit a new application to the department.

K. Any deviations from approved plans or specifications affecting capacity, operating units, the functioning of water treatment processes, or the quality of water to be delivered, shall be reported to the department in writing. If deemed appropriate, the department may require that revised plans and specifications be submitted for review. Revised plans or specifications shall be submitted to the department in time to permit the review and approval of such plans or specifications before any construction work, which will be affected by such changes, is begun. In the event that this requirement would result in construction delays, verbal approval by the department may be given followed by written approval within 30 days. The applicant must submit a copy of the completed change order to the department as soon as possible for review, final approval and filing.

L. Staff from the department, after reasonable notice and presentation of credentials, may make visits to the work site to assure compliance with these rules. In the event deficiencies are noted, the engineer will be notified in writing of any deficiency. All deficiencies must be resolved prior to the start-up of the system or component of the system.

M. The department shall be informed when a public water supply system project, or well-defined phase therof, is at or near completion. The new or modified facility shall not be used to produce, store, distribute, or treat potable water for public consumption until the department has been notified in writing. This notification shall consist of:

(1) a written statement from a registered professional engineer or representative of the water system that all conditions of project approval were accomplished;

(2) evidence of proper flushing and disinfection in accordance with the appropriate ANSI/AWWA Standard, including bacteriological sampling results;

(3) other water quality data where appropriate;

(4) all other documentation which may have been required during the plan review process; and

(5) confirmation that the water system owner has been provided with an operation and maintenance manual for the new facility, where appropriate.

N. The supplier of water shall submit record or as-built plans and certification of project completion to the department within ninety days after completion of the project.

[20.7.10.201 NMAC - Rp 20 NMAC 7.1.I.109 and 20 NMAC 7.1.V.502, 12/04/2002; A, 04/16/2007]

20.7.l0.202 - 20.7.10.299 [RESERVED]

20.7.10.300 COMPLIANCE; EMERGENCY POWERS:

A. No public water system shall supply drinking water to the public unless the system is operated and maintained in compliance with this part.

B. Powers of the secretary.

(1) The secretary may take any action necessary to protect the health of persons who are or may be served by a public water system, including but not limited to issuing orders, assessing penalties or commencing a civil action for appropriate relief:

(a) if the public water system fails to meet any requirement of this part;

(b) upon receiving information that a contaminant, whether or not listed in 40 CFR Part 141, Subparts B and G, is present in or likely to enter the public water system, that the presence of such contaminant may present an imminent and substantial endangerment to the health of persons served by the system, and that appropriate local authorities have not acted to protect the health of such persons; or

(c) in response to a civil emergency involving public drinking water; the secretary's response shall be coordinated, when appropriate, with other state emergency response and relief efforts.

(2) If the secretary determines that treatment of water is necessary for a public water system to meet the maximum contaminant levels set forth at 40 CFR Part 141, Subparts B and G, such treatment shall be continuously maintained until the public water system can demonstrate to the secretary that such treatment is no longer necessary.

[20.7.10.300 NMAC - Rp 20 NMAC 7.1.II.201, 12/04/2002; A, 04/16/2007]

20.7.l0.301 - 20.7.10.399 [RESERVED]

20.7.10.400 GENERAL OPERATING REQUIREMENTS:

A. Protection of public water systems during routine maintenance or replacement of electrical or mechanical equipment. A public water system shall prevent contamination of the water in the system while undergoing routine maintenance or replacement of electrical or mechanical equipment.

B. Security and protection of a public water system. Any part or component of a public water system including but not limited to spring junction boxes, well houses, storage reservoirs, collection devices, pump facilities, and treatment facilities shall be constructed, operated and maintained to prevent unauthorized entry to, flooding of, and contamination of, the water supply.

C. Protection of a public water system well. A ground water supply well serving a public water system shall have a sanitary seal installed at the wellhead to protect against entry of storm water and other non-potable fluids or foreign materials and against access by insects, rodents, birds or other vermin. Well vents shall be screened with a fine corrosion-resistant screen (24 mesh or smaller). All cracks, joints or other openings at the wellhead and all penetrations to the casing at or near the ground surface shall be tightly sealed with an impermeable material.

D. Finished water storage facilities. A finished water storage facility shall be protected from flooding or infiltration of raw or non-potable water and from entry by birds, insects, rodents or other vermin. Overflow pipes and vents shall be screened with a corrosion-resistant material or be fitted with an acceptable flap valve. Access hatches or openings that are below the maximum operating water level shall be fitted with a watertight cover or appropriate seal or gasket. Roof hatches or other openings above the maximum operating water level shall be fitted with a watertight cover, appropriate seal or gasket, or framed above the surface of the tank at the opening. Framed hatches must be fitted with a solid cover that overlaps the framed opening and extends down around the frame. All framed hatches must restrict the entry of vermin or water.

E. Notice to the department. If the safety precautions or preventive measures required to be employed under this section fail to protect the public water system from unauthorized entry or

contamination, or if the water supply is endangered for any reason, the supplier of water shall immediately notify the department and take appropriate action to protect the supply.

