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NEW MEXICO ENVIRONMENT DEPARTMENT

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BUTCH TONGATE
Acting Cabinet Secretary
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Acting Deputy Secretary

1 September 2016

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

RE: Notice of Violation— Surface Water Treatment Rule Failure Correct Significant Deficiencies

Dear Mr. Whistle:

This letter serves as Notice of Violation that the Morningstar water system failed to correct 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 system a copy of the completed inspection report identifying significant deficiencies. After receiving this report, the Morningstar water system was required to consult 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(c)]. The NMED-DWB approved corrective action plan was required to include timeframes to correct all deficiencies. No corrective action plan with timeframes was received by the NMED-DWB. Therefore, a plan was assigned to the Morningstar water system on 1 August 2016. The corrective action plan required the Morningstar water system within 30 days of initial notification to complete corrective actions listed below 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.

To date, NMED-DWB has not received documentation verifying compliance with this corrective action plan. Consequently, the Morningstar water system is not in compliance with the regulations of the Safe Drinking Water Act. If the Morningstar water system has already corrected the deficiencies, please submit documentation that verifies the deficiency has been corrected.

Significant Deficiencies Listed in the Corrective Action Plan
Requiring Completion and Submission of Documentation Within 30 Days:

1. SW01 Deficiency: Inadequate Intake
2. SW03 Deficiency: Chemical Tanks Inadequately Labeled
3. SW05 Deficiency: Lack of, or improper containment for liquid chemicals
4. SW06 Deficiency: Lack of standby chemical feeders for each chemical
6. SW07 & SW24 Deficiencies: Lack of excessive sludge accumulations prevented; the settling process not working properly
7. SW08 Deficiency: Unacceptable Filter Media
8. SW09 Deficiency: Lack of, or improper filter backwashing criteria
9. SW10 Deficiency: Lack of or improper pipe labeling within the treatment plant
10. SW12 Deficiency: Lack of, or improper calibration and record keeping of calibrations for meters or lab equipment
11. SW13 & SW33 Deficiency: Improper treatment of drinking water, including not meeting proper inactivation of pathogens; lack of CT calculations during periods of fluctuating chlorine residuals, increased flows, or following changes in plant design or piping
12. 005P Deficiency: Inadequate treatment plant failure alarm or auto shut down
13. 004G Deficiency: Disinfectant residuals not measured and recorded at entry point or in distribution
14. SW14 Deficiency: Inadequate filtration of subpart H source
15. SW15 Deficiency: Inadequate process control monitoring or record keeping
16. SW18 Deficiency: No flow pacing of key chemical
17. SW20 & SW27 Deficiency: Inadequate sample locations; inadequate turbidity measurements
18. SW21 Deficiency: Leak at chlorine injection point
19. SW22 Deficiency: Leak at fixtures and ports on pressure filters
20. 001E Deficiency: General housekeeping
21. SW22 Deficiency: Cross connections present
22. SW29 Deficiency: Chlorine residual must be kept at least 0.2 mg/l at the entry point to distribution
23. SW30 Deficiency: Required monitoring equipment not present (e.g., bench top turbidimeter)
24. SW32 Deficiency: Lack of temperature and pH data
26. 003Q Deficiency: Required records not kept on site.
27. 002J Deficiency: Materials in contact with potable water are not approved for use in PWS
28. 001Q Deficiency: Storage facilities are not accessible
29. TBD Deficiency: Backwash recycle rule

Based on the failure to correct the significant deficiencies listed above and provide supporting documentation within the required timeframe, the NMED-DWB requires the Morningstar water system to notify customers of this violation as required in 20.7.10.100 NMAC [incorporating 40 CFR Section 141.203(a)(1)]. The notice must be provided to all customers and others who drink the water within 30 days and must be issued annually until the significant deficiency is corrected.

