



NOTICE OF VIOLATION

Certified Mail - Return Receipt Requested

July 21, 2025

Tyrre Saavedra, Board Member
San Rafael Water and Sanitation District
PO Box 99
San Rafael, NM 87051

RE: Notice of Violation, San Rafael Water and Sanitation District, DP-58

Dear Tyrre Saavedra:

On August 17, 2021, the New Mexico Environment Department (NMED) issued a Discharge Permit Renewal, DP-58, (Discharge Permit; copy enclosed) to the San Rafael Water and Sanitation District (SRWSD or Permittee) 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.

NMED has determined that the SRWSD Wastewater Treatment Facility (Facility) is operating in violation of 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 at 419-A Ice Cave Road, San Rafael, in Section 10, Township 10 North, Range 10 West, in Cibola County.

A summary of the events resulting in the determination of violation at this Facility follows.

On October 8, 2024, NMED held a technical working group meeting with SRWSD and all stakeholders. During the meeting, SRWSD revealed that the aerator in the synthetically lined impoundment was inoperable. SRWSD informed NMED that they would take appropriate actions to bring the aerator back online within 2 weeks following the meeting. NMED reiterated the importance of them completing this work in a timely manner. On February 6, 2025, NMED held another technical working group meeting with SRWSD and all stakeholders. SRWSD informed NMED that the aerator was still offline. In addition, NMED notified SRWSD of the incompleteness of their monitoring reports. As of the date of this letter, the aerator is inoperable, and the Facility has not submitted complete monitoring reports.

The requirements of the Discharge Permit, violations and associated actions necessary to correct the violations are identified below.

1. Condition 2 of the Discharge Permit requires the Permittee to operate in a manner that does not violate the standards and requirements of Sections 20.6.2.3101 NMAC, 20.6.2.3103 NMAC and 20.6.2.3109 NMAC.

The Permittee has violated this condition because, to date, SRWSD has failed to repair the aerator in the synthetically lined impoundment in a timely manner.

In order to correct this violation, **SRWSD must repair the aerator so that it is operational. Photographic proof and a report detailing the repair completion shall be submitted to NMED within 60 days from the date of this letter (by September 19, 2025).**

2. Condition 3 of the Discharge Permit in part requires the Permittee to submit a Preliminary Engineering Report (PER) or a Design Study to NMED by August 17, 2022. The PER was required to evaluate the Facility's entire system and identify options and make recommendations for upgrading the treatment facility in order to ensure compliance with the Discharge Permit.

This condition has been violated because, to date, NMED has not received a PER or Design Study.

In order to correct this violation, the Permittee must **submit a detailed PER or Design study completion timeline to NMED within 30 days of the date of this letter (by August 20, 2025).**

3. Condition 11 of the Discharge Permit in part requires the Permittee to apply reclaimed domestic wastewater evenly throughout the entire reuse area such that the amount of total nitrogen applied does not exceed 200 pounds per acre in any rolling 12-month period (lbs/ac/yr).

The Permittee has violated this condition because the most recent Land Application Data Sheets submitted to NMED reported 352 lbs/ac/yr over a 6-month period.

In order to correct this violation, **the Permittee must propose a method for the reduction of nitrogen loading to the land application area by submitting a Corrective Action Plan (CAP) that addresses the exceedance of the total nitrogen loading limit. The Permittee shall submit the CAP to NMED within 90 days of the date of this letter (by October 20, 2025).**

4. Condition 18 of the Discharge Permit in part requires the Permittee to maintain the impoundment liner to avoid conditions that could affect the liner or the structural integrity of the impoundment.

The Permittee has violated this condition because the impoundment liner has a significant tear which has required the operators to maintain the wastewater level below that level to keep wastewater from spilling onto the ground surface above the tear.

In order to correct this violation, **the Permittee must submit a CAP for the repair of the tear in the synthetic liner to NMED within 90 days of the date of this letter (by October 20, 2025).**

5. Condition 26 (in part) of the Discharge Permit required the Permittee to install three monitoring wells by February 13, 2022.

The Permittee has violated this condition because, to date, the Permittee has not installed the required monitoring wells.

In order to correct this violation, **submit monitoring well location proposals for the three monitoring wells and an estimated timeframe for the complete installation of the monitoring wells to NMED within 30 days of the date of this letter (by August 20, 2025).**

6. Conditions 42 and 43 of the Discharge Permit in part require the Permittee to enact contingencies in the event that analytical results of a treated wastewater sample indicate an exceedance of the total nitrogen, BOD₅, TSS, or fecal coliform discharge limits.

The Permittee has violated this condition because, to date, the Permittee has not enacted any of the contingencies identified in Condition 42 and Condition 43 for any of the exceedances identified in recent monitoring reports, nor has the Permittee submitted a CAP to NMED for approval.

In order to correct this violation, **enact the contingencies identified in Condition 42 and 43 of the Discharge Permit and submit a CAP to NMED within 90 days of the date of this letter (by October 20, 2025).**

Pursuant to WQA § 74-6-5, NMED has authority to terminate or modify the Discharge Permit prior to its date of expiration for any of the following causes:

1. violation of any condition of the permit;
2. obtaining the permit by misrepresentation or failure to disclose fully all relevant facts;
3. violation of any provisions of the WQA, or any applicable regulations, standard of performance or water quality standards;
4. violation of any applicable state or federal effluent regulations or limitations; or
5. change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

Failure to comply with this Notice of Violation may result in NMED's issuance of a compliance order that assesses a civil penalty pursuant to WQA, Section 74-6-10. NMED may also assess civil penalties up to \$15,000 per day for each violation of the WQA, Section 74-6-5, any regulation promulgated pursuant to that section, or any permit issued pursuant to that section. NMED may assess civil penalties up to \$10,000 per day for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision.

As an alternative to the remedies described above, NMED may commence an action in district court for appropriate relief, including injunctive relief.

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.

Please note that your Facility will appear on the NMED's Enforcement Watch as a result of this NOV (see: <https://www.env.nm.gov/enforcement-watch/>). Further, NMED will issue a press release to local media highlighting your Facility as appearing on this webpage. Your Facility will remain on the Enforcement Watch website as an active matter until this matter is fully resolved.

Pursuant to the NMED Delegation Order dated June 23, 2025, the Cabinet Secretary has delegated the authority to sign a Notice of Violation under the New Mexico Water Quality Act to the Chief of the Ground Water Quality Bureau. If you have any questions regarding this matter, please contact Jason Herman, Program Manager of the Ground Water Pollution Prevention Section, at (575) 649-3871 or Andrew Romero at (505) 660-8624 or submit an email to pps.general@env.nm.gov.

Sincerely,

Justin D. Ball, Chief
Ground Water Quality Bureau

JDB:ACR

Encl: Discharge Permit Renewal, DP-58, dated August 17, 2021

cc: Jason Herman, PPS Program Manager (electronic copy)
Michael Kesler, District Manager, EHB District I (electronic copy)
Beatrice Clark, Clerk, San Rafael Water and Sanitation District, srwaterdistrict@yahoo.com
Mark Teshima, Operator, San Rafael Water and Sanitation District, teshimamark@gmail.com