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Governor

JOHN A. SANCHEZ
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NEW MEXICO
ENVIRONMENT DEPARTMENT

Ground Water Quality Bureau

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BUTCH TONGATE
Cabinet Secretary

BRUCE YURDIN
Acting Deputy Secretary

December 19, 2018

John Durham, Board President
Stagecoach Neighborhood Association
PO Box 2785
Taos, NM 87571

RE: Response to Request for Interim Closure of S&R Septic, DP-465

Dear Mr. Durham:

The New Mexico Environment Department (Department) is in receipt of your letter dated November 8, 2018, requesting interim closure of S&R Septic's facility located near your neighborhood. While most of the concerns expressed therein are best reserved for the upcoming public notification and associated comment period (commonly referred to as PN-2), the Department wishes to address your request for immediate closure of S&R Septic's "lagoon," referred to in our parlance as "disposal cells."

Your request cites the expiration of S&R Septic's groundwater discharge permit (Discharge Permit or DP-465) as a primary rationale for temporarily closing the facility. While the Department prefers renewal applications be submitted in a timely fashion, it retains discretion over how to handle post-expiration submissions. Such flexibility is necessary because, unfortunately, a wide array of unforeseen circumstances can impact a business's ability to complete an application.

Many factors influence how the Department engages a permittee with an expired permit, including the degree to which the permittee cooperates with the Department. As documented in your letter, the Department issued a Notice of Non-Compliance in August 2018 outlining several permit violations. Since that time, S&R Septic has been corresponding regularly with Department inspectors and is working toward compliance with the conditions of its Discharge Permit. In essence, the permittee is now engaged in a standard permit-renewal process, and for this reason the Department would consider closing the business to be premature. This approach is consistent with previous Ground Water Quality Bureau (GWQB) actions for other permittees in similar

circumstances. By issuing the facility an Administrative Compliance Order to cease discharging, the GWQB would be treating S&R Septic in a different and unusual fashion.

The Department recognizes longstanding public interest in this facility and encourages public participation during the PN-2 comment process. In the very near future the neighborhood association will be made aware by mail of the availability of a draft permit and the commencement of the comment period.

If you have any questions, please contact either Jason Herman at (505) 827-2713 or Steve Pullen, Program Manager of the Ground Water Pollution Prevention Section, at 505-827-2962.

Sincerely,

A handwritten signature in black ink, appearing to be "Michelle Hunter", with a long horizontal line extending to the right.

Michelle Hunter, Chief
Ground Water Quality Bureau

MH:JH

cc: Steve Pullen, PPS Program Manager