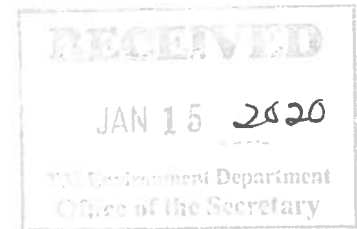


Cody Barnes
Office of Public Facilitation
New Mexico Environment Department (NMED)
P.O. Box 5469
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1/9/2020

Re: The matter of the application of S&R Septic for the renewal of a septic disposal facility, discharge permit – DP465; and the Hearing Officer's Report in GWB 19-28 (P).

The approval of the S&R open sewage pit is another disheartening example of government failure to effectively serve **the people** while being complicit in allowing “business as usual” practice. In this case, the approval is despite obvious threats to **public** well-being. With all of the information presented about the past thirty-year period since the initial permit was executed, it is appalling that the Hearing Officer’s Report repeats the pattern by supporting the continuance of this permit. The history redundantly includes:

- Past objections (at each renewal) by Stagecoach Hills Neighborhood Association (SNA) against extending the permits due to local growth; changes in the community (significantly increased population, homes built and businesses) that have lent to the development and updating of zoning overlay /regulations for land use. The overlay prohibits the implementation or existence of an open sewage facility due to the environmental and public health threats presented by such a construct.
- Revelation and awareness of a significant increase in scientific information was presented revealing the serious health threats not only to polluted water, but dangers posed by air contaminants from sewage deposited on the ground surface. Unofficially, during the past 10-12 years there have been reports from local families and workers of research-based symptoms synonymously consequent to air contaminants.
- An ongoing history of frequent and flagrant non-compliance by the applicant in adhering to the regulations and remedies posed by NMED and NMED’s inability to monitor, penalize or shut down the operation. S&R has been allowed to continue dumping sewage without a permit for two years. In my knowledge, if a teacher, lawyer, doctor or even a licensed driver did not conform to the protocol mandated or failed to properly renew their license, there would be a penalty given and/or revocation to continue their practice. As a consequence, S&R has had no motivation to abide by expected standards.
- The non-compliant behaviors have demonstrated a blatant disregard for the well-being of the SNA residents and surrounding communities, as well as the authority of NMED.
- The culmination of a public hearing that further exposed those previously presented problems and concerns; that heard perjury in some responses by the applicant; that revealed some ambiguous geological dynamics, and the inability of the governing agency to effectively enforce its own rules and mission.

- And most of all, adding to the madness is the fact that there is a local appropriate treatment facility that the applicant has access to. Do we wait for, in this case, the shit to hit the fan before responsible action is taken?

It is understandable that the initial permit was implemented at a time when no one was living in the area and when addressing environmental issues and concerns was in its infancy. However, the dynamics of the area have significantly changed since then. Laws and standards developed for the purpose of justice, protection and guidance of a society need to be subject to adapting and conforming to significant changes and updating of relative factual information. Such new relative information should be seriously considered periodically and accordingly to provide integrity to the law, rules, etc. Failure to address relative legal issues according to **present** facts promotes an increased propensity for injustice and a letdown in adequately protecting those who government and law are supposedly missioned to serve.

It seems again that the governing agency is only working in the best interests of S&R and not those of the communities at large. Grandfathering is appropriate for some situations but not all. Due process has been served and there is nothing unjust at this juncture in denying the permit extension, based on the history of negligence, updated conditions, law, facts and the option for S&R to use the appropriate local treatment facility. Potential water and air contamination are not casual issues and the presented history does nothing to secure any trust that S&R will conform to prescribed conditions, or that NMED will effectively act in monitoring or enforcing required conditions. In addition, the bore hole for testing and ascertaining the geological conditions and accumulative status of sewage deposited in the area can potentially open a "can of toxic worms" if precautionary actions are not taken to guarantee security from leakage into the indistinct underlying geological dynamics.

To us, the environmental risk is great in proceeding with your proposals. We expect better logic and sensibility in your decision on this issue given the potential dangers to our air, water and health. We request that Director James Kenney not renew this permit and insist that S&R commence with proper NMED-directed closure of his lagoons.

Sincerely,



Dion Smith

Stagecoach-Hills Neighborhood Association

Cc. James Kenney, Director