

**GROUND WATER DISCHARGE PERMIT RENEWAL AND MODIFICATION**  
**Rio Lucio Septic Service, DP-748**

**I. INTRODUCTION**

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal and Modification (Discharge Permit), DP-748, to Jerry Sanchez (permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from Rio Lucio Septic Service (facility) into ground and surface water, so as to protect ground and surface water for present and potential future use as domestic and agricultural water supply and other uses and protect public health. In issuing this Discharge Permit, NMED has determined that the requirements of Subsection C of 20.6.2.3109 NMAC have been met.

The activities which produce the discharge, the location of the discharge, and the quantity, quality and flow characteristics of the discharge are briefly described as follows:

Up to 2,001 gallons per day (gpd) of domestic septage is disposed in three clay lined lagoons on a rotational basis for evaporation. Dried septage may be land applied to 65 acres of rangeland or disposed of at a licensed disposal facility in accordance with all local, state, and federal (40 CFR Part 503) regulations. The modification consists of increasing the discharge volume from 1,000 to 2,001 gallons per day. The discharge contains water contaminants or toxic pollutants which may be elevated above the standards of Section 20.6.2.3103 NMAC. The facility is located approximately six miles west of Penasco, in Section 21, Township 23 North, Range 11 East, Taos County. Ground water most likely to be affected is at a depth of greater than 400 feet and approximated to be between 700-800 feet and has an unknown total dissolved solids concentration.

The original Discharge Permit was issued on November 20, 1990 and subsequently renewed and/or modified on December 13, 1996 and April 30, 2003. The permittee's application consists of the materials submitted by Jerry Sanchez dated April 16, 2009 and materials contained in the administrative record prior to issuance of this Discharge Permit. The discharge shall be managed in accordance with all conditions and requirements of this Discharge Permit.

Pursuant to Section 20.6.2.3109 NMAC, NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the requirements of 20.6.2 NMAC are being or may be violated or the standards of Section 20.6.2.3103 NMAC are being or may be violated. This may include a determination that structural controls and/or management practices approved under this Discharge Permit are not protective of ground water quality, and that more stringent requirements to protect and/or remediate ground water quality may be required by NMED. These requirements may include: lining/relining lagoons; expanding surface disposal areas; ceasing discharging to surface disposal areas, changing waste management practices; expanding monitoring requirements; installing an advanced treatment system; and/or implementing abatement of water pollution.

Issuance of this Discharge Permit does not relieve the permittee of the responsibility to comply with the WQA, WQCC Regulations, and any other applicable federal, state and/or local laws and regulations, such as zoning requirements and nuisance ordinances.

The following abbreviations may be used in this Discharge Permit:

Abbreviation	Explanation		Abbreviation	Explanation
CFR	Code of Federal Regulations		NMSA	New Mexico Statutes Annotated
Cl	chloride		NO <sub>3</sub> -N	nitrate-nitrogen
EPA	United States Environmental Protection Agency		SDDS	Surface Disposal Data Sheet
Mg/kg	Milligrams per kilogram		TDS	total dissolved solids
mg/L	milligrams per liter		TKN	total Kjeldahl nitrogen
mL	milliliters		total nitrogen	TKN+NO <sub>3</sub> -N
NMAC	New Mexico Administrative Code		WQCC	Water Quality Control Commission
NMED	New Mexico Environment Department			

## II. FINDINGS

In issuing this Discharge Permit, NMED finds:

1. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move directly or indirectly into ground water within the meaning of Section 20.6.2.3104 NMAC.
2. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move into ground water of the State of New Mexico which has an existing concentration of 10,000 milligrams per liter or less of total dissolved solids within the meaning of Subsection A of 20.6.2.3101 NMAC.
3. The discharge from the facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

## III. CONDITIONS

The following conditions shall be complied with by the permittee and are enforceable by NMED. The permittee is authorized to discharge water contaminants subject to the following conditions:

**OPERATIONAL PLAN**

#	Terms and Conditions
1.	The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 1 and 2 NMAC. [20.6.2.3106.C NMAC, 20.6.2.3107 NMAC]
2.	The permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 NMAC and 20.6.2.3103 NMAC are not violated. [20.6.2.3103 NMAC]
3.	The permittee is authorized to discharge up to 2,001 gpd of domestic septage to three clay-lined lagoons on a rotational basis for evaporation. Dried septage may be land applied to 65 acres of rangeland or shall be disposed of at a licensed disposal facility in accordance with all local, state, and federal (40 CFR Part 503) regulations. Waste types that are not specifically authorized by this Discharge Permit shall not be received by this facility. [20.6.2.3104 NMAC]
4.	Domestic septage shall be pre-treated prior to disposal in the lagoons in accordance with 40 CFR 503.33(b)(12) to reduce vector attraction. [20.6.2.3109 NMAC] [NMSA 74-6-5.E]
5.	Prior to any dried septage disposal to the 65 acre rangeland area, the permittee shall contact NMED. [20.6.2.3109 NMAC]
6.	The amount of total nitrogen applied from dried septage shall not exceed 200 pounds per acre per year. [20.6.2.3109 NMAC]
7.	The permittee shall inspect the facility weekly and collect any residual solid waste (trash) on the facility site. The collected materials shall be disposed of in a manner consistent with all local, state and federal regulations. [20.6.2.3109 NMAC]
8.	The permittee shall maintain fences around the lagoons to prevent unrestricted access. A minimum of a three-strand barbed wire fence and locked gate shall surround the facility. [20.6.2.3109 NMAC]
9.	Within 30 days of the effective date of this Discharge Permit ( <b>by date</b> ), the permittee shall post and maintain the following signs at the following locations: Signs in both English and Spanish that state: "Notice: Waste Disposal Area - KEEP OUT" and "Aviso: Área de Disposición - NO ENTAR" posted at the facility entrance. A sign with the name of the facility's contact person, office phone number of the

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	<p>contact person, emergency contact phone number for the facility, and physical location of facility including township, range, and section(s) posted at the entrance gate. All signs shall remain legible for the term of this Discharge Permit. [20.6.2.3109 NMAC]</p>
10.	<p>The lagoon liners shall be maintained in such a manner as to avoid conditions which could affect the structural integrity of the lagoons and/or lagoon liners. Such conditions include, but are not limited to:</p> <ul style="list-style-type: none"> <li>Erosion damage;</li> <li>Animal activity/damage;</li> <li>The presence of vegetation, such as; aquatic plants, weeds, woody shrubs or trees growing within five feet of the lagoon edge or within the lagoon itself;</li> <li>Evidence of seepage;</li> <li>Evidence of berm subsidence; and/or</li> <li>The presence of large pieces or large quantities of debris in the lagoon.</li> </ul> <p>The permittee shall visually inspect the lagoons and surrounding berms on a monthly basis to ensure proper maintenance. Vegetation growing around the lagoons shall be routinely controlled by mechanical removal in a manner that is protective of the lagoon liners. Any evidence of damage to the lagoon berms or liners shall be reported to NMED immediately upon discovery. [20.6.2.3107 NMAC]</p>
11.	<p>The permittee shall maintain a minimum of two feet of freeboard between the liquid level in the lagoons and the top elevation of the lagoon liners at all times. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>

**MONITORING, REPORTING, AND OTHER REQUIREMENTS**

#	Terms and Conditions
12.	<p>The permittee shall conduct the monitoring, reporting, and other requirements listed below. [20.6.2.3107 NMAC]</p>
13.	<p><b>METHODOLOGY</b> - Unless otherwise approved in writing by NMED, the permittee shall conduct sampling and analysis in accordance with the most recent edition of the following documents:</p> <ul style="list-style-type: none"> <li>a) American Public Health Association, Standard Methods for the Examination of Water and Wastewater (18<sup>th</sup>, 19<sup>th</sup> or current)</li> <li>b) U.S. Environmental Protection Agency, Methods for Chemical Analysis of Water and Waste</li> <li>c) U.S. Geological Survey, Techniques for Water Resources Investigations of the U.S. Geological Survey</li> </ul>

