

STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT



IN THE MATTER OF:)
THE APPLICATION OF S&R)
SEPTIC FOR THE RENEWAL OF)
A SEPTIC DISPOSAL FACILITY,)
DISCHARGE PERMIT, DP-465)

GWB 19-28 (P)

EL PRADO WATER AND SANITATION DISTRICT'S
CLOSING ARGUMENT
AND
ITS CONCURRENCE IN THE GROUNDWATER QUALITY BUREAU'S
RESPONSE TO COLLATERAL ESTOPPEL MOTION, AND
PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

El Prado Water and Sanitation District ("EPWSD" or the "District"), by and through its counsel, submits the following closing argument and its concurrence in the New Mexico Environment Department, Water Protection Division, Ground Water Quality Bureau's ("Bureau") Response to Collateral Estoppel Motion, and the Bureau's Proposed Findings of Fact and Conclusions of Law pursuant to 20.1.4.500B NMAC.

Closing Argument

Pursuant to the *Abeyta* settlement, EPWSD's future municipal water supply, including two existing wells, are in the vicinity of S&R Septic's discharge facility which is the subject of DP-465. The District is concerned about the renewal of DP-465 because of past permit non-compliance by S&R Septic and past lack of permit oversight by the New Mexico Environment Department ("NMED").

EPWSD was favorably impressed with the testimony of Jay Snyder of EA Engineering. The District requests that a condition of approval if DP-465 is renewed will require

S&R Septic to retain Mr. Snyder or a similarly qualified professional as its consultant for future permit compliance.

The District requests that a condition of approval if DP-465 is renewed will require S&R Septic to include John Painter of EPWSD as one of the community representatives to provide input into the Work Plan proposed by the Bureau and S&R Septic in Condition 21.

EPWSD expects that the significant expression of concern about the renewal of S&R Septic's DP-465 expressed by many members of the community at the public hearing causes S&R Septic to change its behavior from hap-hazard permit compliance to exact compliance with its new permit conditions. In addition, the District hopes that NMED is now acutely aware of the public's concern about S&R Septic's DP-465 and provides continuing and regular oversight and that NMED will take immediate action against S&R if it fails to meet its permit conditions.

EPWSD also encourages NMED to establish an online website accessible to the public so the District and others can monitor compliance with discharge plans without the time and expense associated with a review of the public records in person at NMED's office in Santa Fe.

**Concurrence in the Bureau's Response
to Collateral Estoppel Motion, and its
Proposed Findings of Fact and Conclusions of Law**

EPWSD concurs in and supports the Bureau's Response to Collateral Estoppel Motion and the Bureau's Proposed Findings of Fact, Proposed Conclusions of Law, and Conditions 21 and 22 in Attachment 1.

Dated: December 2, 2019

Respectfully submitted,

/s/James C. Brockmann

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served electronically to the following on this 2nd day of December, 2019.

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