

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 or for sections 200 and 201, any persons constructing a public water system project. This part shall apply to each public water system, unless the public water system meets all of the following conditions: (a) it consists of only distribution and storage facilities (and does not have any collection and treatment facilities); (b) it obtains all of its water from, but is not owned or operated by, a public water system to which such regulations apply; (c) it does not sell water to any person; and (d) it is not a carrier which conveys passengers in interstate commerce.
[20.7.10.2 NMAC - Rp 20 NMAC 7.1.I.2, 12/04/2002; A, 01/06/2013]

20.7.10.3 STATUTORY AUTHORITY: NMSA 1978, Sections 74-1-6, 74-1-8, 74-1-10, 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; A, 01/06/2013]

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 any other terms defined in 40 CFR Parts 141 and 143, the following terms, as used in this part shall have the following meanings.

A. "Definitions that begin with the letter "A." "Appurtenance" or "Appurtenances" means machinery, appliances, structures and other parts of the main structure necessary to allow the main structure to operate as intended, but not considered part of the main structure.

B. "Definitions that begin with the letter "B."

- (1) "Bag filters" has the meaning defined in 40 CFR Part 141.
- (2) "Best available technology" or "BAT" has the meaning defined in 40 CFR Part 141.
- (3) "Bureau" means the drinking water bureau of the New Mexico environment department.

"CFR" means the code of federal regulations.

C. "Definitions that begin with the letter "C."

- (1) "Cartridge filters" has the meaning defined in 40 CFR Part 141.
- (2) "CFR" means the code of federal regulations.
- (3) "Challenge test" means a study conducted to determine the removal efficiency (i.e., log removal value (LRV)) of a membrane material for a particular organism, particulate, or surrogate.

(4) "Community water system" has the meaning defined in 40 CFR Part 141.

(5) "Consecutive systems" has the meaning defined in 40 CFR Part 141.

(6) "Contaminant" has the meaning defined in 40 CFR Part 141.

(7) "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.

(8) "CT" or "CTcalc" has the meaning defined in 40 CFR Part 141 and under the definition of inactivation ratio.

D. "Definitions that begin with the letter "D."

(1) "Department" means the New Mexico environment department.

(2) "Direct integrity test" has the meaning defined in 40 CFR Part 141.

- (3) "Disinfectant" has the meaning defined in 40 CFR Part 141.
- (4) "Disinfectant contact time ("T" in CT calculations)" has the meaning defined in 40 CFR Part 141.
- (5) "Disinfection" has the meaning defined in 40 CFR Part 141.
- E.** "Definitions that begin with the letter "E." [RESERVED]
- F.** "Definitions that begin with the letter "F."
 - (1) "Filtration" has the meaning defined in 40 CFR Part 141.
 - (2) "Finished water" has the meaning defined in 40 CFR Part 141.
- G.** "Definitions that begin with the letter "G."
 - (1) "Ground water under the direct influence of surface water (GWUDI)" has the meaning defined in 40 CFR Part 141.
 - (2) "Guidance document" means any manual or other document developed or adopted by the department for determining generally acceptable standards for construction and operation of public water systems.
- H.** "Definitions that begin with the letter "H." "Human consumption " means drinking, bathing, showering, cooking dishwashing, and maintaining oral hygiene. The term "bathing" means use of the water for personal hygiene purposes. The term "bathing" does not refer to situations such as (1) swimming in an open canal or (2) incidental, casual contact with water from an open canal in connection with outdoor activities such as agricultural work, canal maintenance, or lawn and garden care.
- I.** "Definitions that begin with the letter "I." "Inactivation ratio" with respect to viruses means the ratio that quantifies inactivation of viruses. The sum of the virus inactivation ratios, or total virus inactivation ratio shown as $\Sigma(CT_{calc})/(CT_{99.99})$. "CT or CT_{calc} " is the product of "residual disinfectant concentration" (C) in mg/l determined before or after the first customer, and the corresponding "disinfectant contact time" (T) in minutes, i.e., "C" x "T." If a public water system applies disinfectants at more than one point prior to the first customer, it must determine the total percent inactivation or "total inactivation ratio." In determining the total inactivation ratio, the public water system must determine the residual disinfectant concentration of each disinfection sequence and corresponding contact time before any subsequent disinfection application point(s). "CT_{99.99}" is the CT value required for 99.99 percent (4-log) inactivation of viruses. CT_{99.99} for a variety of disinfectants and conditions appears in Tables D-7, D-9, D-11, D-13 and D-14 in the EPA Handbook for Optimizing Water Treatment Plant Performance Using the Composite Correction Program.
- J.** "Definitions that begin with the letter "J." [RESERVED]
- K.** "Definitions that begin with the letter "K." [RESERVED]
- L.** "Definitions that begin with the letter "L." [RESERVED]
- M.** "Definitions that begin with the letter "M."
 - (1) "Maximum contaminant level" has the meaning defined in 40 CFR Part 141.
 - (2) "Membrane filtration" has the meaning defined in 40 CFR Part 141.
 - (3) "Modified" or "modification" means a change, installation, addition, rehabilitation, or construction of a component of an existing public water system to substantially increase or decrease the system's capability to draw or supply water. For the purposes of this part, "modification" does not include routine maintenance.
- N.** "Definitions that begin with the letter "N."
 - (1) "Non-community water system" has the meaning defined in 40 CFR Part 141.
 - (2) "Non-public water source" means a water source that is not regulated as a public water source.
 - (3) "Non-public water system" means a water system that does not meet the definition of a public water system as defined in 40 CFR Part 141.
 - (4) "Non-transient non-community water system or NTNCWS" has the meaning defined in 40 CFR Part 141.
- O.** "Definitions that begin with the letter "O." [RESERVED]
- P.** "Definitions that begin with the letter "P."
 - (1) "Performance demonstration" means documentation that proves the efficacy of a treatment technology.
 - (2) "Person" has the meaning defined in 40 CFR Part 141.
 - (3) "Pilot study" means a specific type of performance demonstration in which the efficacy of a treatment system is tested by using a full scale model of the treatment system.
 - (4) "Plans and specifications" means the technical design drawings and precise standards of performance for construction work, materials and manufactured products certified by a registered professional engineer on behalf of the owner or operator of a public water system.
 - (5) "Point-of-entry treatment device (POE)" has the meaning defined in 40 CFR Part 141.
 - (6) "Point-of-use treatment device (POU)" has the meaning defined in 40 CFR Part 141.

