



## **NOTICE OF VIOLATION**

### **Certified Mail - Return Receipt Requested**

September 13, 2023

Patrick Moore, Chair History & Heritage Director  
New Mexico Historic Sites  
NM Dept of Cultural Affairs  
407 Galisteo, Ste. 260  
Santa Fe, NM  
[patrick.moore@dca.nm.gov](mailto:patrick.moore@dca.nm.gov)

#### **RE: Notice of Violation, Fort Stanton Historic Site, DP-1699**

Dear Patrick Moore:

The New Mexico Environment Department (NMED) has determined that the above referenced facility is operating in violation of the Water Quality Control Commission (WQCC) Regulations (20.6.2 NMAC) and the Water Quality Act (WQA). Please be advised that NMED requires prompt action as described herein. The facility is located at 108 Kit Carson Rd, Fort Stanton, in Section 35, Township 9S, Range 14E, Lincoln County.

Pursuant to Section 20.6.2.3109 NMAC, NMED issued a Discharge Permit Renewal, DP-1699, (Discharge Permit) to Fort Stanton Historic Site (Permittee) on January 30, 2017. The Discharge Permit (DP) expired on January 29, 2022.

#### **A summary of the events resulting in the determination of violations at this facility follows.**

NMED has attempted to contact the Permittee regarding the expiration of the Discharge Permit and the need to submit a renewal application via telephone calls and emails. NMED sent the Permittee a renewal reminder by physical mail on March 3, 2022. There was further email communication on April 23, 2022, to discuss the requirement for a renewal application. On August 30, 2022, NMED contacted the Permittee to determine the status of the renewal application. On September 15, 2022, the Permittee requested a copy of the discharge permit application and their last application. The last contact with the permittee was through email on September 28, 2022. To date the Permittee has failed to submit an application to NMED.

**The requirements of the WQCC Regulations, resultant violation and associated actions necessary to correct the violation are identified below.**

Section 20.6.2.3104 NMAC states that no person shall cause or allow wastewater or leachate to discharge so that it may move directly or indirectly into ground water unless they are discharging pursuant to a Discharge Permit.

You have violated Section 20.6.2.3104 NMAC by discharging wastewater from this facility without a Discharge Permit.

In order to correct this violation, **complete the application for a Discharge Permit (copy enclosed), and submit two completed copies, an electronic copy and a \$100 filing fee to NMED within 60 days from the date of this letter, by November 13, 2023.**

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Failure to comply with this Notice of Violation may result in NMED's issuance of a compliance order that assesses a civil penalty pursuant to WQA, Section 74-6-10. NMED may also assess civil penalties up to \$15,000 per day for each violation of the WQA, Section 74-6-5, any regulation promulgated pursuant to that section or any permit issued pursuant to that section. NMED may assess civil penalties up to \$10,000 per day for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision.

As an alternative to the remedies described above, NMED may commence an action in district court for appropriate relief, including injunctive relief.

Nothing in this letter shall be construed as relieving the permittee of the obligation to comply with all requirements of the WQCC Regulations, the WQA, and other applicable federal, state, and local laws, regulations, permits or orders.

Please note that your facility will appear on the NMED's Enforcement Watch as a result of this NOV (see: <https://www.env.nm.gov/enforcement-watch/>). Further, NMED will issue a press release to local media highlighting your facility as appearing on this webpage. Your facility will remain on the Enforcement Watch website as an active matter until this matter is fully resolved.

Pursuant to the NMED Delegation Order dated May 24, 2021, the Cabinet Secretary has delegated the authority to sign a Notice of Violation under the New Mexico Water Quality Act to the Chief of the Ground Water Quality Bureau. If you have any questions regarding this matter, please contact Jason Herman, Program Manager of the Ground Water Pollution Prevention Section, at (575) 649-3871 or Aracely Tellez at (505) 629-8864 or submit an email to [pps.general@env.nm.gov](mailto:pps.general@env.nm.gov).

Fort Stanton Historic Site

September 12, 2023

Page 3 of 3

Sincerely,

Justin D. Ball, Chief  
Ground Water Quality Bureau

JB:AT

enc: Application for a Ground Water Discharge Permit

cc: Lino Herrera, Director – Facilities & CIPP, [lino.herrera2@dca.nm.gov](mailto:lino.herrera2@dca.nm.gov)  
Patrick Moore, Chair History & Heritage Director, New Mexico Historic Sites, DCA,  
Jason Herman, PPS Program Manager (electronic copy)  
William Chavez, District Manager, EHB District III (electronic copy)  
NMED Ruidoso Field Office (electronic copy)