Pursuant to 20.7.10.100 NMAC [incorporating 40 CFR Section 141.31(d)] the Morningstar water system must certify that the notice was published and 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 return copies of the public notice and the completed certification form to:

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

Or send 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 system. Continued failure to comply with Public Notification Requirements, as defined in 20.7.10.100 NMAC [incorporating 40 CFR Sections 141.203(a) and 141.31(d)] will result in escalated enforcement actions including issuance of Administrative Orders with possible penalties assessed against the Morningstar water system.

Continued violation(s) of failure to correct significant deficiencies as defined in 20.7.10.100 NMAC [incorporating 40 CFR Section 141.723(d)] will result in escalated enforcement action(s) including issuance of Administrative Order(s) with possible penalties assessed against the Morningstar water system.

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

Respectfully,



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

Enclosures: Public Notice Template
Public Notice Certification Form

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

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Morningstar 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 with the New Mexico Environment Department-Drinking Water Bureau (NMED DWB) found **[describe significant deficiencies]**.

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
Morningstar, 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.



New Mexico Environment Department - Drinking Water Bureau

Public Notification Certification Form – All Tiers

Requirements Pursuant to 40 CFR 141 (Subpart Q)

****This form and a copy of your Notice to the Public must be submitted to the State within 10 days of notifying your customers. ****

PWSID#: NM3510524 **Water System Name:** Morningstar water system

Violation or Situation Date: August 2016

Individual Contaminant or Contaminant Group: Surface Water Treatment Rule

Violation or Situation Type: 30 Day Corrective Action Plan Violation

Violation or Situation Public Notification Tier: Tier 2

Distributed the notice by the following method(s), and on the following date(s) in accordance with 40 CFR 141.201:

- | | |
|---|-------------|
| <input type="checkbox"/> Continuously Post | Date: _____ |
| <input type="checkbox"/> Separate Mailing to Customers | Date: _____ |
| <input type="checkbox"/> Hand Deliver Notice to Customers | Date: _____ |
| <input type="checkbox"/> Publish Notice in Newspaper | Date: _____ |
| <input type="checkbox"/> Release Notice to and Announced by Broadcast Media | Date: _____ |
| <input type="checkbox"/> Post Notice on System Website | Date: _____ |
| <input type="checkbox"/> Billing | Date: _____ |
| <input type="checkbox"/> Annual Report (Consumer Confidence Report) | Date: _____ |
| <input type="checkbox"/> Other: _____ | Date: _____ |

Attach a copy of the posted Public Notice(s) to this certification form.

The public water system named above hereby certifies that public notification has been provided to its consumers in accordance with all delivery, content, and format requirements specified in 40 CFR Part 141:

Water System Representative: _____
(Signature) (Print Name) (Phone Number)

Date of Certification: _____



New Mexico Environment Department - Drinking Water Bureau Violation Inventory Action Form

| | | | |
|----------------------------------|--|--------------------------------------|--|
| General Information | 30 Day Significant Deficiency CAP Violations | | |
| System Name: Morningstar | Staff: Tanya Trujillo / JC Savage | Manager: Garcia / Cudia | |
| WSS# NM3510524 | Data Steward: R Asbury | Date: 8/31/2016 | |
| Violation Type: 45 (SWTR) | Enforcement Type: SIA SIE | Determination Date: 8/31/2016 | |
| Water System Facility #: | Violation Period(s): Compliance schedule exceedance | | |

Comments:

Please validate the violations listed in the table on Page 2 of the NOV associated with exceeding the compliance schedules set in the Morningstar corrective action plan of 1 August 2016. Each is a type 45 Tier 2 violation. For your convenience, facilities associated with each schedule are listed in the table below.