(7) "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.

Q. "Definitions that begin with the letter "Q." [RESERVED]

R. "Definitions that begin with the letter "R."

(1) "Record drawings" means drawings that show detail or work as originally planned plus modifications and deviations to reflect actual construction, certified by a registered professional engineer on behalf of the owner or operator of a public water system.

(2) "Registered professional engineer " means a professional engineer registered in the state of New Mexico.

(3) "Regulated contaminant" means a contaminant for which an action level, maximum contaminant level or treatment technique is provided in 40 CFR Part 141.

(4) "Residual disinfectant concentration ("C" in CT calculations)" has the meaning defined in 40 CFR Part 141 and under the definition of inactivation ratio.

(5) "Routine maintenance" means activities associated with regularly scheduled and general upkeep of a building, equipment, machine, plant, appurtenance, or system against normal wear and tear, including but not limited to those activities set forth in Subsection B of 20.7.10.200 NMAC.

S. "Definitions that begin with the letter "S."

(1) "Sample tap" means a device (e.g. sillcocks, storage tank hatches, sampling stations etc.) where access, pressure, and volume can be controlled to the extent that the sample collected is representative of the water quality.

(2) "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. Pursuant to 40 CFR Part 141, a sanitary survey evaluates at least eight components: source; treatment; distribution system; finished water storage; pump facilities and controls; monitoring and reporting and data verification; system management and operation; and operator compliance with state requirements.

(3) "Secondary contaminant" means a contaminant listed in 40 CFR Part 143.

(4) "Secretary" means the secretary of the department, or an authorized representative.

(5) "Service connection" in addition to the meaning given in 40 CFR Part 141, means a pipe, hose, appurtenance, constructed conveyance or any other temporary or permanent connection between a public water system and a user. Service connection, as used in the definition of a public water system, does not include a connection to a system that delivers by constructed conveyance other than a pipe if: (1) the water is used exclusively for purposes other than residential uses (consisting of drinking, bathing, and cooking, or other similar uses); (2) the department determines that alternative water to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulation is provided for residential or similar uses for drinking and cooking; or (3) the department determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.

(6) "State" means the New Mexico environment department when used in 40 CFR Part 141 and 40 CFR Part 143 in lieu of the meaning set forth in 40 CFR Part 141 and 40 CFR Part 143.

(7) "State act" means the Environmental Improvement Act, NMSA 1978, Section 74-1-1 et seq.

(8) "Storage facility" means a compartment used to accumulate the product water from a water treatment unit so that sufficient quantity, pressure, or both are available for intermittent periods of higher flow-rate water use.

(9) "Subpart H systems" has the meaning defined in 40 CFR Part 141.

