



August 23, 2023

Notice of Violation - Liquid Waste Disposal & Treatment Regulations

Summers Construction, LLC & Daniel H Torres
10012 Erlitz Drive
Albuquerque, New Mexico 87114

Summers Construction, LLC & Daniel H Torres:

We are writing this notice to inform you that the New Mexico Environment Department (NMED) has become aware of the following facts and we have determined that you are in violation of the Liquid Waste Disposal and Treatment Regulations (LWDTR), 20.7.3 NMAC. We are requesting that you immediately stop all activities not allowed by your New Mexico Construction Industries Division license(s).

Facts Constituting Violation:

Responsible Party: Summers Construction, LLC & Daniel H Torres
Location of Violation: 326 Sierra Vista Road, Placitas, New Mexico 87043
Date of Violation: August 21, 2023.

On August 21, 2023, the Department attempted to do a final inspection for Permit to Construct # 031080 at 326 Sierra Vista Road, Placitas, New Mexico 87043. Upon arrival it was determined that the contractor that pulled the permit, Atlas Pumping Company, Inc, was not on site. A phone call was made to Atlas (Chris Gonzales) and he stated that Atlas did not have that job on the schedule. The contractor that installed the system was on site and he identified himself as Daniel H Torres with Summers Construction. Atlas Pumping Company confirmed that Summers Construction LLC is not affiliated with them and was not authorized to use their license or permit.

Summers Construction LLC. CID license number 394458, Daniel H Torres GB98 Certificate No 402941. Neither Summers Construction LLC., or Daniel's name is on the permit to construct issued by NMED and a GB98 is not approved as one of the licenses able to install liquid waste systems.

On August 21, 2023 contact was made with Daniel H Torres and he was notified not to cover the system.

On August 22, 2023 Daniel H Torres contacted Sam Speaker, the Rio Rancho Liquid Waste Specialist with NMED. Daniel was again notified not to cover the system.

LW Regulations which are in Violation: You are hereby notified that you are in violation of the following sections of the New Mexico Liquid Waste Disposal Regulations 20.7.3 NMAC Section(s):

NMAC 20.7.3.401.A - No person shall install or have installed a new on-site liquid waste system or modify or have modified an existing on-site liquid waste system, unless that person obtains a permit issued by the department, including payment of the permit fee, prior to construction of such installation or modification. Failure to obtain the required permit may result in the initiation of enforcement actions by the department.

NMAC 20.7.3.401.B - No person shall construct or modify a residential or commercial unit on, or transport a residential or commercial unit onto, a lot for which an on-site liquid waste system is required unless the department has issued an on-site liquid waste system permit prior to such construction, modification or transportation.

NMAC 20.7.3.401.C - No person shall construct, install or modify an on-site liquid waste system unless that person holds a valid and appropriate classification of contractor's license issued by the New Mexico construction industries division, except that a qualified homeowner may install or modify permitted septic tanks and conventional trench or bed disposal fields. Obtaining a permit from the department for the installation or modification of an on-site liquid waste system does not relieve any person from the responsibility of obtaining any other approval, license or permit required by state, city or county regulations or ordinances or other requirements of state or federal laws.

We are requesting that you meet the following requirements immediately.

Requirements to correct the violation:

You must do the following:

1. Cease all work on the liquid waste system that is not allowed by you license.

Please do not ignore this notice! If you cannot meet these requirements, please contact your environmental health inspector immediately via email or phone as listed below. We are here to assist you and we seek your voluntary compliance. **If you do not respond to this notice by Friday September 1, 2023**, it will be necessary for us to elevate this matter to a more formal enforcement procedure, which could include the initiation of a criminal complaint in magistrate or district court or the issuance of an Administrative Compliance Order with penalties.

Please contact Sam Speaker, Environmental Health Inspector, (cell) 505-362-8860, (front office (505) 771-5980, sam.speaker@env.nm.gov.

Please note that your facility will appear on the Department's Enforcement Watch as a result of this NOV (see: <https://www.env.nm.gov/enforcement-watch/>). Further, the Department 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, including the payment of the assessed civil penalty.

Pursuant to the NMED Delegation Order dated March 24, 2023, the Cabinet Secretary has delegated the authority to issue Notices of Violation to the Bureau Chief of the Environmental Health Bureau.

Respectfully,

William Chavez
Bureau Chief Environmental Health Bureau
New Mexico Environment Department