



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

Certified Mail - Return Receipt Requested
Copy via email

February 16, 2024

Mayor Alan Webber
200 Lincoln Ave
P.O. Box 909
Santa Fe, NM 87504
505-955-6590
mayor@santafenm.gov

Wastewater Management Division
Director Michael Dozier
73 Paseo Real
Santa Fe, NM 87507
505-955-4650
mldozier@santafenm.gov

RE: Notice of Noncompliance, City of Santa Fe Paseo Real Wastewater Treatment Plant

Dear Mayor Alan Webber and Wastewater Management Division Director Michael Dozier:

The purpose of this letter is to notify you that the New Mexico Environment Department (NMED) has determined that the City of Santa Fe Paseo Real Wastewater Treatment Plant (WWTP) has been operating in noncompliance with the New Mexico Water Quality Act (WQA) and Water Quality Control Commission (WQCC) regulations (20.6.2 and 20.6.4 New Mexico Administrative Code) adopted pursuant to the WQA. Based on NMED's review of the data associated with the Santa Fe River and the Paseo Real WWTP discharge into the Santa Fe River, this Notice of Noncompliance covers the following:

- Discharging water contaminants into the Santa Fe River, Santa Fe County, New Mexico, in such quantity as may with reasonable probability injure or be detrimental to human health, animal or plant life, or property, or unreasonably interfere with the public welfare or the use of the property. The discharge impacted a surface water of the State. [20.6.2.1203 NMAC; 20.6.4.7 NMAC; 20.6.4.13 NMAC; 20.6.4.113 NMAC]
- Failure to comply with New Mexico water quality standards and the state's water quality management plan, including relevant total maximum daily loads and the antidegradation policy. [20.6.4.8 NMAC; 20.6.4.13 NMAC; 20.6.4.113 NMAC; 20.6.4.900 NMAC]
- Failure to take corrective actions to control the water contaminants and mitigate damages to the environment and relieve the potential public health threat. [20.6.2.1203 NMAC]
- Disposal of refuse into the Santa Fe River. [20.6.2.2201 NMAC]

NMED is considering appropriate enforcement actions pursuant to state law, including, but not limited to, the alleged violations listed above. NMED has observed significant surface water quality impacts and water quality standards exceedances since at least 2019. Violations of New Mexico water quality standards may lead to penalties under Section 74-6-10 of the New Mexico Water Quality Act, as well as requirements for corrective actions to ensure compliance with New Mexico surface water quality standards and other legal requirements.

Within 30 calendar days of receipt of this letter the City of Santa Fe must submit to the Department evidence to demonstrate that the City is complying with the New Mexico Water Quality Act and corresponding regulations, water quality standards, and the state's water quality management plan, including total maximum daily loads and the antidegradation policy.

Nothing in this letter shall be construed as relieving the City of Santa Fe of its obligation to comply with all applicable federal, state, and local laws, regulations, permits or orders. It is the responsibility of the City to be familiar with and comply with the requirements and regulations of the State of New Mexico. Please contact me with any questions.

Sincerely,

Shelly Lemon
Surface Water Quality Bureau Chief

Cc: John Blair, City Manager (City of Santa Fe), wblair@santafenm.gov
John Rhoderick, Water Protection Division Director (NMED), john.rhoderick@env.nm.gov
Christal Weatherly, Assistant General Counsel (NMED), christal.weatherly@env.nm.gov
Andrew Knight, Assistant General Counsel (NMED), andrew.knight@env.nm.gov
Susan A. Lucas Kamat, Point Source Section Manager (NMED), susan.lucaskamat@env.nm.gov
Nafis Fuad, Compliance & Enforcement Team Supervisor (NMED), nafis.fuad@env.nm.gov
Jason Martinez, Permit & Certification Team Supervisor (NMED), jason.martinez2@env.nm.gov
Justin Ball, Groundwater Quality Bureau Chief (NMED), justin.ball@env.gov
Jason Herman, Point Source Section Manager (NMED), jason.herman@env.nm.gov
Avery Young, Domestic Waste Team Supervisor (NMED), avery.young@env.nm.gov
Michael G. Bowers, Collaboration Coordinator (NMED), michael.bowers@env.nm.gov
Bryant Smalley, Water Enforcement Branch Chief (EPA R6), smalley.bryant@epa.gov
Roberto Bernier, Municipal & Industrial Wastewater Section Chief (EPA R6), bernier.roberto@epa.gov
Rachel Mathews, Enforcement Officer/New Mexico Coordinator (EPA R6), matthews.rachel@epa.gov