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	<p>d) American Society for Testing and Materials, Annual Book of ASTM Standards, Part 31. Water</p> <p>e) Federal Register, latest methods published for monitoring pursuant to Resources Conservation Recovery Act regulations</p> <p>f) U.S. Geological Survey, et al., National Handbook of Recommended Methods for Water Data Acquisition</p> <p>g) Methods of Soil Analysis: Part 1. Physical and Mineralogical Methods; Part 2. Microbiological and Biochemical Properties; and Part 3. Chemical Methods, American Society of Agronomy.</p> <p>[20.6.2.3107.B NMAC]</p>
14.	<p>The permittee shall submit semi-annual monitoring reports to NMED by the 1<sup>st</sup> of February and August each year.</p> <p>Semi-annual monitoring shall be performed during the following periods:                      January 1<sup>st</sup> through June 30<sup>th</sup> (first half) – <b>report due by August 1<sup>st</sup></b>; and                      July 1<sup>st</sup> through December 31<sup>st</sup> (second half) – <b>report due by February 1<sup>st</sup></b>.</p> <p>Monitoring requirements detailed in this Discharge Permit are summarized on the sheet titled <i>Summary of Required Actions, Monitoring and Reporting</i>.</p> <p>[20.6.2.3107 NMAC]</p>
15.	<p>The permittee shall create and complete a pumping manifest for each load of waste pumped and disposed at the facility. The manifest shall record the following information:</p> <ul style="list-style-type: none"> <li>name of the hauling company (if other than Rio Lucio Septic Service);</li> <li>date of receipt;</li> <li>name and address of the waste origin;</li> <li>volume of waste (gallons);</li> <li>confirmation of inspection for acceptable waste type;</li> <li>signature of person conducting the inspection.</li> </ul> <p>Copies of each manifest shall be created each month and shall be submitted with the semi-annual monitoring report.</p> <p>[20.6.2.3107 NMAC]</p>
16.	<p>The permittee shall create and complete a Surface Disposal Data Sheet (SDDS) to document the amount of nitrogen applied to any portion of the 65 acre rangeland area, each month. A SDDS shall be completed for all land applications, and shall reflect the volume (in cubic yards) and total nitrogen concentration of waste discharged to the rangeland area for each month. The total nitrogen concentration shall be determined by calculating a total nitrogen value derived from the laboratory analysis of a composite sample using a sampling</p>

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	<p>protocol approved by NMED prior to sample collection.</p> <p>Nitrogen content shall not be adjusted to account for volatilization or mineralization processes. The SDDS, or a statement that no surface disposal occurred within the rangeland area, shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3109 NMAC]</p>

**CONTINGENCY PLAN**

#	Terms and Conditions
17.	<p>In the event that ground water standards are violated during the term of this Discharge Permit, upon closure of the facility or during the implementation of post-closure requirements, the permittee shall submit to NMED a corrective action plan that proposes measures to mitigate damage from the discharge including, at a minimum, source control measures and an implementation schedule. The permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC, if the corrective action plan will not result in compliance with the standards and requirements set forth in Section 20.6.2.4103 NMAC within 180 days of confirmation of ground water contamination. [20.6.2.1203 NMAC, 20.6.2.4105.A(8) NMAC]</p>
18.	<p>In the event of a spill or release that is not authorized under this Discharge Permit, the permittee shall initiate the notifications and corrective actions as required in Section 20.6.2.1203 NMAC. The permittee shall take immediate corrective action to contain and remove or mitigate the damage caused by the discharge. Within 24 hours after discovery of the discharge, the permittee shall verbally notify NMED and provide the information required by Paragraph (1) of Subsection A of 20.6.2.1203 NMAC. Within seven days of discovering the discharge, the permittee shall submit a written report to NMED verifying the oral notification and providing any additional information or changes. The permittee shall submit a corrective action report within 15 days after discovery of the discharge. [20.6.2.1203 NMAC]</p>
19.	<p>In the event that the land application area is saturated, frozen or covered with snow, dried septage shall not be discharged to the 65-acre rangeland area. Should the adverse conditions persist beyond the septage storage capacity of the facility, the permittee shall obtain NMED approval for a temporary alternative. [20.6.2.3107.A(10) NMAC]</p>
20.	<p>In the event that a minimum of two feet of freeboard cannot be maintained in the lagoons at all times, the permittee shall submit a corrective action plan for NMED approval within 30 days of the date when the two feet of freeboard limit was initially exceeded. [20.6.2.3107</p>

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	NMAC, 20.6.2.3109 NMAC]
21.	<p>In the event that inspection findings reveal significant damage likely to affect the ability of the lined lagoons to contain contaminants, the permittee shall submit a corrective action plan for the repair or replacement of the lagoon liners to NMED for approval within 30 days of discovery by the permittee or following notification from NMED that significant liner damage is evident.</p> <p>[20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>
22.	<p>In the event NMED or the permittee identifies any other failures of the discharge plan or system not specifically noted herein, NMED may require the permittee to develop for NMED approval contingency plans and schedules to cope with the failures.</p> <p>[20.6.2.3107.A(10) NMAC]</p>