(10) "Supplier of water" has the meaning defined in 40 CFR Part 141.

(11) "Surface water" has the meaning defined in 40 CFR Part 141.

T. "Definitions that begin with the letter "T." "Transient non-community water system or TWS" has the meaning defined in 40 CFR Part 141.

U. "Definitions that begin with the letter "U." "USEPA" means the United States environmental protection agency.

V. "Definitions that begin with the letter "V." [RESERVED]

W. "Definitions that begin with the letter "W." "Water hauler" means a person in the business of transporting by vehicle water intended for human consumption to at least 15 service connections or who regularly serves an average of at least 25 individuals daily at least 60 days out of the year.

X. "Definitions that begin with the letter "X." [RESERVED]

Y. "Definitions that begin with the letter "Y." [RESERVED]

Z. "Definitions that begin with the letter "Z." [RESERVED]

[20.7.10.7 NMAC - Rp 20 NMAC 7.1.I.103, 12/04/2002; A, 04/16/2007; A, 01/06/2013]

20.7.10.8 SUBMITTALS TO THE DEPARTMENT: The submittal to the department of any application, notification, or other information required in this part shall be accomplished by submitting the required documents to the drinking water bureau within the department, unless otherwise specified.

[20.7.10.8 NMAC - N, 01/06/2013]

20.7.10.9 DOCUMENTATION REQUIRED FOR POPULATION DETERMINATION:

A. Owners or operators of community water systems shall document, and make available to the department upon request, a determination of the population served by the water system. The residential portion of the population shall be calculated by multiplying the number of service connections by the average household size in the county where the service connections are located. The most recent census conducted by the U.S. census bureau shall be the source of the average household size data. Water haulers shall document, and make available to the department upon request, the number of residential accounts using water for human consumption.

B. Owners or operators of nontransient non-community water systems and transient non-community water system shall document, and make available to the department upon request, a determination of the population served (e.g., number of employees, number of students, restaurant seating capacity, number of patrons, etc.)

C. Owners or operators of water systems may present written documentation to the department for consideration of a population determination that differs from that described in Subsection A or B of this section.

D. The department will document, in writing, approval or disapproval of any population determination that differs from the population determination described in Subsections A or B of this section.

E. Owners or operators of public water systems shall make the information required in this section available to the department upon request within 45 days of the request.

[20.7.10.9 NMAC - N, 01/06/2013]

20.7.10.10 - 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 as amended from time to time, are hereby incorporated by reference into this part.

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 Part 141.

[20.7.10.100 NMAC - N, 12/04/2002; A, 04/16/2007; A, 10/15/2008; A, 10/28/2010; A, 01/06/2013]

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 as amended from time to time, 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 Part 143.

[20.7.10.101 NMAC - N, 12/04/2002; A, 04/16/2007; A, 10/15/2008; A, 01/06/2013]

20.7.10.102 GUIDANCE DOCUMENTS:

A. *Recommended standards for water works* ("10 States Standards"), Great Lakes-Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers, P.O. Box 7126, Albany, New York 12224.

B. Devices listed in the American society of sanitary engineering seal authorization booklet, American society of sanitary engineering, 901 Canterbury Road, Suite A, Westlake, OH 44145.

C. *Cross connection control manual*, USEPA, Washington D.C., 20460.

[20.7.10.102 NMAC - N, 12/04/2002; A, 04/16/2007; A, 01/06/2013]

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]

20.7.10.104 REFERENCES: The current editions of the following materials, including all future editions and amendments form a part of this rule to the extent referenced.

