



Michelle Lujan Grisham
Governor

Howie C. Morales
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

Ground Water Quality Bureau

1190 St. Francis Drive / PO Box 5469
Santa Fe, NM 87502-5469
Phone (505) 827-2900 Fax (505) 827-2965
www.env.nm.gov



James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

July 26, 2019

Beau Schoen
10 Bad Dog Rd
El Prado, NM 87529

Via Email: schoenco@newmex.com

RE: Public Hearing for S&R Septic, DP-465

Dear Mr. Schoen:

Thank you for your comments regarding the S&R Septic draft renewal discharge permit. This letter is to inform you that pursuant to Subsection M of 20.6.2.3108 NMAC James C. Kenney, Secretary of the Environment Department (NMED), has determined that a public hearing will be held regarding the aforementioned permitting action.

For your information, I have enclosed a copy of the WQCC regulations 20.6.2.3110 NMAC which details public hearing participation. The time and location for the hearing will be published at least thirty (30) days prior to the hearing date. You will receive a copy of the notice when it is published.

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

Sincerely,

Jason Herman, Team Leader
Ground Water Quality Bureau

Encl: 20.6.2.3110 NMAC



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James C. Kenney
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Jennifer J. Pruett
Deputy Secretary

July 26, 2019

John Durham
Box 368
El Prado, NM 87529

Via Email: denvergiovanni@gmail.com

RE: Public Hearing for S&R Septic, DP-465

Dear Mr. Durham:

Thank you for your comments regarding the S&R Septic draft renewal discharge permit. This letter is to inform you that pursuant to Subsection M of 20.6.2.3108 NMAC James C. Kenney, Secretary of the Environment Department (NMED), has determined that a public hearing will be held regarding the aforementioned permitting action.

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Sincerely,

Jason Herman, Team Leader
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Encl: 20.6.2.3110 NMAC



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James C. Kenney
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Deputy Secretary

July 26, 2019

Christine Dimas
PO Box 1110
El Prado, NM 87529

Via Email: cmtz@elpradowater.com

RE: Public Hearing for S&R Septic, DP-465

Dear Ms. Dimas:

Thank you for your comments regarding the S&R Septic draft renewal discharge permit. This letter is to inform you that pursuant to Subsection M of 20.6.2.3108 NMAC James C. Kenney, Secretary of the Environment Department (NMED), has determined that a public hearing will be held regarding the aforementioned permitting action.

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Sincerely,

Jason Herman, Team Leader
Ground Water Quality Bureau

Encl: 20.6.2.3110 NMAC



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James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

July 26, 2019

Stein and Brockmann Attorneys
PO Box 2067
Santa Fe, NM 87504-2067

Via Email: jcbrockmann@newmexicowaterlaw.com
nprice@newmexicowaterlaw.com

RE: Public Hearing for S&R Septic, DP-465

Dear Mr. Brockmann:

Thank you for your comments regarding the S&R Septic draft renewal discharge permit. This letter is to inform you that pursuant to Subsection M of 20.6.2.3108 NMAC James C. Kenney, Secretary of the Environment Department (NMED), has determined that a public hearing will be held regarding the aforementioned permitting action.

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Sincerely,

Jason Herman, Team Leader
Ground Water Quality Bureau

Cc: Christine Dimas, El Prado Water District, cmtz@elpradowater.com
John Painter, pcci575@gmail.com

Encl: 20.6.2.3110 NMAC



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Deputy Secretary

July 26, 2019

Bruce Popham
PO Box 2449
Taos, NM 87571

RE: Public Hearing for S&R Septic, DP-465

Dear Mr. Popham:

Thank you for your comments regarding the S&R Septic draft renewal discharge permit. This letter is to inform you that pursuant to Subsection M of 20.6.2.3108 NMAC James C. Kenney, Secretary of the Environment Department (NMED), has determined that a public hearing will be held regarding the aforementioned permitting action.

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Sincerely,

Jason Herman, Team Leader
Ground Water Quality Bureau

Encl: 20.6.2.3110 NMAC



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James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

July 26, 2019

Jerome Hanson

Via Email: jha2570@comcast.net

RE: Public Hearing for S&R Septic, DP-465

Dear Mr. Hanson:

Thank you for your comments regarding the S&R Septic draft renewal discharge permit. This letter is to inform you that pursuant to Subsection M of 20.6.2.3108 NMAC James C. Kenney, Secretary of the Environment Department (NMED), has determined that a public hearing will be held regarding the aforementioned permitting action.

