



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lt. Governor

State of New Mexico
ENVIRONMENT DEPARTMENT
Field Operations & Infrastructure Division
DRINKING WATER BUREAU
525 Camino de Los Marquez, Suite 4
Santa Fe, New Mexico 87505
Telephone (505)476-8620 Fax (505)476-8656
Toll Free 1-877-654-8720
www.nmenv.state.nm.us/dwb/



DAVID MARTIN
Secretary

BUTCH TONGATE
Deputy Secretary

July 17, 2012

Mindy Cahill
Cimarron Water System
PO Box 654
Cimarron, New Mexico 87714

**RE: SETTLEMENT AGREEMENT AND STIPULATED FINAL ORDER NO. 2012-ACO-006,
Cimarron Water System, PWS# NM3526204**

Ms. Cahill:

Please find attached the executed Settlement Agreement and Stipulated Final Order No. 2012-ACO-006, issued to Cimarron Water System, PWS# NM3526204, under the Environmental Improvement Act, NMSA 1978, § 74-1-10 and the Drinking Water Regulations, 20.7.10 NMAC. Please review the Settlement Agreement and Stipulated Final Order ("Final Order") carefully to understand what actions must be taken to comply with the requirements of the Settlement Agreement.

If you have any questions or need assistance with meeting the requirements of this Final Order, please contact Jeff Pompeo, Enforcement Coordinator at 505-476-8620 or via email at jeff.pompeo@state.nm.us.

Sincerely,

Jeff Pompeo,
Enforcement Coordinator

- cc. Janice Dye, Water System Specialist, District II
- Jacob Herrera, Technical Services Specialist
- Tonia Biggs, Region 6, EPA (Electronic)
- Electronic File
- Central File



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DAVID MARTIN
Secretary

BUTCH TONGATE
Deputy Secretary

CERTIFIED RETURN RECEIPT REQUESTED

7005 1820 0001 5707 8225

2012 JUL 5 PM 12 39

June 8, 2012

Mindy Cahill
Cimarron Water System
PO Box 654
Cimarron, New Mexico 87714

**RE: SETTLEMENT AGREEMENT AND STIPULATED FINAL ORDER NO. 2012-ACO-006,
Cimarron Water System, PWS# NM3526204**

Ms. Cahill:

Please find attached Settlement Agreement and Stipulated Final Order No. 2012-ACO-006, issued to Cimarron Water System, PWS# NM3526204, under the Environmental Improvement Act, NMSA 1978, § 74-1-10 and the Drinking Water Regulations, 20.7.10 NMAC. Please review the Settlement Agreement and Stipulated Final Order ("Final Order") carefully to understand what actions must be taken to comply with the requirements of the Settlement Agreement. Upon completion, sign and date the Settlement Agreement and return to:

Jeff Pompeo, Enforcement Coordinator
New Mexico Environment Department
Drinking Water Bureau
525 Camino de los Marquez, Suite 4
Santa Fe, NM 87505

If you have any questions or need assistance with meeting the requirements of this Final Order, please contact Jeff Pompeo, Enforcement Coordinator at 505-476-8620 or via email at jeff.pompeo@state.nm.us.

Sincerely,

Butch Tongate, Acting Division Director
Field Operations & Infrastructure Division

- cc. Janice Dye, Water System Specialist, District II
- Jacob Herrera, Technical Services Specialist
- Chelo Hall, Region 6, EPA (Electronic)
- Electronic File
- Central File

STATE OF NEW MEXICO
SECRETARY OF ENVIRONMENT

NEW MEXICO ENVIRONMENT DEPARTMENT,
FIELD OPERATIONS AND INFRASTRUCTURE
DIVISION,

Complainant,

AO# 2012-ACO-006

v.

Cimarron Water System
PWS# NM3526204

Respondent.

SETTLEMENT AGREEMENT AND STIPULATED FINAL ORDER

The New Mexico Environment Department ("NMED") has alleged that Cimarron Water System ("Respondent") has violated the New Mexico Environmental Improvement Act ("EIA"), NMSA 1978, § 74-1-10, and the Drinking Water Regulations ("DW Regulations"), 20.7.10 NMAC. To avoid litigation, the NMED and Respondent hereby enter into this Settlement Agreement and Stipulated Final Order ("Final Order"), pursuant to Section 20.1.5.600.B NMAC on the terms and conditions specified herein. For purposes of this Final Order, Respondent admits the jurisdictional allegations of this Final Order, waives the right to a hearing, and consents to the relief specified herein.

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 the DW Regulations.
2. Respondent owns and operates a public drinking water system, Cimarron Water System ("System"), located in Colfax 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 nine hundred eighty-seven (987) year round residents and has approximately four hundred sixty-two (462) service connections to serve these year round residents.

4. Respondent, Cimarron Water System, is a “person” as defined by the EIA, NMSA 1978, § 74-1-3, and Section 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141.2.

5. 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141.135(b)(2) requires a public water system that uses conventional filtration treatment to reduce Total Organic Carbon (TOC) according to the *Required Removal of TOC by Enhanced Coagulation and Enhanced Softening for Subpart H Systems Using Conventional Treatment* table.