- A.** *Disinfecting water mains, AWWA standard, (ANSI/AWWA C651), American Water Works Association, 6666 West Quincy Avenue, Denver, Colorado 80235.*
- B.** *Disinfection of water-storage facilities, AWWA standard, (ANSI/AWWA C652), American Water Works Association, 6666 West Quincy Avenue, Denver, Colorado 80235.*
- C.** *Disinfection of water treatment plants, AWWA standard, (ANSI/AWWA C653), American Water Works Association, 6666 West Quincy Avenue, Denver, Colorado 80235.*
- D.** *Disinfection of wells, AWWA standard, (ANSI/AWWA C654), American Water Works Association, 6666 West Quincy Avenue, Denver, Colorado 80235.*
- E.** *Drinking water laboratory certification program guidance manual, New Mexico Environment Department, Drinking Water Bureau, 525 Camino de los Marquez, Suite 4, Santa Fe, New Mexico 87501.*
- F.** *Drinking water laboratory certification program guidance manual appendix A - certification application, New Mexico Environment Department, Drinking Water Bureau, 525 Camino de los Marquez, Suite 4, Santa Fe, New Mexico 87501.*
- G.** *Recommended standards for water facilities, New Mexico Environment Department, Construction Programs Bureau, 1190 St. Francis Drive, Santa Fe, New Mexico 87503.*
- H.** *NSF/ANSI Standard 60 - drinking water treatment chemicals - health effects, NSF International P.O. Box 130140, Ann Arbor, MI 48113-0140.*
- I.** *NSF/ANSI Standard 61 - drinking water system components - health effects, NSF International P.O. Box 130140, Ann Arbor, MI 48113-0140.*
- J.** *NSF product and service listings, NSF/ANSI 60 - drinking water treatment chemicals - health effects, http://nsf.org/business/search_listings/.*
- K.** *NSF product and service listings, NSF/ANSI 61 - drinking water system components - health effects, http://nsf.org/business/search_listings/.*
- L.** *NSF product and service listings, NSF/ANSI 44, 53, 58, 62 - drinking water treatment units: - health effects, http://nsf.org/business/search_listings/*
- M.** *NSF product and service listings, NSF/ANSI 14, 24- plumbing system components, http://nsf.org/business/search_listings/*
- N.** *Devices listed in the American society of sanitary engineering "prevention rather than cure" seal authorization booklet, American society of sanitary engineering, 901 Canterbury Road, Suite A, Westlake, OH 44145.*
- O.** *Handbook for optimizing water treatment plant performance using the composite correction program, EPA/625/6-91/027, U.S. EPA/NSCEP, P.O. Box 42419, Cincinnati, OH 45242-041.*
- P.** *EPA membrane filtration guidance manual, EPA 815-R-06-009 November 2005, 26 West Martin Luther King Dr., Cincinnati, OH 45268.*
- Q.** *Environmental technology verification (ETV) program information and guidance for vendors, Drinking Water Systems (DWS) center February 2004, NSF International, 789 N. Dixboro Road, Ann Arbor, Michigan 48105.*
- R.** *Source water assessment & protection program report of a New Mexico water utility, July 2004 (template for ground water), New Mexico environment department, drinking water bureau, 525 Camino de los Marquez, Suite 4, Santa Fe, New Mexico 87501.*
- S.** *Source water assessment & protection program report of a New Mexico water utility, February 2004 (template for surface water), New Mexico environment department, drinking water bureau, 525 Camino de los Marquez, Suite 4, Santa Fe, New Mexico 87501.*
- T.** *New Mexico Environment Department Drinking Water Bureau Application for Ground Water Rule 4-log Certification, New Mexico environment department, drinking water bureau, 525 Camino de los Marquez, Suite 4, Santa Fe, New Mexico 87501.*

[20.7.10.104 NMAC - N, 01/06/2013]

20.7.10.105 - 20.7.10.199 [RESERVED]

20.7.10.200 PUBLIC WATER SYSTEM PROJECTS:

A. Any person undertaking a public water system project shall submit an application to the department and shall not use the new or modified facility to produce, treat, store or distribute water for human consumption until the department has approved the application in writing except that:

(1) a person conducting the activities under Subsection B of this section need not submit an application or obtain department approval; and

(2) a person undertaking a water projects under Subsection C of this section must submit an application but may undertake the project without written approval from the department; the department will respond to each application within the period specified in Subsection K of Section 201 of this part.

B. The following activities are considered on-going operation and routine maintenance procedures. These activities are not considered public water system projects. There is no requirement to notify or seek approval of the department for these activities:

(1) pipeline leak repair;

(2) replacement of existing deteriorated pipeline, or addition of distribution pipeline, if such replacements or additions, or both, total less than 1,000 feet in any 60 calendar day period;

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

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

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

and

(6) 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. Any person proposing to undertake the following public water system projects must give the department written notice by submitting an application; department approval is not required:

(1) a modification that involves only the replacement or construction of more than 1,000 feet of distribution lines, or of appurtenances, pump stations, or pressure regulating facilities for which the public water system employs, either by contract or direct employment, a registered professional engineer who is responsible for the project; or

(2) installation of a hypochlorination system, including an on-site hypochlorination generation system, in a public water system under the following conditions:

(a) water is supplied by ground water that is not under the direct influence of surface water;

(b) the owner or operator of the system employs, by contract or direct employment, a water operator certified in New Mexico at the level required in the Utility Operator Certification Regulations, 20.7.4 NMAC; and

(c) the certified operator is responsible for the project and certifies the inactivation ratio achieved by the hypochlorination system; the water system operator shall calculate the inactivation ratio and document the calculation on a form provided by the department.

