

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Addressee's name and address

Steve Rael
S&R Septic
Box 4890
Taos, NM 87571



9590 9402 3786 8032 0518 32

2. Article Number (Transfer from service label)

7018 0040 0000 3074 3898

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
X Addressee

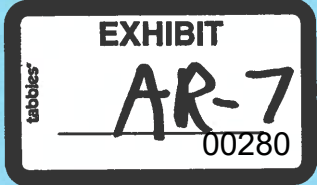
B. Received by (Printed Name) C. Date of Delivery

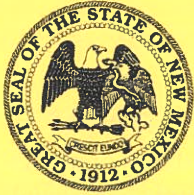
D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
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- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt





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Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

Ground Water Quality Bureau

1190 South St. Francis Drive (87505)
P.O. Box 5469, Santa Fe, New Mexico 87502-5469
Phone (505) 827-2900 Fax (505) 827-2965
www.env.nm.gov



BUTCH TONGATE
Cabinet Secretary

J.C. BORREGO
Deputy Secretary

NOTICE OF NON-COMPLIANCE

Certified Mail - Return Receipt Requested

August 27, 2018

Steve Rael, Owner
S&R Septic
Box 4890
Taos, NM 87571

RE: Notice of Non-Compliance, S&R Septic, DP-465

Dear Mr. Rael:

On December 27, 2012, the New Mexico Environment Department (NMED) issued a Discharge Permit Renewal, DP-465, (Discharge Permit; copy enclosed) to S&R Septic pursuant to Section 20.6.2.3109 NMAC of the Water Quality Control Commission (WQCC) Regulations (20.6.2 NMAC). Section 20.6.2.3104 NMAC requires the permittee to comply with the terms and conditions of this Discharge Permit.

This letter is to notify you that NMED has determined that the above referenced facility is not operating in compliance with the conditions of the Discharge Permit, the WQCC Regulations and the Water Quality Act (WQA). Please be advised that prompt action is required as described herein. The facility is located on NM Highway 64, three miles west from the intersection of NM 64 and NM 522, in Section 26, Township 26N, Range 12E, Taos County.

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

The permit renewal issued on December 27, 2012, requires semi-annual monitoring reports be submitted to NMED that include 40 CFR compliance documentation, Surface Disposal Data Sheets (SDDSs), sludge sampling results, and disposal volume records for each cell. The renewal also included requirements for appropriate signage at the facility and the construction of concrete splash pads within each cell.

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<input type="checkbox"/>	Adult Signature Required \$
<input type="checkbox"/>	Adult Signature Restricted Delivery \$
Postage	
\$	
Total Postage	Steve Rael
\$	S&R Septic
Sent To	Box 4890
Street and #	Taos, NM 87571
City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7530-02-000-9000	

The permit expired on December 27, 2017 without a renewal application being submitted to NMED. When staff contacted Mr. Rael by phone on December 14, 2017, he stated that his consultant had been experiencing medical problems and would soon be able to submit a renewal application to NMED.

On December 28, 2017, NMED inspectors met with consultant Bill Mansker and owner Steve Rael at the facility for a site inspection. During this inspection staff observed and communicated the following deficiencies:

- Facility entrance signage did not include the required information.
- Cell identification signs did not indicate the disposal cell waste type.
- Signage around the perimeter of the facility was illegible.
- Splash pad construction was only visible in Cell 2 and did not conform to the requirements in the renewal permit condition. Mr. Rael claimed that the other splash pads had been covered by soil.
- Monitoring reports from the second half of 2015 and 2017, and all of 2016 had not been submitted at all.
- Monitoring reports submitted for 2014 and the first half of 2015 were incomplete, missing the 40 CFR compliance documentation, SDDSs, and sludge sampling results.

At the time of the inspection, NMED staff requested the manifests for all disposal completed at the facility in 2017, in accordance with Condition 16 of the renewal permit. On February 19, 2018 (52 days later), the permittee submitted the requested documentation and none of the missing monitoring requirements.

On February 22, 2018, an application for renewal was submitted by Bill Mansker to NMED.

The requirements of the Discharge Permit, resultant violation(s) and associated actions necessary to correct the violation(s) are identified below.

1. Condition 5 of the Discharge Permit requires the permittee maintain signs at the facility at three different locations.