### CLOSURE PLAN

#	Terms and Conditions
23.	<p>Upon closure of the facility, the permittee shall perform the following closure measures:</p> <ol style="list-style-type: none"> <li>a) Clear each lagoon of all septage and dispose of in accordance with all local, state, and federal (40 CFR Part 503) regulations.</li> <li>b) Perforate or remove the lagoon liners and backfill each lagoon with clean fill (as necessary) and re-grade to allow for positive stormwater drainage.</li> <li>c) Re-vegetate each lagoon area and disturbed areas at the facility by establishing a vegetative cover equal to 70% of the native perennial vegetative cover consisting of at least three native plant species including at least one grass, but not including noxious weeds. The permittee shall maintain the vegetative cover through two consecutive growing seasons.</li> <li>d) Following final grading and re-seeding of the facility, the permittee shall maintain the perimeter fencing and security gate for a minimum of three years to prevent unauthorized access.</li> <li>e) Submit proof to NMED that all closure activities set forth for the facility under 40 CFR 503 have been completed.</li> </ol> <p>When all closure and post-closure requirements have been met, the permittee may request to terminate the Discharge Permit.</p> <p>[20.6.2.3109 NMAC, 20.6.2.3107. NMAC]</p>

**GENERAL TERMS AND CONDITIONS**

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24.	<p>RECORD KEEPING - The permittee shall maintain at its facility a written record of all data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit. The following information shall be recorded and shall be made available to NMED upon request:</p> <ul style="list-style-type: none"> <li>a) The dates, exact place and times of sampling or field measurements;</li> <li>b) The name and job title of the individuals who performed each sample collection or field measurement;</li> <li>c) The date of the analysis of each sample;</li> <li>d) The name and address of the laboratory and the name and job title of the person that performed the analysis of each sample;</li> <li>e) The analytical technique or method used to analyze each sample or take each field measurement;</li> <li>f) The results of each analysis or field measurement, including raw data;</li> <li>g) The results of any split sampling, spikes or repeat sampling; and</li> <li>h) A description of the quality assurance and quality control procedures used.</li> </ul> <p>[20.6.2.3107.A NMAC]</p>
25.	<p>RECORD KEEPING - The permittee shall maintain a written record of any spills, seeps, and/or leaks of effluent, and of leachate and/or process fluids not authorized by this Discharge Permit.</p> <p>[20.6.2.3107.A NMAC]</p>
26.	<p>RECORD KEEPING - The permittee shall maintain a written record of the operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater; to measure flow rates, to monitor water quality, or to collect other data required by this Discharge Permit. This record shall include repair, replacement or calibration of any monitoring equipment and repair or replacement of any equipment used in the permittee's waste or wastewater treatment and disposal system.</p> <p>[20.6.2.3107.A NMAC]</p>
27.	<p>RECORD KEEPING - The permittee shall maintain a written record of the amount of wastewater, effluent, leachate or other wastes discharged pursuant to this Discharge Permit.</p> <p>[20.6.2.3107.A NMAC]</p>
28.	<p>RECORD KEEPING - The permittee shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this Discharge Permit, and records of all data used to complete the application for this Discharge Permit for a period of at least five years from the date of the sample collection, measurement, report or application. This period may be extended by request of the Secretary at any time.</p>