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Sincerely,

Jason Herman, Team Leader
Ground Water Quality Bureau

Encl: 20.6.2.3110 NMAC



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James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

July 26, 2019

Sherry Popham
PO Box 2449
Taos, NM 87571

RE: Public Hearing for S&R Septic, DP-465

Dear Ms. Popham:

Thank you for your comments regarding the S&R Septic draft renewal discharge permit. This letter is to inform you that pursuant to Subsection M of 20.6.2.3108 NMAC James C. Kenney, Secretary of the Environment Department (NMED), has determined that a public hearing will be held regarding the aforementioned permitting action.

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Sincerely,

Jason Herman, Team Leader
Ground Water Quality Bureau

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Deputy Secretary

July 26, 2019

Janelle Sperow Palma & Anthony Palma
455 Tune Drive
El Prado, NM 87529

RE: Public Hearing for S&R Septic, DP-465

Dear Ms. Sperow Palma and Mr. Palma:

Thank you for your comments regarding the S&R Septic draft renewal discharge permit. This letter is to inform you that pursuant to Subsection M of 20.6.2.3108 NMAC James C. Kenney, Secretary of the Environment Department (NMED), has determined that a public hearing will be held regarding the aforementioned permitting action.

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Sincerely,

Jason Herman, Team Leader
Ground Water Quality Bureau

Encl: 20.6.2.3110 NMAC



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James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

July 26, 2019

Dion Smith
259 Calle Feliberto
El Prado, NM 87529

Via Email: dimundo53@gmail.com

RE: Public Hearing for S&R Septic, DP-465

Dear Mr. Smith:

Thank you for your comments regarding the S&R Septic draft renewal discharge permit. This letter is to inform you that pursuant to Subsection M of 20.6.2.3108 NMAC James C. Kenney, Secretary of the Environment Department (NMED), has determined that a public hearing will be held regarding the aforementioned permitting action.

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Sincerely,

Jason Herman, Team Leader
Ground Water Quality Bureau

Encl: 20.6.2.3110 NMAC



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James C. Kenney
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Jennifer J. Pruett
Deputy Secretary

July 26, 2019

Douglas Baubert
Stagecoach Neighborhood Assoc.

Via Email: bahaziz@aol.com

RE: Public Hearing for S&R Septic, DP-465

Dear Mr. Baubert:

Thank you for your comments regarding the S&R Septic draft renewal discharge permit. This letter is to inform you that pursuant to Subsection M of 20.6.2.3108 NMAC James C. Kenney, Secretary of the Environment Department (NMED), has determined that a public hearing will be held regarding the aforementioned permitting action.

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Sincerely,

Jason Herman, Team Leader
Ground Water Quality Bureau

Encl: 20.6.2.3110 NMAC



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James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

July 26, 2019

Lois Rodin
PO Box 3115
Taos, NM 87571

Via Email: lois@newmex.com

RE: Public Hearing for S&R Septic, DP-465

Dear Ms. Rodin:

Thank you for your comments regarding the S&R Septic draft renewal discharge permit. This letter is to inform you that pursuant to Subsection M of 20.6.2.3108 NMAC James C. Kenney, Secretary of the Environment Department (NMED), has determined that a public hearing will be held regarding the aforementioned permitting action.

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Sincerely,

Jason Herman, Team Leader
Ground Water Quality Bureau

Encl: 20.6.2.3110 NMAC



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James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

July 26, 2019

Terry and Linda Thompson
7 Beauty Way
El Prado, NM 87529

Via Email: terryt@taosnet.com
lindat@taosnet.com

RE: Public Hearing for S&R Septic, DP-465

Dear Mr. and Ms. Thompson:

Thank you for your comments regarding the S&R Septic draft renewal discharge permit. This letter is to inform you that pursuant to Subsection M of 20.6.2.3108 NMAC James C. Kenney, Secretary of the Environment Department (NMED), has determined that a public hearing will be held regarding the aforementioned permitting action.

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Sincerely,

Jason Herman, Team Leader
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Encl: 20.6.2.3110 NMAC



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James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

July 26, 2019

Jayson Wylie
20 ABC Mesa Rd
El Prado, NM 87529

Via Email: jayson@taosmesabrewing.com

RE: Public Hearing for S&R Septic, DP-465

Dear Mr. Wylie:

Thank you for your comments regarding the S&R Septic draft renewal discharge permit. This letter is to inform you that pursuant to Subsection M of 20.6.2.3108 NMAC James C. Kenney, Secretary of the Environment Department (NMED), has determined that a public hearing will be held regarding the aforementioned permitting action.