Violation Action

Validate
 Reject (Needs Area Supervisor Approval Below)
 Delete (Needs Area Supervisor and PWSS Manager Approval Below)

Approval Required for Deleted or Rejected Violations

AREA SUPERVISOR

Approved
 Denied

Area Supervisor Comments:

Area Supervisor Name: _____ Date: _____

Area Supervisor Signature: _____

PWSS GROUP MANAGER

Approved
 Denied

PWSS Group Manager Comments:

PWSS Group Manager Name: _____ Date: _____

PWSS Group Manager Signature: _____

| Morningstar Deficiency | SDWIS # | Deficiency Description | Facility | Facility ID |
|-------------------------------|----------------|---|-------------------------------|--------------------|
| 1 | SW01 | Inadequate Intake | Intake | 10524001 |
| 2 | SW03 | Chemical Tanks Inadequately Labeled | Treatment Plant 3 | 10524010 |
| 3 | SW05 | Lack of, or improper containment for liquid chemicals | Treatment Plant 3 | 10524010 |
| 4 | SW06 | Lack of standby chemical feeders for each chemical | Treatment Plant 3 | 10524010 |
| 6 | SW07 | Lack of excessive sludge accumulations prevented | PRE-TREATMENT UNITS (3-TRAIN) | 10524007 |
| 6 | SW24 | the settling process not working properly | PRE-TREATMENT UNITS (3-TRAIN) | 10524007 |
| 7 | SW08 | Unacceptable Filter Media | Treatment Plant 3 | 10524010 |
| 8 | SW09 | Lack of, or improper filter backwashing criteria | Treatment Plant 3 | 10524010 |
| 9 | SW10 | Lack of or improper pipe labeling within the treatment plant | Treatment Plant 3 | 10524010 |
| 10 | SW12 | Lack of, or improper calibration and record keeping of calibrations for meters or lab equipment | Managerial | N/A |
| 11 | SW13 | Improper treatment of drinking water, including not meeting proper inactivation of pathogens | Managerial | N/A |
| 11 | SW33 | lack of CT calculations during periods of fluctuating chlorine residuals, increased flows, or following changes in plant design or piping | Managerial | N/A |
| 12 | 005P | Inadequate treatment plant failure alarm or auto shut down | Managerial | N/A |
| 13 | 004G | Disinfectant residuals not measured and recorded at entry point or in distribution | Chlorine Treatment Unit | 10524002 |
| 14 | SW14 | Inadequate filtration of subpart H source | Treatment Plant 3 | 10524010 |
| 15 | SW15 | Inadequate process control monitoring or record keeping | Managerial | N/A |
| 16 | SW18 | No flow pacing of key chemical | Treatment Plant 3 | 10524010 |
| 17 | SW20 | Inadequate sample locations | Treatment Plant 3 | 10524010 |
| 17 | SW27 | inadequate turbidity measurements | Treatment Plant 3 | 10524010 |
| 18 | SW21 | Leak at chlorine injection point | Chlorine Treatment Unit | 10524002 |
| 19 | SW22 | Leak at fixtures and ports on pressure filters | Treatment Plant 3 | 10524010 |
| 20 | 001E | General housekeeping | Treatment Plant 3 | 10524010 |

| Morningstar Deficiency | SDWIS # | Deficiency Description | Facility | Facility ID |
|-------------------------------|----------------|--|-------------------------|--------------------|
| 21 | SW22 | Cross connections present | Treatment Plant 3 | 10524010 |
| 22 | SW29 | Chlorine residual must be kept at least 0.2 mg/l at the entry point to distribution | Chlorine Treatment Unit | 10524002 |
| 23 | SW30 | Required monitoring equipment not present (e.g., bench top turbidimeter) | Treatment Plant 3 | 10524010 |
| 24 | SW32 | Lack of temperature and pH data | Treatment Plant 3 | 10524010 |
| 26 | 003Q | Required records not kept on site. | Managerial | N/A |
| 27 | 002J | Materials in contact with potable water are not approved for use in PWS | Treatment Plant 3 | 10524010 |
| 28 | 001Q | Storage facilities are not accessible | Contact Tank 1 | 10524011 |
| 28 | 001Q | Storage facilities are not accessible | Contact Tank 2 | 10524012 |
| 28 | 001Q | Storage facilities are not accessible | Contact Tank 3 | 10524013 |