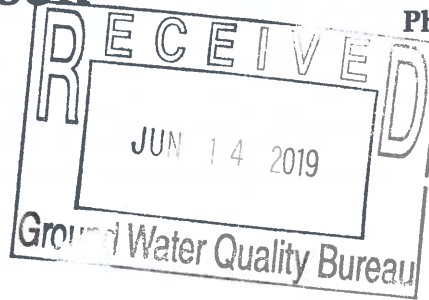


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June 11, 2019

Mr. Jason Herman, NMED Permit Contact
Ground Water Quality Bureau
1190 South St. Francis Drive, Ste. N4050
PO Box 5469
Santa Fe, NM 87502-5469

RE: NMED Discharge Permit #465

Dear Mr. Herman:

We have received the request for a permit extension for S&R Septic's disposal lagoon, located four miles west of the intersection of Highway 522 and State Highway 64, on Tune Drive. This dumping facility is within the Stagecoach Hills community and we live on Beauty Way just 2.4 miles from the S&R septic lagoon. We are members of the Stagecoach Neighborhood Association (SNA) and have participated in the creation (and approval by Taos County in 2006) of the SNA zoning overlay.

Every five years since 2001 (when we moved here from California and built our home), we have asked the NMED to cease renewing the permit for this septage dumping facility. There is no reason why S&R owner, Steve Rael, cannot use the Taos Regional Wastewater Facility (TRWF), which every other septic hauler in Taos County uses for sewage disposal. Every five years, despite our many protests and concerns, the NMED renews the S&R permit for another five years. We believe that this shows an alarming degree of illegal favoritism toward one hauler on the part of your agency, and that it shows a lack of concern for our community's safety and health. For the reasons given in this letter, we are requesting that a public hearing be held in Taos so that our concerns may be heard.

Our main concern is the potential impact on the quality and safety of our groundwater from S&R's sewage discharge. According to another SNA neighbor, Jerome Hansen, who is a retired petroleum geologist, the rocks that make up this groundwater aquifer consist of basalt and alluvium. Basalt is often fractured and quite permeable, and many of the water wells in our communities produce water from fractured basalt. Gravel channels in the alluvium are also quite permeable. This means that effluent from S&R's open unlined sewage lagoons can move swiftly downward along permeable pathways toward the water table.

Faults and associated fractures can also create permeable connections between effluent at the surface and the water table. Furthermore, in this area, water wells are completed by gravel-packing rather than by cementing in the annulus between the borehole wall and the casing. This is standard, accepted practice, but for wells in the vicinity of an effluent plume, it allows a direct conduit between the effluent and the water table.

S&R has used this unlined disposal pit since 1987, and if this practice is continued there is no doubt that the aquifer will become infected. The location, speed and direction of the effluent plume from this discharge are critical parameters to understand the risk to the aquifer from this pollution, but they are currently unknown. Even the total amount of discharge into these pits over 32 years is unknown.

Every time we fight this battle, we dig a little deeper into both past research performed by our concerned

community members and communication between Mr. Rael and the NMED. To say that we are concerned is an understatement. Official State of New Mexico records indicate that Mr. Rael has had total disregard for both our concerns and those of the State. He has been negligent in a number of ways, from filing for his current extension request 68 days late to an outright ignoring of the State-imposed conditions of approval from 2012. Interestingly, letters of non-compliance reach back to July 28, 2000. Mr. Rael has had 18 years to "make things right"; perhaps knowing that the State didn't have the budget to adequately monitor, he chose to continue to operate in violation of his permit.

As late as October 2018, Mr. Rael had failed to address a number of conditions imposed on him in 2012. These include updated signage, repairs to concrete pads surrounding the cells, failure to provide required information on his semi-annual reports, and inadequate water sampling. Earlier violations included the number and size of permitted disposal cells, location of disposal cells and the failure to install placards for cell identification, to name a few.

Mr. Rael's continued negligence and flaunting of State requirements make it clear that he does NOT have the best interests of the Stagecoach Hills community in mind, not to mention protecting our aquifer, so that the businesses and residents that continue to move to our community have a healthy and safe environment. We believe that approval by NMED of an extension of the permit to discharge waste is both illogical and imprudent, especially given the adequate treatment capacity and the availability of the Taos Regional Wastewater Treatment Facility.

If the NMED continues to approve S&R's permit, the impacts on us and on our community will be devastating; these consequences range from negative health impacts to damaging impacts on our real estate values. What does the NMED see as the value to the public for this sewage discharge lagoon? How does the welfare of the public benefit? Given the clear danger to the groundwater system posed by S&R's discharge, we believe that NMED's approval of the permit would be illogical and imprudent.

We therefore request a public hearing and urge NMED

- (1) to deny renewal of S&R's permit and
- (2) to immediately order S&R to cease discharge at the site.

We further ask that remediation of the site and adjacent properties be commenced as required. Also, because S&R has been allowed by NMED to discharge septage there without a permit for the last 18 months, we request that NMED order cessation, strongly enforce the order, and that S&R be restricted from using the site and penalized if there is any further use of it.

For over 20 years NMED has allowed Rael to operate the S&R sewage lagoons while openly acknowledging that the NMED does not have the proper staffing and budget to monitor S&R's operation of the lagoons. It is our strong feeling that it should not be possible or legal for NMED to issue a permit for an operation that they are unable to properly monitor and hold to the requirements of the permit.

NMED should also be aware of the fact that with the records of warnings and protests over the years, if there was a failure and the aquifer under this lagoon was to be violated and contaminated the ground water, that NMED and its management would face an incredible legal liability for their lack of due prudence.

Yours truly,



Terry and Linda Thompson

