

**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)**

**RESPONSE TO MOTION FOR EXTENSION OF HEARING**

Comes now the Ground Water Quality Bureau of the Water Protection Division of the New Mexico Environment Department (“Bureau”) in opposition to the Applicant’s Motion for Extension of Hearing filed September 10, 2019.

1. The Applicant’s most-recent permit expired December 27, 2017 without submission of a renewal application (until February 22, 2018).
2. Public notice of the application (“PN-1”) occurred in September of 2018 and, by November of that year, the public began submitting letters of opposition.
3. A copy of the draft permit was provided to the Applicant for preliminary comment 25 days prior to publication of the second public-notice (“PN-2”). The Bureau did not receive any comment from the Applicant.
4. The PN-2 ran from May 24 through June 24, 2019. During this time, the Bureau received 13 objections and/or requests for hearing from individual residents, a neighborhood association, local business owners and a water/sanitation district. Additionally, Senators Heinrich and Udall, as well as the governor’s office, expressed interest in the matter. The Bureau did not, however, receive any comment from the Applicant.



5. Two days after conclusion of the PN-2 comment period, the Applicant contacted the Bureau, which then granted the Applicant a 30-day extension to submit comment.
6. Following announcement of the scheduled hearing date, the Bureau has reserved a venue, arranged for a court reporter and posted the meeting time on its website. Further, it has translated the Notice of Hearing into Spanish and expended over \$3,000 on publication in two newspapers per 20.1.4.200(C)(2)(b) NMAC, which requires said publication 30 days in advance of the hearing. Also in accordance with 20.1.4.200(C)(2)(b) NMAC, distribution to interested parties via listserv is scheduled for today, September 11, while 90 hard copies have been printed, labeled and stuffed in preparation for mailing.
7. In reference to the request for an in-person or telephonic hearing,  
20.1.4.200(D)(6) NMAC encourages all motions to be decided without a hearing.

The Bureau believes a postponement would constitute undue delay where the Applicant has been through the permitting process three previous times but was still delinquent in submitting the renewal request, received a copy of the draft permit four months ago and already received an extension to comment on PN-2. Public interest is high with multiple parties invested in an efficient resolution, and additional delay would undermine confidence in the process. Resources, such as procurement of newspaper space, have been allocated to notice said parties of the scheduled October 16, 2019 date. Finally, the Bureau does not believe the activities described in the Applicant's Motion can provide the information necessary to resolve the conditions in the draft permit.

Wherefore the Bureau requests that the request for extension/postponement be denied and the hearing slated for October 16, 2019 take place as currently scheduled.

Respectfully submitted,

NEW MEXICO ENVIRONMENT DEPARTMENT

*/s/ Owen Johnson*

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