F. Disinfection following the completion of a public water system project requiring department approval. Any part or component of a public water system that has undergone construction or modification requiring department approval shall be flushed, disinfected and sampled for the presence of bacterial contaminants upon completion of the project and prior to providing water to the public. Disinfection and sampling shall be conducted in accordance with a plan submitted to and approved by the department pursuant to Paragraph (3) of Subsection C of 20.7.10.201 NMAC.

G. Disinfection following construction, modification or repair not requiring department approval. Any part or component of a public water system that has undergone repair, construction or modification not requiring department approval shall be flushed, disinfected and sampled in accordance with the current editions of the *standards for disinfecting water mains*, American water works association; *standards for disinfection of wells*, American water works association; *standards for disinfection of water-storage facilities,* American water works association; and *standards for disinfection of water treatment plants,* American water works association.

H. Disinfection of seasonally operated facilities. A public water system that operates on a seasonal basis shall be flushed and disinfected following the non-use period and shall conduct special sampling to demonstrate the absence of bacterial contaminants in the system prior to providing drinking water to the public. During the public water system's non-use period, the public water system shall be maintained to prevent unauthorized entry to, and contamination of, the water supply.

I. Maintenance and disinfection of storage structures. All materials used to re-coat or repair the interior of water storage structures must be suitable for potable water contact. After the interior of a storage structure has undergone maintenance or re-coating, the storage structure must be flushed and disinfected pursuant to Subsection G of this section.

J. Prohibition of iodine as a disinfectant. No public water system shall use iodine as a disinfectant.

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*.

L. Cross-connections. 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 method acceptable to the department using either a device listed by the foundation for cross connection control and hydraulic research or a device acceptable to the department to prevent the back flow of water.

M. Operator certification. Public water systems shall comply with the utility operator certification requirements in the Utility Operator Certification Act, NMSA 1978, 61-33-1 et seq. as amended, and in regulations and program requirements adopted pursuant to the Safe Drinking Water Act.
[20.7.10.400 NMAC - Rp 20 NMAC 7.1.II.208, 12/04/2002; A, 04/16/2007]

20.7.l0.401 - 20.7.10.499 [RESERVED]

20.7.10.500 SAMPLING REQUIREMENTS:

A. Pursuant to NMSA 1978, 74-1-13.1, the department shall test non-transient non-community water systems for arsenic, fluoride and radionuclides. The reporting and public notification requirements for non-community water systems for these contaminants shall be identical to those for community water systems as set forth in 40 CFR Subpart Q.

B. A supplier of water shall begin routine sampling in accordance with 40 CFR Part 141 within ninety days after commencing operation of a public water system.

C. All public water systems shall conduct sampling at the rates set forth in 40 CFR Part 141, Subpart C, except that non-transient non-community systems shall conduct coliform sampling at the same rates as like-sized community water systems in 40 CFR 141.21(a)(2). The department may order a supplier of water, when necessary, to conduct more frequent sampling than is required under 40 CFR Part 141.

D. The department may order a public water system that uses two or more water sources to collect special purpose samples directly from the water sources, in addition to routine samples from sampling points as required under 40 CFR Part 141.

[20.7.10.500 NMAC - Rp 20 NMAC 7.1.III.301, 12/04/2002; A, 04/16/2007]

20.7.10.501 LABORATORIES:

A. The department may certify or decertify laboratories to conduct microbiological, chemical and radiological analyses in accordance with most recent editions of the department's "Manual for the Certification of Laboratories Analyzing Drinking Water for Microbiological Parameters" and "Laboratory Certification Manual for Chemistry and Radiochemistry Parameter, Drinking Water Analysis." Certification issued by the department under this Section shall be valid for no longer than three years.

B. The department may accept any sample for purposes of determining compliance with this part if such sample has been analyzed by a laboratory certified by the USEPA or the department.

[20.7.10.501 NMAC - Rp 20 NMAC 7.1.III.309, 12/04/2002]

20.7.10.502 VALIDATION OF ANALYTICAL DATA OR CONDITIONS: The department may take any action it deems necessary to validate the results of a sample taken pursuant to this part. Data that the department determines to be invalid shall not be used to determine compliance with this part.

[20.7.10.502 NMAC - Rp 20 NMAC 7.1.III.311, 12/04/2002]

20.7.10.503 DEPARTMENT MONITORING AND SAMPLING: Nothing in this part shall be construed to preclude the department from taking samples or from using the results from such samples to determine compliance with this Part or in an enforcement proceeding for violation of this part.

[20.7.10.503 NMAC - Rp 20 NMAC 7.1.III.312, 12/04/2002]

20.7.10.504 INSPECTIONS, INVESTIGATIONS AND SANITARY SURVEYS:

A. The secretary may, upon the presentation of proper credentials and after receiving consent from the supplier of water, enter at reasonable times upon or through the premises of any public water system to conduct a sanitary survey, inspection or investigation and during such survey, inspection or investigation:

(1) have access to and copy, at reasonable times, any records required to be kept pursuant to this part;

(2) inspect or review any monitoring equipment or methods required under this part; and

(3) sample or otherwise test the water supplied by such system.

