

**NEW MEXICO ENVIRONMENT DEPARTMENT  
WATER PROTECTION DIVISION**

In the Matter of )  
Secretary of Environment )  
Declaration for Purposes of )  
Providing Emergency Relief )  
Emergency Powers Order No. 2016-2

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**WHEREAS**, the Secretary of the New Mexico Environment Department (“NMED”) has authority under the Environmental Improvement Act, NMSA 1978, §§ 74-1-1 to -17, and the Drinking Water Regulations, 20.7.10 NMAC, to issue this Order, *see* §§ 74-1-6(J), 74-1-7(A)(2), 74-1-8(A)(2) and 20.7.10.300 NMAC;

**WHEREAS**, the Morningstar Water Supply System (System No. NM3510524, the “System”) was issued an inspection report dated June 9, 2016 that cited 28 significant deficiencies including failure to meet the turbidity MCL of 0.3 NTU, an acute public health contaminant;

**WHEREAS**, there exists a long-term need to ensure the System achieve and maintain compliance to protect public health;

**WHEREAS**, the Secretary of the NMED issued Emergency Powers Order No. 2016-1 on June 17, 2016 temporarily exempting the System from obtaining Drinking Water Bureau (“DWB”) Regulatory Engineering approval of an Application for Water System Modification, Design, and Construction until the connection between the System and the Farmington Water System has been completed, with certain conditions;

**WHEREAS**, on June 17, 2016 the System began constructing a permanent connection to the Farmington Water System (System No. NM3510224) to supply potable water to the System’s customers; and

**WHEREAS**, on June 20, 2016, NMED learned that the System was experiencing water outages within certain portions of their distribution system; throughout these emergency situations NMED has received multiple customer complaints about lack of water, lack of notifications of system problems and inadequate responsiveness from the System; due to the high potential for customers to continue to experience a prolonged water outage with inadequate response by the System.

**THEREFORE**, NMED hereby orders the System to take the following actions by the following deadlines, in accordance with 20.7.10.300 NMAC:

1. Optimize distribution system operation by identifying any deficiencies including, but not limited to, line leaks and valve operations to ensure maximum delivery of potable water to all storage tanks and customers; submit a distribution system status report to DWB no later than close of business Friday July 1, 2016 including all discovered distribution

deficiencies identified along with a prioritized corrective action plan. This work must be completed and verified by an independent third party approved by DWB.

2. Any distribution deficiencies that are identified in Section 1 of this Order shall be repaired in a timeframe acceptable to DWB. Completion of any required distribution repairs shall be verified by an independent third party. All repair activities shall be performed in accordance with all regulatory requirements and best management practices for repairs of this nature, including but not limited to appropriate disinfection and special sampling. The System shall provide a report of each repair to DWB along with disinfection and sampling results no later than 24 hours after the repair has been completed.
3. In conjunction with identification and repair of distribution system deficiencies, the System shall either develop or update a comprehensive distribution system map which includes identification and location of distribution system features including but not limited to, size and type of all distribution lines, distribution valves and their operational status, hydrants, storage tanks, interconnections, and operating pressure zones. This comprehensive map shall be submitted to DWB no later than July 15, 2016.
4. Develop water conservation measures and provide a copy of these measures to System customers and DWB within 24 hours of this Emergency Order. These water conservation measures shall remain in effect until the System provides verification that all distribution system deficiencies have been corrected and the final interconnection with the Farmington Water System has been fully constructed and verified as operational. Water conservation notification to customers shall be distributed in a form and manner reasonably calculated to reach all persons served by the System including but not limited to all local broadcast media, San Juan County Emergency Management, and posting in public places throughout the System. Copies of this notice and verification of all distribution methods must be provided to DWB no later than 24 hours after the notifications have been distributed.
5. In addition to the water conservation public notifications, the System shall send out at minimum, weekly public notifications to System customers regarding the current status of the Boil Water Advisory and Water Outage(s) no later than noon on Friday of each week until these water emergencies have been fully resolved. These public notifications shall be distributed in a form and manner reasonably calculated to reach all persons served by the System including but not limited to all local broadcast media, San Juan County Emergency Management, and phone calls or mail outs to all customers of the System. Copies this notice and verification of the proper distribution of these public notifications must be provided to DWB no later than 24 hours after the notifications have been distributed. The contents shall include but are not limited to, current status of the Boil Water Advisory, current status of distribution system deficiencies and corrective actions being taken to repair these deficiencies, current status of the proposed interconnection to the Farmington Water System, current status of the construction of the pumping station which will permanently provide Farmington water to System customers, information regarding water conservation measures that are currently in place, and

information regarding any applicable timeframes for completion of the final interconnection with the Farmington Water System. Verification of the proper contents and distribution of these public notifications must be provided to DWB no later than 24 hours after the notifications have been sent out.

6. The System shall provide daily written updates to DWB regarding the current status of the Boil Water Advisory and Water Outage(s) no later than close of business on each day until all water emergencies have been fully resolved. The contents of these updates shall include but are not limited to, current status of the Boil Water Advisory, current status of distribution system deficiencies and corrective actions being taken to repair these deficiencies, current status of the proposed interconnection to the Farmington Water System, current status of the construction of the pumping station which will permanently provide Farmington water to System customers, information regarding the effectiveness of water conservation measures that are currently in place, and information regarding any applicable timeframes for completion of the final interconnection with the Farmington Water System.
7. All permanent interconnection construction activities and pump station shall be completed no later than July 15, 2016. Immediately upon completion of the permanent interconnection and pump station the system shall notify DWB in writing.
8. Hauling of potable water from adjacent public water systems shall continue until continuous water service has been restored to all customers. Water hauling activities shall be conducted using a water hauler that is acceptable to the DWB.
9. Continuous water service shall be provided to all System customers no later than Friday July 1, 2016 through the correction of distribution system deficiencies or an alternative solution such as construction of a temporary pumping facility.
10. All regulatory requirements and best management practices shall be followed during any construction or related activities identified in this Order.
11. All reporting activities identified in this Emergency Order shall be submitted to the following DWB staff via email:
  - a. Joe Martinez, PWSS Group Manager ([joe.martinez@state.nm.us](mailto:joe.martinez@state.nm.us))
  - b. Peter Nathanson, Technical Services Manager ([peter.nathanson@state.nm.us](mailto:peter.nathanson@state.nm.us))
  - c. Stephanie Stringer, Bureau Chief ([stephanie.stringer@state.nm.us](mailto:stephanie.stringer@state.nm.us))
  - d. Tanya Trujillo, Compliance Officer ([tanya.trujillo2@state.nm.us](mailto:tanya.trujillo2@state.nm.us))
  - e. Chris Cudia, Northern Area Supervisor ([chris.cudia@state.nm.us](mailto:chris.cudia@state.nm.us))
12. Any deviation from these requirements or associated due dates must be requested and approved in writing by DWB.

Should the System not comply with any order contained in any paragraph above, NMED reserves the right to impose a fine of up to one thousand dollars (\$1,000) per day for each order with which the System does not comply.

**IT IS HEREBY ORDERED,**



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**Ryan Flynn, Secretary  
or Authorized Representative**

6-29-2016

**Date**