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Sincerely,

Jason Herman, Team Leader
Ground Water Quality Bureau

Encl: 20.6.2.3110 NMAC

(a) the abatement shall be consistent with the requirements and provisions of 20.6.2.4101, 20.6.2.4103, Subsections C and E of 20.6.2.4106, 20.6.2.4107, 20.6.2.4108 and 20.6.2.4112 NMAC; and

(b) the discharger may request of the secretary approval to carry out the abatement under 20.6.2.4000 through 20.6.2.4115 NMAC, in lieu of modifying the discharge permit; the discharger shall make the request in writing and shall include the reasons for the request.

(2) The secretary may terminate a discharge permit when a discharger fails to modify the permit in accordance with Paragraph (1) of Subsection E of 20.6.2.3109 NMAC.

(3) The secretary may require modification, or may terminate a discharge permit for a Class I well, a Class III well or other type of well specified in Subsection A of 20.6.2.5101 NMAC, pursuant to the requirements of Subsection I of 20.6.2.5101 NMAC.

(4) If a discharge permit is terminated, the secretary shall notify the permittee by certified mail of the action taken and the reasons for that action. Notice of the termination shall also be given by mail or electronic mail to persons who participated in the permitting action and to those persons on the facility-specific list maintained by the department.

F. If a discharge permit expires or is terminated for any reason and the standards of 20.6.2.3103 NMAC are being or will be exceeded in ground water, or that the water quality standards for interstate and intrastate streams in New Mexico are being or may be violated, the secretary may require the discharger to submit an abatement plan pursuant to 20.6.2.4104 and Subsection A of 20.6.2.4106 NMAC.

G. At the request of the discharger, a discharge permit may be modified in accordance with 20.6.2.3000 through 20.6.2.3114 NMAC.

H. The secretary shall not approve a proposed discharge plan, modification, or renewal for:

(1) any discharge for which the discharger has not provided a site and method for flow measurement and sampling;

(2) any discharge that will cause any stream standard to be violated;

(3) the discharge of any water contaminant which may result in a hazard to public health; or

(4) a period longer than five years, except that for new discharges, the term of the discharge permit approval shall commence on the date the discharge begins, but in no event shall the term of the approval exceed seven years from the date the permit was issued; for those permits expiring more than five years from the date of issuance, the discharger shall give prior written notification to the department of the date the discharge is to commence; the term of the permit shall not exceed five years from that date.

[2-18-77, 6-26-80, 9-20-82, 7-2-81, 3-3-86, 12-1-95, 11-15-96; 20.6.2.3109 NMAC - Rn, 20 NMAC 6.2.III.3109, 1-15-01; A, 12-1-01; A, 9-15-02; A, 7-16-06; A, 8-31-15; A, 12-21-18]

20.6.2.3110 PUBLIC HEARING PARTICIPATION:

A. The secretary may appoint an impartial hearing officer to preside over the hearing. The hearing officer may be a department employee other than an employee of the bureau evaluating the application.

B. The hearing shall be at a place in the area affected by the facility for which the discharge permit proposal, modification or renewal is sought.

C. Any person who wishes to present technical evidence at the hearing shall, no later than ten (10) days prior to the hearing, file with the department, and if filed by a person who is not the applicant, serve on the applicant, a statement of intent to present evidence. A person who does not file a statement of intent to present evidence may present a general non-technical statement in support of or in opposition to the proposed discharge plan, modification or renewal. The statement of intent to present technical evidence shall include:

(1) the name of the person filing the statement;

(2) indication of whether the person filing the statement supports or opposes the proposed discharge plan proposal, modification or renewal;

(3) the name of each witness;

(4) an estimate of the length of the direct testimony of each witness;

(5) a list of exhibits, if any, to be offered into evidence at the hearing; and

(6) a summary or outline of the anticipated direct testimony of each witness.

D. At the hearing, the New Mexico Rules of Civil Procedure, SCRA 1986, 1-001 to 1-102 and the New Mexico Rules of Evidence, SCRA 1986, 11-101 to 11-1102 shall not apply. At the discretion of the hearing officer, the rules may be used as guidance. Any reference to the Rules of Civil Procedure and the Rules of Evidence shall not be construed to extend or otherwise modify the authority and jurisdiction of the department under the Act.