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Oct. 6, 2006
For Immediate Release

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Environment Department Reaches Settlement with Richard's Residential Septic Cleaning in Northern New Mexico for Illegally Disposing of Sewage

(Santa Fe, N.M.) The New Mexico Environment Department (NMED) and the State Water Quality Control Commission (WQCC) recently entered into a Stipulation of Settlement for \$15,000 with the owner of a septic cleaning business in Velarde for illegally disposing of sewage onto his property several times in recent years.

Richard Garcia, who operates Richard's Residential Septic Cleaning, disposed of septic waste from his hauling business onto his property near an arroyo that flows into the Rio Grande in 2002 and 2003. Garcia also dumped waste into tanks on another property he owns near Velarde without a discharge permit.

"Illegal dumping of sewage violates the New Mexico Water Quality Act and endangers public health. Sewage contains nitrogen compounds and human pathogens that can adversely affect the quality of groundwater and surface water," said New Mexico Environment Department Secretary Ron Curry. "Cases like these are troubling because they show a blatant disregard for the health of people who live near these waters and for the river itself."

NMED staff heard about the illegal dumping through an anonymous call. As a result of the stipulation, Garcia must pay the state the penalty, remove storage tanks from his property and withdraw his discharge application permit by Dec. 6. Garcia must also submit quarterly records concerning his business to NMED and allow random inspections by NMED as long as he operates the business.

The Stipulation of Settlement was an effort to resolve ongoing litigation in First District Court brought jointly by the WQCC and NMED to enforce the Order of the WQCC. On March 12, 2004, the WQCC found that Mr. Garcia had violated the New Mexico Water Quality Act by illegally causing effluent or leachate to discharge so that it might move directly or indirectly into ground water without a discharge permit and disposing of refuse in a manner where there is a reasonable probability that the refuse will be moved into the Rio Grande. Garcia appealed the decision of the WQCC to the New Mexico Court of Appeals, where the decision was affirmed.

Septage disposal companies must only discharge collected waste at disposal sites that have state discharge permits.

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