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	[20.6.2.3107.A NMAC]
29.	<p>INSPECTION and ENTRY - The permittee shall allow the Secretary or an authorized representative, upon the presentation of credentials, to:</p> <ul style="list-style-type: none"> <li>a) Enter at regular business hours or at other reasonable times upon the permittee's premises or other location where records must be kept under the conditions of this Discharge Permit, or under any federal or WQCC regulation.</li> <li>b) Inspect and copy, during regular business hours or at other reasonable times, any records required to be kept under the conditions of this Discharge Permit, or under any federal or WQCC regulation.</li> <li>c) Inspect, at regular business hours or at other reasonable times, any facility, equipment (including monitoring and control equipment or treatment works), practices or operations regulated or required under this Discharge Permit, or under any federal or WQCC regulation.</li> <li>d) Sample or monitor, at reasonable times for the purpose of assuring compliance with this Discharge Permit or as otherwise authorized by the WQA, any effluent, water contaminant, or receiving water at any location before or after discharge.</li> </ul> <p>[20.6.2.3107.D NMAC, 74-6-9(B) &amp; (E) WQA]</p>
30.	<p>INSPECTION and ENTRY - Nothing in this Discharge Permit shall be construed as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other applicable law or regulation.</p> <p>[20.6.2.3107 NMAC, 74-6-9(B) &amp; (E) WQA]</p>
31.	<p>DUTY to PROVIDE INFORMATION - The permittee shall furnish to NMED, within a reasonable time, any documents or other information which it may request to determine whether cause exists for modifying, terminating and/or renewing this Discharge Permit or to determine compliance with this Discharge Permit. The permittee shall also furnish to NMED, upon request, copies of documents required to be kept by this Discharge Permit.</p> <p>[20.6.2.3107.D NMAC, 74-6-9(B) &amp; (E) WQA]</p>
32.	<p>SPILLS, LEAKS, and OTHER UNAUTHORIZED DISCHARGES - This Discharge Permit authorizes only those discharges specified herein. Any unauthorized discharges violate Section 20.6.2.3104 NMAC and must be reported to NMED and remediated as required by Section 20.6.2.1203 NMAC.</p> <p>[20.6.2.1203 NMAC]</p>
33.	<p>MODIFICATIONS and/or AMENDMENTS - The permittee shall notify NMED of any changes to the permittee's wastewater treatment and disposal system, including any changes in the wastewater flow rate or the volume of wastewater storage, or of any other changes to operations or processes that would result in any significant change in the discharge of water contaminants. The permittee shall obtain NMED's approval, as a modification to this Discharge Permit pursuant to Subsections E, F, or G of 20.6.2.3109</p>

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	<p>NMAC, prior to any increase in the quantity discharged, or any increase in the concentration of water contaminants discharged, above those levels approved in this Discharge Permit. [20.6.2.3107.C NMAC]</p>
34.	<p>PLANS and SPECIFICATIONS - The permittee shall file plans and specifications with NMED for the construction of a wastewater system and for proposed changes that will change substantially the quantity or quality of the discharge from the system. The permittee shall file plans and specifications prior to the commencement of construction. Changes to the wastewater system having a minor effect on the character of the discharge shall be reported as of January 1 and June 30 of each year to NMED. [20.6.2.1202 NMAC]</p>
35.	<p>CIVIL PENALTIES – Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit. [74-6-10 WQA, 74-6-10.1 WQA]</p>
36.	<p>CRIMINAL PENALTIES – Any person who knowingly violates or knowingly causes or allows another person to:</p> <ol style="list-style-type: none"> <li>1) make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or required to be maintained under the WQA;</li> <li>2) falsify, tamper with or render inaccurate any monitoring device, method or record required to be maintained under the WQA; or</li> <li>3) fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation, is subject to felony charges and shall be sentenced in accordance with the provisions of Section 31-18-15 NMSA 1978.</li> </ol> <p>[74-6-10.2(A-F) WQA]</p>
37.	<p>COMPLIANCE WITH OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the permittee of the obligation to comply with all</p>

#	Terms and Conditions
	applicable federal, state, and local laws, regulations, permits or orders. [20.6.2 NMAC]
38.	RIGHT to APPEAL - The permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty (30) days of the receipt of this Discharge Permit. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review. [74-6-5(O) WQA]
39.	TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this permitted facility or any portion thereof, the permittee shall notify the proposed transferee in writing of the existence of this Discharge Permit and include a copy of this Discharge Permit with the notice. The permittee shall deliver or send by certified mail to NMED a copy of the notification and proof that such notification has been received by the proposed transferee. [20.6.2.3111 NMAC]
40.	TERM - Pursuant to WQA 74-6-5(I) and Subsection H of 20.6.2.3109 NMAC, the term of this Discharge Permit is five years from its effective date. To renew this Discharge Permit, the permittee must submit an application for renewal at least 180 days before the termination date. [20.6.2.3109.H NMAC, 74-6-5(I) WQA]
41.	Payment of permit fees is due at the time of Discharge Permit approval. Permit fees shall be paid in a single payment or shall be paid in equal installments on a yearly basis over the term of the Discharge Permit. Single payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date. Initial installment payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date; subsequent installment payments shall be remitted to NMED no later than the anniversary of the Discharge Permit effective date. An approved Discharge Permit shall be suspended or terminated if the facility fails to remit an installment payment by its due date. [20.6.2.3114.F NMAC, 74-6-5(K) WQA]

EFFECTIVE DATE: **effective date**  
 EXPIRATION DATE: **expiration date**

WILLIAM C. OLSON  
 Chief, Ground Water Quality Bureau  
 New Mexico Environment Department