6. 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141.135(c)(1) requires Subpart H systems to calculate TOC percent removal compliance quarterly by determining an annual average for TOC reduction using the method defined in that section.

7. 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141.135(c)(1)(v) states *if the value calculated in paragraph (c)(1)(v) of this section is less than 1.00, the system is not in compliance with the TOC percent removal requirements.*

8. TOC samples were collected on July 20, 2011, August 10, 2011, September 20, 2011, October 11, 2011, November 1, 2011, December 14, 2011, January 11, 2012, February 7, 2012, and March 12, 2012. Analysis of the samples resulted in TOC removal ratios of 0.93, 0.99, 0.65, 0.61, 0.60, 0.56, 0.54, 0.54, and 0.58 respectively.

VIOLATION ONE

9. Respondent is in violation of Section 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141.135(b)(2) TOC percent removal requirements according to Section 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141.135(c)(1)(v). Respondent exceeded the calculated annual average removal ratio of 1.00 for TOC during July 20, 2011, August 10, 2011, September 20, 2011, October 11, 2011, November 1, 2011, December 14, 2011, January 11, 2012, February 7, 2012, and March 12, 2012 with removal ratios of 0.93, 0.99, 0.65, 0.61, 0.60, 0.56, 0.54, 0.54, and 0.58 respectively.

TERMS OF SETTLEMENT

10. Within three years of receipt of this Order, Respondent shall comply with Section 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141.135(b)(2) TOC percent removal requirements calculated according to Section 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141.135(c)(1)(v), and provide drinking water with TOC removal ratios greater than 1.00, or install an alternative surface water treatment technology which does not require monitoring of TOC removal.

11. Submittals made pursuant to the terms of this Final Order shall be sent by standard U.S. mail or certified mail with return receipt requested to the following:

Jeff Pompeo, Enforcement Coordinator
New Mexico Environment Department
Drinking Water Bureau
525 Camino de los Marquez, Suite 4
Santa Fe, NM 87505

12. If Respondent fails to comply with any of the terms of this Final Order, Respondent shall be assessed and shall pay a stipulated civil penalty of \$80.00 per day to the State of New Mexico.

13. Payment(s) shall be by corporate check, certified check, or other guaranteed negotiable instrument made payable to the State of New Mexico, and shall be sent to the NMED to the following:

Kathy Romero, Financial Manager
New Mexico Environment Department
Drinking Water Bureau
525 Camino de Los Marquez, Suite 4
Santa Fe, New Mexico 87505

14. If Respondent fails to make timely and complete payment(s) under paragraph 12, Respondent shall pay interest on the outstanding balance at the rate established for judgments and decrees under NMSA 1978, § 56-8-4. Respondent shall also be subject to an enforcement action and additional applicable civil penalties for any late payment(s).

15. The NMED retains the right to enforce this Final Order and to pursue any relief authorized by the EIA or other provision of law for any violation not addressed herein. In any judicial action arising from this Final Order, Respondent agrees that the district court for Santa Fe County shall have personal jurisdiction over the Respondent and exclusive jurisdiction over disputes arising under this Final Order, and Respondent waives any right to challenge such jurisdiction in any forum. The laws of New Mexico shall govern the construction and interpretation of this Final Order.

16. Respondent shall assume all costs and liabilities incurred in performing all obligations under this Final Order. NMED, on its own behalf and on behalf of the State of New Mexico, does not assume any liability for Respondent's performance of any obligation under this Final Order.

17. This Final Order shall become effective on the date it is approved and signed by the NMED Secretary.


18. This Final Order shall apply to and be binding upon Respondent and the NMED and their successors in interest.

19. This Final Order merges all prior written and oral communications and agreements between the NMED and Respondent concerning the subject matter of this Final Order, contains the entire agreement between the Parties, and shall not be modified without the written agreement of the Parties.

20. Each person executing this Final Order represents that he or she has the authority to bind the NMED and Respondent respectively to the terms of this Final Order, and such representation shall be legally sufficient evidence of actual or apparent authority to bind the NMED and Respondent to the terms of this Final Order.

AGREED TO BY:

Field Operations and Infrastructure Division
New Mexico Environment Department



Butch Tongate
Acting Director

Date: 7/12/12

Cimarron Water System

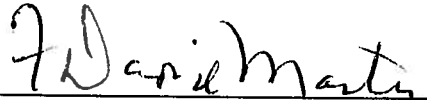


Mindy Cahill
Clerk Administrator

Date: 6-20-12

STIPULATED FINAL ORDER

Pursuant to section 20.1.5.600.B(2) NMAC, this Settlement Agreement and Stipulated Final Order, agreed to by the Cimarron Water System, is hereby incorporated herein and **APPROVED AS A FINAL ORDER** pursuant to NMSA 1978, § 74-1-10.



F. David Martin
Secretary
New Mexico Environment Department

7-12-12

Date

Certificate of Service

I hereby certify that a copy of the foregoing Settlement Agreement and Stipulated Final Compliance Order was sent via certified return receipt requested on the following party of record on June 8, 2012.



Jeff Pompeo