B. If permission to enter a public water system to conduct a sanitary survey, inspection or investigation in accordance with Subsection A of this section is denied, the secretary may apply to a court of competent jurisdiction for an order allowing for such entry.

C. To aid the secretary in conducting sanitary surveys, inspections or investigations pursuant to this part, the supplier of water or his duly authorized representative shall, prior to the commencement of such inspection or investigation, be given the opportunity to accompany the inspector upon or through the premises of the public water system.

[20.7.10.504 NMAC - Rp 20 NMAC 7.1.I.108, 12/04/2002]

20.7.l0.505 - 20.7.10.599 [RESERVED]

20.7.10.600 PUBLIC NOTIFICATION:

A. Non-transient non-community water systems that exceed the MCL for arsenic or radionuclides set forth at 40 CFR sections 141.11, 141.62 and 141.66 or exceed one-half the MCL for fluoride set forth at 40 CFR section 141.62 shall comply with the public notification requirements set forth at 40 CFR Subpart Q.

B. A supplier of water shall notify persons served by the public water system to boil water used for drinking or culinary purposes if routine coliform samples indicate the presence of bacterial contamination which would not otherwise trigger the public notice requirements set forth at 40 CFR Subpart Q but which, in the judgment of the department, poses a threat to public health and safety. If the supplier of water fails to provide notice on its own, or at the direction of the department, the department may directly notify the persons served by the system.

C. If the safety of a water supply is endangered for any reason, the supplier of water shall notify persons served by the public water system of appropriate action to protect themselves against any

waterborne hazards. If the supplier of water fails to take such action on its own, or at the direction of the department, the department may directly notify the persons served by the system.
[20.7.10.600 NMAC - Rp 20 NMAC 7.1.IV.402, 12/04/2002; A, 04/16/2007]

20.7.l0.601 - 20.7.10.699 [RESERVED]

20.7.10.700 SEVERABILITY: The provisions of this part shall be severable, and if any section, subsection, paragraph, subparagraph, sentence, clause, subclause or item of this part, or the applicability thereof to any person or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, and the application thereof, but shall be confined in its operation to the section, subsection, paragraph, subparagraph, sentence, clause, subclause or item thereof, or to the person or circumstance directly involved in the controversy in which such judgment shall have been rendered.
[20.7.10.700 NMAC - Rp 20 NMAC 7.1.XIII.1301, 12/04/2002]

20.7.10.701 SAVING CLAUSE: Repeal of 20 NMAC 7.10 shall not affect any administrative or judicial enforcement action pending on the effective date of this part.
[20.7.10.701 NMAC - Rp 20 NMAC 7.1.XIII.1305, 12/04/2002]

20.7.10.702 CONSTRUCTION: This part shall be liberally construed to effectuate the purpose of the state act.
[20.7.10.702 NMAC - Rp 20 NMAC 7.1.XIII.1303, 12/04/2002]

20.7.10.703 COMPLIANCE WITH OTHER REGULATIONS: Compliance with this part does not relieve a person from the obligation to comply with other applicable state and federal regulations.
[20.7.10.703 NMAC - Rp 20 NMAC .1.XIII.1302, 12/04/2002]

20.7.10.704 EFFECT OF STAY OR INVALIDATION OF INCORPORATED FEDERAL STANDARDS: If any federal standard or regulation incorporated by reference in this part is stayed, invalidated or otherwise rendered unenforceable, in whole or in part, by action of a federal court or USEPA, such incorporated federal standard or regulation shall be enforceable by the department only to the extent it is enforceable by USEPA.
[20.7.10.704 NMAC - N, 12/04/2002]

HISTORY OF 20.7.10 NMAC:
Pre-NMAC History: The material in this part was derived from that previously filed with the Commission of Public Records-State Records Center and Archives:
EIB 77-1, Regulations Governing Water Supplies, filed 12-12-77;
WSR 1, Regulations Governing Water Supplies, filed 3-11-85;
EIB/WSR 1, Regulations Governing Water Supplies, filed 7-16-86;
EIB/WSR 2, Regulations Governing Water Supplies, filed 9-12-88;
EIB/WSR 3, Water Supply Regulations, filed 4-16-91.

History of Repealed Material:
20 NMAC 7.1, Wastewater and Water Supply Facilities - Drinking Water, 1-1-95.

Other History:
EIB/WSR 3, Water Supply Regulations, filed 4-16-91 was renumbered, amended, and replaced by 20 NMAC 7.1, Wastewater And Water Supply Facilities - Drinking Water, filed 12-01-94.
20 NMAC 7.1, Wastewater And Water Supply Facilities - Drinking Water, filed 12-01-94, **replaced** by 20.7.10 NMAC, Wastewater And Water Supply Facilities - Drinking Water, effective 12/04/2002.