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September 2, 2008

Mr. Gregory Green, Chairman
Environmental Improvement Board
1190 St. Francis Drive, N2153
Santa Fe, NM 87502

Dear Chairman Green:

During the August 4, 2008 Environmental Improvement Board (EIB) meeting, Mr. Link Summers provided the EIB with a photograph of a liquid waste system and discussed this system in the context of training needs for New Mexico Environment Department (NMED) personnel. We believe that Mr. Summers misrepresented the factual circumstances pertaining to the liquid waste system in the photograph. The purpose of this letter is to provide the EIB with correct and clarifying information in this matter.

The tape recording of the meeting reflects that Mr. Summers stated the following when he provided the photograph to the EIB.

“This is one that I just saw on Friday. Here’s what I’ve seen in the field. In Red River I’ve seen systems that were permitted that are in the floodplain. The entire lot is in a floodplain.”

Later during the meeting, Mr. Summers discussed the system in the photograph further as follows,

“Fortunately, Carlos Romero who’s now running it has committed to send all his people to the training class, the 2 day training class in Albuquerque on the 14th and 15th. And I want to applaud the department for doing that because education would have prevented this (carnage? damage?) which you see in front of you. Two 1500 gallon concrete tanks that were installed basically in the middle of an obvious drainage, flooded, floated and now those tanks will have to be tested for water tightness because I guarantee you they won’t be holding water in them after they’ve been through that. So it will be a big mess and somebody will lose a bunch of money on that because of just a stupid mistake. Okay? Any kind of education and training would have helped (that?).”

The EIB should be aware of the following facts regarding the liquid waste system in the photograph that Mr. Summers provided on August 4, 2008.

- The photograph was taken by Mr. Rick Abreu of the NMED Las Vegas Field Office on August 1, 2008 and provided to Mr. Summers by e-mail the same day. In fact, Mr. Abreu shot five photographs (copies attached) of the system that day.

- The liquid waste system in the photograph is in the Pecos/Rowe area, not in Red River, and had been permitted for construction only (NMED permit # LV080049).
- The liquid waste system was not installed “in the middle of an obvious drainage” as Mr. Summers had stated.
- The tank excavation was filled with water from overland flow and rooftop runoff during a summer monsoon rainfall event.
- The system, as permitted for construction by Mr. Abreu, met all requirements in the Liquid Waste Regulations regarding setbacks to drainage ditches and watercourses.
- What Mr. Summers described as a “stupid mistake” was actually just bad luck as sometimes happens when liquid waste systems are installed during the summer monsoon season in New Mexico. In fact, NMED has had a very similar picture posted on its “How Not to Install a Septic Tank” web page since 2003, here:
<http://www.nmenv.state.nm.us/fod/LiquidWaste/septic.do.nts.html>.

What we find most troubling about this matter is that Mr. Summers’ comments are just the most recent in a series of disparaging remarks regarding the qualifications and integrity of NMED staff made by himself and other industry representatives to the EIB. EHD management and stake holders have commented on Liquid Waste Program improvements during the last four years; with improved training for staff, with new supplies and equipment that helps them accomplish the program requirements, and with data automation that has been made available to the public.

There are over 250,000 liquid waste systems installed in New Mexico and NMED permits several thousand each year. Given those numbers, it is inevitable that unfortunate events such as monsoon rains during construction will occur from time to time. It does not follow from this picture or Mr. Summers’ misrepresentations, that NMED staff lack adequate training. In fact, this case illustrates the opposite. Mr. Abreu was on site photographing what had occurred in this case, inspecting a permitted construction site after a monsoon rain to assist the contractor with corrective actions.

Sincerely,



Carlos Romero
Environmental Health Director

cc: Adrian Terry, Attorney General Office, Counsel to EIB
Dennis McQuillan, Liquid Waste Manager
Carol Parker, Office of General Counsel
Link Summers, Vice President for Legal Affairs, POWRA
Ralph Baker, President, POWRA

Liquid Waste System Construction Site, Permit # LV080049
Pictures taken by Rick Abreu of NMED Las Vegas Field Office
Friday, August 1, 2008