D. In order to expedite future public water system projects, a public water system with the legal authority to adopt construction plans, details, and specifications by ordinance or resolution may submit a master design plan to the department for approval. Such plan must at a minimum contain:

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

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

(3) written verification that the plans, details, and specifications have been adopted by ordinance or resolution in such a manner as to require their use in all associated projects.

E. The approval requirement in Subsection A of Section 201 of this part is satisfied when a transmission, storage, or distribution project is proposed for implementation that is certified to be in conformance with a master design plan previously approved by the department. For a project to be considered under this subsection, the owner or operator of the system must submit in lieu of the application materials in Section 201 of this part, 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. A project request under this subsection shall include all of the documentation listed in this subsection.

[20.7.10.200 NMAC - Rp 20 NMAC 7.1.V.501 and 502, 12/04/2002; A, 04/16/2007; A, 01/06/2013]

20.7.10.201 APPLICATIONS FOR PUBLIC WATER SYSTEM PROJECT APPROVAL:

A. Any person proposing to undertake a public water system project for which an application is required under Section 200 of this part shall complete, sign and submit an application to the department as described in this section.

B. The application shall be made on forms furnished by the department. Applications for projects that require department approval 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 registered professional engineer;

(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; and

(4) any other relevant information requested by the department in order to determine compliance with this part.

C. For a project involving the construction of a new public water system or conversion of an existing water system to a public water system, an applicant proposing to undertake a public water system project shall submit, in addition to the materials set forth in Subsection B of this section 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, and credit worthiness and fiscal management.

D. For a project involving a storage facility or distribution facility, the applicant shall submit an application to the department no less than 30 days prior to advertising the public water system project for bid; or if the project is not advertised for bid prior to commencement of construction. In addition to the materials set forth in Subsection B and Subsection C of this section the application shall include:

(1) a description of an adequate foundation for each storage facility; and

(2) plans and specifications showing hydrants or blow-offs to provide for complete flushing or cleaning of the newly constructed facility if existing flushing appurtenances are insufficient.

E. For a project that involves construction of a new water source or conversion of an existing non-public source to a public source, in addition to the materials set forth in Subsection B and Subsection C, of this section the application shall include:

(1) the appropriate state engineer office permit;

(2) analytical results for regulated contaminants and secondary contaminants sampling prior to commencement of construction; this section requires sampling for those regulated contaminants and secondary contaminants that are monitored at the source or at the entry point(s).

F. For a project involving a ground water source that is not under the direct influence of surface water, the applicant shall submit an application to the department no less than 30 days: prior to advertising the public water system project for bid; or if the project is not advertised for bid prior to commencement of construction.

(1) In addition to the requirements in Subsection E of this section, a project involving a new ground water source that is not under the direct influence of surface water must include an inventory of existing and planned facilities and land uses that are actual or potential sources of contaminants of concern located within 1,000 feet of a water source.

(2) At a minimum, potential sources of contamination and land uses in Appendix K of the NMED *source water assessment and protection program report of a New Mexico water utility, July 2004 (template for ground water)* must be considered.

G. For a project involving a 40 CFR Part 141 Subpart H source, including an existing non-public surface water source or a non-public ground water under the direct influence of surface water source that is converted to a public 40 CFR Part 141 Subpart H source, the applicant shall submit:

(1) an application to the department no less than 60 days: prior to advertising the public water system project for bid; or if the project is not advertised for bid prior to commencement of construction; and

(2) an inventory of existing and planned facilities and land uses that are actual or potential sources of contaminants of concern, located within the delineation specified in *source water assessment and protection program report of a New Mexico water utility, February 2004 (template for surface water)* New Mexico environment department, drinking water bureau.

H. For a project using a best available technology identified in 40 CFR Part 141 for treatment of chemical, radiological or microbiological contaminants, except for *Cryptosporidium*, the application shall be submitted to the department no less than 45 days; prior to advertising the public water system project for bid; or if the project is not advertised for bid prior to commencement of construction. Treatment using a point-of-entry treatment device (POE) or a point-of-use treatment device (POU) will be considered only for treatment of chemical contaminants, except nitrate, nitrite and chlorine dioxide, within systems serving not more than 100 service connections.

I. For a project involving treatment of *Cryptosporidium* or a project involving treatment of chemical, radiological or microbiological contaminants that uses a technology other than those identified in 40 CFR 141 as a best available technology, the applicant shall submit an application to the department no less than 120 days; prior to advertising the public water system project for bid; or, prior to commencement of construction. The application shall include a performance demonstration. A pilot study submitted as a performance demonstration shall have been conducted by a field testing organization in accordance with Subsection J of this section.

