

**STATE OF NEW MEXICO  
WATER QUALITY CONTROL COMMISSION**

**IN THE MATTER OF:  
PETITION FOR REVIEW OF RENEWAL OF  
SEPTIC DISPOSAL FACILITY  
DISCHARGE PERMIT DP-465 FOR  
S&R SEPTIC.**

**WQCC No. 20-14(A)**

**ORDER ON MOTION TO STAY PROCEEDINGS**

THIS MATTER came before a quorum of the Water Quality Control Commission (“Commission”) on April 14, 2020, on the Motion to Stay Proceedings filed by Petitioner S&R Septic (Steve Rael and Loretta Rael) (“S&R Septic”) February 27, 2020, the Response to Petitioner’s Motion to Stay Proceedings of the New Mexico Environment Department (“Department”) filed March 13, 2020, the written objections of Dion Smith (Stagecoach Hills Neighborhood Association) to Petitioner’s Motion to Stay Proceedings filed March 12, 2020, and the Opposition to Points 4 and 5 of Petitioner’s Motion to Stay Proceedings of Jerome B. Hanson (Great Basin Exploration Consultants, Inc.) filed March 13, 2020. S&R Septic requested in its Motion to Stay Proceedings that the Commission stay implementation of the Final Order issued by the Secretary of the Department on February 19, 2020 denying S&R Septic’s application for renewal of septic disposal facility discharge permit DP-465 and ordering S&R Septic to begin closure of the septic disposal facility consistent with the provisions of discharge permit DP-465 and the provisions of the Groundwater Regulations (“Final Order”) pending the Commission’s consideration of the Appeal Petition (“Petition for Review”<sup>1</sup>) S&R Septic filed February 27, 2020.

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<sup>1</sup> See, NMSA 1978, Sections 74-6-5(0) and (P) (2009).

Having heard and duly considered the arguments and points of law presented by the parties and counsel and the Commission being otherwise sufficiently advised in the premises;

IT IS THEREFORE ORDERED:

1. Implementation of the Final Order is stayed pending the Commission's consideration of S&R Septic's Petition for Review, but only insofar as the Final Order requires S&R Septic to begin closure of the septic disposal facility consistent with the provisions of discharge permit DP-465 and the provisions of the Groundwater Regulations;

2. In granting this stay, the Commission does not make any determination or issue any order regarding the Secretary's denial of S&R Septic's application for renewal of septic disposal facility discharge permit DP-465;

3. Pending the Commission's consideration of S&R Septic's Petition for Review, S&R Septic may collect and transport septic waste (or septage) for disposal at the septage discharge facility at the Taos Valley Regional Wastewater Regional Treatment Facility and other licensed or permitted wastewater treatment facilities, in compliance with all applicable state and local laws and regulations, and provided that S&R Septic's collection, transport and disposal activities do not cause or result in any hazard to public health, undue risk to property, or harm to the environment.

4. S&R Septic may not discharge or dispose of any septage or wastewater at its facility located on Tune Drive off US-64 north of Taos, which facility is permitted by DP-465.

5. Pending the Commission's consideration of S&R Septic's Petition for Review, the Commission retains jurisdiction to issue such other and further orders as may be necessary or appropriate to enforce the provisions in this Order.

Dated this 27th day of April, 2020.

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Jennifer Pruett, Chair  
Water Quality Control Commission

Certificate of Service

I hereby certify that on April 27, 2020 a copy of the foregoing Order Scheduling Date for Permit Review and Designating Hearing Officer was emailed to the persons listed below. A copy can be mailed via U.S. first-class mail upon request.

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