This condition has been violated because, during the inspection on December 27, 2017, NMED observed improper and/or illegible signage at the facility. This includes:

- Signs in both English and Spanish that state: "Notice: Waste Disposal Area - KEEP OUT" and "Aviso: Área de Disposición - NO ENTRAR" posted at the facility entrance and every 500 feet along the facility boundary.
- A sign with the name of the facility's contact person, office phone number of the contact person, emergency contact phone number for the facility, and physical location of facility including township, range, and section(s) posted at the entrance gate.
- A sign to identify each cell by number and the waste type authorized to be discharged in the cell. All signs shall be weatherproof and posted at the boundary of the cells.

In order to correct this violation, **submit photographic documentation that the appropriate signage has been installed to NMED in their entirety within 60 days of the date of this letter.**

2. Condition 9 of the Discharge Permit requires the construction of concrete splash pads in all 16 disposal cells. The splash pads are required to be a minimum of 4 inches thick and slope down toward the disposal cell.

This condition has been violated because, during the inspection on December 27, 2017, NMED observed only one partially constructed splash pad and was unable to verify the construction of splash pads in any of the remaining cells.

In order to correct this violation, **submit to NMED within 30 days of the date of this letter, photographic documentation of the splash pads construction for each cell.** In the event that the required splash pads had not been installed at this facility, splash pad installation shall be completed within 90 days of the date of this letter, by November 25, 2018.

3. Condition 15 of the Discharge Permit requires the submission of semi-annual monitoring reports to NMED by August 1 and February 1 each year. Conditions 16-21 describe the specific monitoring requirements and monitoring intervals to be submitted in the semi-annual reports.

This condition has been violated because, to date, NMED has not received monitoring reports or received incomplete monitoring reports for 2014-2018. The following table summarized the missing monitoring requirements from 2014 to current.

	Condition 16 (Manifests)	Condition 17 (40 CFR Compliance)	Conditions 18 & 21 (SDDS sheets)	Condition 19 (Volume/weight)	Condition 20 (Sampling Results)
Jan-Jun 2014	Missing	Missing	Missing	Submitted	Missing
Jul-Dec 2014	Missing	Missing	Missing	Submitted	Missing
Jan-Jun 2015	Missing	Missing	Missing	Submitted	Missing
Jul-Dec 2015	Missing	Missing	Missing	Missing	Missing
Jan-Jun 2016	Missing	Missing	Missing	Missing	Missing
Jul-Dec 2016	Missing	Missing	Missing	Missing	Missing
Jan-Jun 2017	Submitted	Missing	Missing	Submitted	Missing
Jul-Dec 2017	Submitted	Missing	Missing	Submitted	Missing
Jan-Jun 2018	Missing	Missing	Missing	Missing	Missing

In order to correct this violation, **submit the past due monitoring reports and missing monitoring report elements to NMED in their entirety** within 30 days of the date of this letter, by September 26, 2018. In the event that the data necessary to complete the report(s)

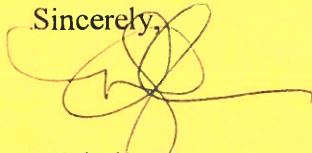
was not collected, submit a statement indicating why the requirement(s) has not been fulfilled and how this will be corrected in the future. Thereafter, submit complete monitoring reports to NMED in accordance with the Discharge Permit.

Failure to comply with this letter and the terms of the Discharge Permit may result in the issuance of a formal notice of violation, compliance order, civil penalties, or the filing of an action in district court.

Nothing in this letter shall be construed as relieving the permittee of the obligation to comply with all requirements of the Discharge Permit, the WQCC Regulations, the WQA, and other applicable federal, state, and local laws, regulations, permits or orders. This letter is intended to obtain voluntary compliance in addressing violations of certain requirements of the Discharge Permit and may not address all violations. It is the responsibility of the permittee to be familiar with and comply with the Discharge Permit.

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

Sincerely,



Michelle Hunter, Chief
Ground Water Quality Bureau

MH:JH

enc: Discharge Permit Renewal, DP-465, dated December 27, 2017

cc: Bruce Yurdin, Division Director, Water Protection Division (electronic copy)
Steve Pullen, GWQB PPS Program Manager (electronic copy)
Robert Italiano, District Manager, NMED District II (electronic copy)
NMED Taos Field Office (electronic copy)

William L. Mansker, Ph.D.
8704 Gutierrez Rd NE
Albuquerque, NM 87111