(1) The following requirements apply to each surface water project involving treatment for *Cryptosporidium*:

(a) The application shall include a test protocol to demonstrate the performance of *Cryptosporidium* treatment meeting the requirements of the Long Term 2 Enhanced Surface Water Treatment rule, 40 CFR Part 141 Section 715 (microbial toolbox options for meeting *Cryptosporidium* treatment requirements).

(b) For a project involving treatment of *Cryptosporidium* using bag filters or cartridge filters or membrane filtration, the application shall also include a challenge test demonstrating performance, pursuant to 40 CFR Section 141.719(a)(2) through (a)(10) or (b)(2) as applicable.

(c) For a project involving treatment of *Cryptosporidium* using membrane filtration, pursuant to 40 CFR Section 141.719(b)(3), the application shall include documentation of the log removal that can be verified by a direct integrity test in addition to the challenge required in Paragraph (2) of Subsection I of Section 201 of this part.

(d) If the project will be conducted by a public water system that serves at least 10,000 people:

(i) turbidity shall be measured;

(ii) a surface water microscopic particulate analysis (MPA) shall be conducted; and

(iii) removal efficiencies for *E. coli* (analyzed by an enumeration method) and

Cryptosporidium shall be determined; and

(iv) plant detention time shall be factored into the sample collection.

(e) If the project will be conducted by a public water system that serves fewer than 10,000

people:

(i) removal efficiencies for *E. coli* shall be determined (*E. coli* shall be analyzed by an enumeration method); and

(ii) plant detention time shall be factored into the sample collection.

(2) For all contaminants other than *Cryptosporidium*, the application shall include a test protocol developed by the "USEPA environmental technology verification program" for demonstrating treatment performance of chemical, radiological or microbiological contaminants. The department will also consider other test protocols.

J. A pilot study submitted pursuant to Subsection I of Section 201 of this part must be or must have been conducted by a field testing organization or person with the following qualifications:

(1) a registered professional engineer with experience in conducting drinking water pilot studies who will oversee field testing operations; or

(2) experience in conducting drinking water pilot studies for a state or an organization conforming to the requirements of that state; or

(3) experience in preparing and executing a project-specific QA/QC plan (i.e., a quality assurance project plan (QAPP)) for a drinking water treatment project or pilot study under the direction of the USEPA, water research foundation, national water research institute or other relevant organization.

K. Incomplete applications will not be reviewed. The applicant will be notified within 15 days of the need to submit a complete application. The department shall either approve an application, approve an application subject to conditions, or deny an application, and shall notify the applicant of such determination. 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.

(1) For a project involving a storage facility, or for a project involving a distribution facility, the department shall notify the applicant of the determination within 30 days after receipt of the complete application.

(2) For a project involving ground water sources that are not under the direct influence of surface water, the department shall notify the applicant of the determination within 30 days after receipt of the complete application.

(3) For a project involving a surface water source or ground water under the direct influence of surface water, the department shall notify the applicant of the determination within 60 days after receipt of the complete application.

(4) For a project using a best available technology identified in 40 CFR Part 141 for treatment of a chemical, radiological or microbiological contaminant, except for *Cryptosporidium*, the department shall notify the applicant of the determination within 45 days after receipt of the complete application.

(5) For a project involving treatment of *Cryptosporidium* or for a project involving treatment of a chemical, radiological or microbiological contaminant that use a technology other than those identified in 40 CFR Part 141 as a best available technology, the department shall notify the applicant of the determination within 120 days after receipt of the complete application.

L. If, in the judgment of the department, exigent circumstances warrant a waiver of the requirement for approval of an application prior to construction, the department may permit a prospective applicant to commence construction of a public water system project upon receipt of written permission from the department. The owner or operator of the public water system must submit an application within 30 days of receipt of the permission.

M. 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;

(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;

(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 to the department analyses relating to hydrogeological, soil or ground water conditions at the site, and 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; or

(7) a regulated contaminant or disinfectant will be injected into the source (e.g., chlorine pellet drop system).

N. 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.

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

P. 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.

Q. 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.

R. 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 review 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.

S. 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 applicant 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.

T. The department shall be notified when a public water supply system project, or well-defined phase thereof, is at or near completion. This notification shall consist of:

- (1) for a project requiring department approval, a written statement from a registered professional engineer or a 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;
- (5) confirmation that the water system owner has been provided with an operation and maintenance manual for the new facility, where appropriate; and
- (6) when the project includes construction of a new source or incorporation of an existing source into a public water supply system, documents filed with the state engineer office, including the well log and proof of completion of well for ground water sources, and a proof of completion of works for surface water sources.

