

IN THE MATTER OF:
THE PETITION FOR
HEARING ON RENEWAL OF SEPTIC DISPOSAL
FACILITY DISCHARGE PERMIT, DP-465 FOR
S&R SEPTIC (PETITIONER)

NO: _____
GWB 19-28(P)

IN OPPOSITION TO POINTS 4 AND 5 OF PETITIONER'S MOTION TO STAY

4. The Hearing Officer was troubled by the numerous episodes of non-compliance by the Petitioner. She had to rule on the narrow basis of contamination of groundwater by these pits. The burden of proof for demonstrating the groundwater is safe should be the responsibility of the Petitioner. This determination has never been done, and furthermore, it has never been attempted.

5. The facility has, indeed, operated for many years, over the strong objections of the community. However, the last two years of operation have been illegal according to Secretary Kenney, because there was no permit. If this stay is granted, the permit process will undoubtedly take many months, extending the time sewage is being dumped in these pits without a permit. Even if a new permit is granted, it will be at least 6 more months before the required testing is done to determine if the groundwater is at risk.

The previous permit approvals were granted in part because the depth to water was assumed to be greater than 500'. Therefore, the groundwater was thought to be safe from contamination because of the long length of time it would take for the sewage to contact the groundwater. Only within the present permit process has the high permeability of the rock interval between the surface and the water table been acknowledged. Sixty-five percent of the section consists of highly permeable, vertically fractured Servilieta Basalt. The ubiquitous fractures and joints in the basalt flows, and the gravel in the alluvium above the basalt enable rapid downward movement of waste water toward the aquifer.

The permit allows S&R Septic to gain a competitive business advantage over the other 12 sewage haulers in Taos County, who discharge at the Taos Valley Regional Wastewater Treatment and Reclamation Facility. This new, state-of-the-art facility has considerable unused capacity and could easily process and dispose of the sewage that S&R discharges regularly into the pits. Taxpayers are justifiably outraged when they learn that sewage is being dumped on the ground, so that one company profits, rather than utilizing the unused capacity of this facility.

Worst of all, the sewage dumped by S&R is **never treated**, merely discharged. In this time of heightened awareness about the transmissibility of airborne pathogens, the residents and businesses of the Taos community, particularly those nearby residents and employees, should not have to accept the risk of a large source of airborne pathogens (i. e. the S&R sewage pits), let alone a risk to their drinking water. The community will suffer irreparable harm if the permit is reinstated and the pits are allowed to remain open to continue the discharge of untreated human waste. Now is the time to close these pits.

WHEREFORE, I request that the Final Order of Secretary Kenney be implemented and the Motion to Stay should be denied.

Respectfully submitted,
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**STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION**

**IN THE MATTER OF:
THE PETITION FOR
HEARING ON RENEWAL OF SEPTIC DISPOSAL
FACILITY DISCHARGE PERMIT, DP 465 FOR**

NO: GWB 19 - 28(P)

S&R SEPTIC (DP 465),

Petitioner.

CERTIFICATE OF SERVICE

I CERTIFY that on March 13, 2020 I sent to the parties listed here, via email only, a true and correct copy of the Jerome Hansen Response to Motion to Stay

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DATED this 14th day of March 2020.

Respectfully submitted,
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