U. For a project requiring department approval, the supplier of water shall submit record drawings and certification of project completion in an electronic format acceptable to the department within 120 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; A, 01/06/2013]

20.7.10.202 APPLICATION FOR WATER HAULERS THAT ARE NOT OWNED OR OPERATED BY ANOTHER PUBLIC WATER SYSTEM:

A. This section applies to each water hauler that is not owned or operated by a public water system. This section does not apply to the transport of bottled water regulated pursuant to 21 CFR Part 165.

B. Any person proposing to commence a water hauling operation for human consumption under this section shall complete, sign and submit an application to the department no later than 30 days prior to entering a service contract for delivering water for human consumption. The water hauler shall not produce, withdraw, store, transport or deliver water for human consumption until the department has approved the application in writing.

C. The application shall be made on form(s) furnished by the department and shall include:

- (1) evidence that the water tank and other delivery components are approved for contact with water for human consumption;
- (2) a declaration that the water tank and other water delivery components have never come into contact with a non-potable or non-food grade product, or a declaration listing any such products and evidence that the tank has been sufficiently reconditioned to enable hauling of potable water;
- (3) a contract with a public water system authorizing receipt of water or other documentation demonstrating that the water to be hauled will come from a drinking water system that is included in the safe drinking water information system (SDWIS) inventory;
- (4) a description of water hauling operation including the procedures for obtaining, storing, treatment of and delivery of water; and
- (5) a disinfection plan for routine and seasonal disinfection of each tank.

[20.7.10.202 NMAC - N, 01/06/2013]

20.7.10.203 - 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 achieve concentrations no greater than 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; A, 01/06/2013]

20.7.10.301 - 20.7.10.399 [RESERVED]

20.7.10.400 GENERAL OPERATING REQUIREMENTS:

A. Protection of public water systems during maintenance or replacement of electrical or mechanical equipment. The owner or operator of a public water system shall prevent contamination of the water in the system while undergoing 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:

- (1) unauthorized entry to the water supply;
- (2) flooding of the water supply; and
- (3) 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. All vents installed in the well casing shall be protected against entrance of foreign material and flooding. If the well is completed in a subsurface vault, the casing shall extend above the potential flooding height. 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 B 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. Standards for additives, materials and equipment - direct additives. Each product added directly to water during production or treatment, including treatment in storage and distribution, shall conform to American national standards institute (ANSI) or national sanitation foundation international (NSF) Standard 60. Products covered by this subsection may include but are not limited to:

- (1) coagulation and flocculation chemicals;
- (2) chemicals for corrosion and scale control;
- (3) chemicals for softening, precipitation, sequestering, and pH adjustment;
- (4) disinfection and oxidation chemicals;
- (5) chemicals for fluoridation, defluoridation, algae control, and dechlorination;
- (6) dyes and tracers;
- (7) antifreezes, antifoamers, regenerants, and separation process scale inhibitors and cleaners;
- (8) water well drilling and rehabilitation aids; and
- (9) well pump lubricants and well sealants.

L. Standards for additives, materials and equipment - indirect additives. Except as identified in Subsections N and O, a material or product that comes into contact with water or water treatment chemical shall conform to ANSI/NSF Standard 61. Products and materials covered by this subsection may include but are not limited to:

- (1) process media, such as carbon and sand;
- (2) joining and sealing materials, such as solvents, cements, welding materials, and gaskets;
- (3) mechanical plumbing devices;
- (4) pipes and related products, such as pipe and fittings;
- (5) mechanical devices used in treatment, transmission, or distribution systems such as tanks, valves, chlorinators, and separation membranes; and
- (6) protective (barrier) materials such as coatings.

M. Standards for additives, materials and equipment - certification. The appearance on the product or product package of a seal of a certifying entity that is accredited by the ANSI/NSF to provide the certification or inclusion of the product in the NSF product and service listings shall be considered as proof that a product conforms to the requirement of this section.

N. Standards for additives, materials and equipment - alternative certification. In those instances where a chemical, additive or drinking water system component that comes into contact with drinking water is essential to the design, construction or operation of the drinking water system and has not been certified by the ANSI/NSF, the operator may utilize the alternatives given in this subsection:

- (1) a water system owner or operator may submit evidence that a chemical not included in ANSI/NSF Standard 60, such as EPI-DMA polyamines, anhydrous monosodium phosphate, permanganates other than potassium permanganate and sodium fluorosilicate, meets standards consistent with NSF Standard 60;
- (2) a water system owner or operator may submit evidence that a system is made entirely of components certified under ANSI/NSF Standard 61; or
- (3) a water system owner or operator may submit evidence that a component meets standards consistent with ANSI/NSF Standard 61.

O. Standards for additives, materials and equipment - exemptions. The following materials and products are exempt from the requirement to conform to ANSI/NSF Standard 61.

- (1) an uncoated concrete structure, tank or treatment basin that is constructed onsite if the structure, tank, or basin is not normally coated or sealed and the construction materials used in the concrete are consistent with Subsection N;
- (2) an earthen reservoir or canal located upstream of water treatment; and

(3) a water treatment plant that is comprised of components that comply with Subsections L or N.

P. 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 in the American society of sanitary engineering "*prevention rather than cure*" seal authorization booklet or a device acceptable to the department to prevent the back flow of water.

Q. 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; A, 01/06/2013]

20.7.10.401 GENERAL OPERATING REQUIREMENTS FOR WATER HAULERS:

A. This section applies to each water hauler.

B. A water hauler subject to this section shall obtain for delivery disinfected water only from public water systems that are part of the department safe drinking water information system (SDWIS) inventory and do not pose an acute health threat based on violation of a maximum contaminant level or treatment technique.

C. A water hauler subject to this section shall:

- (1) disinfect each tank, before filling the tank for delivery, if it has not been used more than eight consecutive days;
- (2) disinfect each tank after every three months of continuous operation;
- (3) measure and record the disinfectant residual at the same time and place water is obtained from the public water system and immediately prior to when the water is delivered to the customer;
- (4) maintain a record of the date and time that each water hauling truck is disinfected;
- (5) for those water haulers that are owned or operated by a public water system, comply with the sampling requirements applicable to consecutive systems in accordance with Subsection E of Section 500 of this part; and

(6) make each vehicle used for water hauling available for inspection by the department; at the time of the inspection the tank shall be empty and have a hatch or other opening to facilitate internal inspection.

D. A water hauler subject to this section shall use only water tanks with the following features:

- (1) Hatches or openings must have water tight covers.
- (2) The tank drain must allow for complete draining of the tank.
- (3) All hoses and other dispensing units must be equipped with water tight caps.

[20.7.10.401 NMAC - N, 01/06/2013]

20.7.10.402 - 20.7.10.499 [RESERVED]

20.7.10.500 MONITORING 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-transient 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. Each supplier of water shall begin routine sampling in accordance with 40 CFR Part 141 within 90 days after providing water for human consumption.

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) and except that consecutive systems shall sample as required in Subsection E of Section 500 of this part. 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.

E. Consecutive systems shall collect samples for those contaminants for which monitoring is required in the distribution system. This includes measurement of disinfectant residuals and collection of samples for total coliform, lead and copper, and disinfection byproducts.

F. All public water systems must have sample taps to collect water representative of each applicable facility at sampling points required under 40 CFR Part 141.

G. For systems subject to triggered monitoring under 40 CFR Part 141 ground water rule: for each total coliform positive sample collected from the distribution system, at least one ground water source sample must be collected from each ground water source that was in use at the time the total coliform-positive sample was collected.

[20.7.10.500 NMAC - Rp 20 NMAC 7.1.III.301, 12/04/2002; A, 04/16/2007; A, 01/06/2013]

20.7.10.501 [RESERVED]

[20.7.10.501 NMAC - Rp 20 NMAC 7.1.III.309, 12/04/2002; Repealed, 01/06/2013]

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;
- (3) sample or otherwise test the water supplied by such system; and
- (4) have access to a public water system facility for visual inspection.

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; A, 01/06/2013]

20.7.10.505 SUBPART H SYSTEM REPORTING: In addition to complying with any other reporting requirements in 40 CFR Part 141, operators of public water systems shall submit the following reports electronically on forms furnished by the department, if applicable:

- A.** monthly operating reports required of 40 CFR 141 Subpart H systems; and
- B.** for systems that use membrane filtration, a direct integrity test required of 40 CFR Part 141

Subpart W.

[20.7.10.505 NMAC - N, 01/06/2013]

20.7.10.506 - 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]

20.7.10.601 - 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 12-1-94.
20 NMAC 7.1, Wastewater And Water Supply Facilities - Drinking Water, filed 12-1-94, **replaced** by 20.7.10 NMAC, Wastewater And Water Supply Facilities - Drinking Water, effective 12-4-02.