

# **GROUND WATER DISCHARGE PERMIT RENEWAL AND MODIFICATION**

## **Village of Tularosa-Wastewater Treatment Facility, DP-82**

### **I. INTRODUCTION**

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal and Modification (Discharge Permit), DP-82, to the Village of Tularosa (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 the Village of Tularosa-Wastewater Treatment Facility (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 500,000 gallons per day (gpd) of municipal wastewater is treated in a BioLac wastewater treatment system which consists of a synthetically lined aeration mixing basin followed by an integral clarifier. Reclaimed wastewater is pumped to clay-lined storage lagoons from which it is disinfected with chlorine and used to irrigate 63 acres of Village property and farmland. Waste activated sludge from the treatment system is pumped to a synthetically lined waste sludge holding basin with a floating aerator/mixer, discharged to sludge drying beds, composted, stored in a lined area and/or hauled off-site pursuant to state and federal regulations. The modification consists of rehabilitating the old wastewater treatment system, thereby bypassing the BioLac treatment system so it can be drained and repaired or replaced. The old treatment system consists of a clay-line aerated lagoon, a clay-lined setting lagoon and a clay-lined storage lagoon. Reclaimed wastewater is disinfected with chlorine prior to land application. 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 at the intersection of Radio Road and La Riata Road, in Tularosa, in Sections 25 & 36, T14S, R09E, Otero County. The land application areas are located within Tularosa, in Sections 30, 31, & 36, T14S, R09E, Otero County. Ground water most likely to be affected is at a depth of approximately 100 feet and has a total dissolved solids concentration of approximately 3,000 milligrams per liter.

The original Discharge Permit was issued on March 25, 1985 and subsequently renewed and/or modified on November 30, 1990, May 24, 1996, and July 23, 2002. The permittee's application consists of the materials submitted on the behalf of the Village of Tularosa by Gannett Fleming West, Inc., received on September 6, 2007 and additional information received on November 15, 2007, January 28, 2008, April 2, 2008 and other materials as applicable. 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 land application 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
BOD <sub>5</sub>	biochemical oxygen demand (5-day)	NTU	nephelometric turbidity units
CFR	Code of Federal Regulations	Org	organisms
Cl	chloride	TDS	total dissolved solids
LADS	land application data sheet(s)	TKN	total Kjeldahl nitrogen
mg/L	milligrams per liter	total nitrogen	TKN+NO <sub>3</sub> -N
mL	milliliters	TRC	Total Residual Chlorine
NMAC	New Mexico Administrative Code	TSS	total suspended solids
NMED	New Mexico Environment Department	WQA	New Mexico Water Quality Act
NMSA	New Mexico Statutes Annotated	WQCC	Water Quality Control Commission
NO <sub>3</sub> -N	nitrate-nitrogen		

## 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 and 20.6.2.3103 NMAC are not violated. [20.6.2.3101 NMAC, 20.6.2.3103 NMAC]																								
3.	The permittee is authorized to discharge up to 500,000 gallons per day of municipal wastewater to a BioLac wastewater treatment system. Wastewater from the facility's lift station is pumped through the facility's headworks and discharged to a synthetically lined aeration mixing basin followed by an integral clarifier. Reclaimed wastewater is pumped to clay-line storage lagoons, disinfected with chlorine and used to irrigate the following locations: the Village Agricultural Discharge Site (15 acres), the Rankin Agricultural Discharge Site (15 acres), the Village Driving Range Landscape Irrigation Site (10 acres) and the Village Recreation Area Landscape Irrigation Site (23 acres). Waste activated sludge from the treatment system is pumped to a synthetically lined waste sludge holding basin with a floating aerator/mixer, discharged to 2 sludge drying beds, composted, stored in a lined area and/or hauled off-site pursuant to state and federal regulations. The old wastewater treatment system will be rehabilitated thereby bypassing the BioLac treatment system so the system can be drained and repaired or replaced. The old wastewater treatment system consists of a clay-line aeration lagoon followed by clay-lined setting lagoons. Reclaimed wastewater from the clay-lined storage lagoons is disinfected with chlorine prior to land application. [20.6.2.3104 NMAC, 20.6.2.3106 NMAC ]																								
4.	Reclaimed wastewater discharged after the disinfection treatment process shall not exceed the following limitations: <table border="1" data-bbox="245 1528 1414 1812"> <thead> <tr> <th>Test</th> <th>30-day geometric mean</th> <th>30-day average</th> <th>maximum</th> </tr> </thead> <tbody> <tr> <td>TN</td> <td>N/A</td> <td>N/A</td> <td><b>20 mg/L</b></td> </tr> <tr> <td>Fecal coliform bacteria:</td> <td><b>200 Org/100 mL</b></td> <td>N/A</td> <td><b>400 Org/100 mL</b></td> </tr> <tr> <td>BOD<sub>5</sub>:</td> <td>N/A</td> <td><b>30 mg/L</b></td> <td><b>45 mg/L</b></td> </tr> <tr> <td>TSS:</td> <td>N/A</td> <td><b>30 mg/L</b></td> <td><b>45 mg/L</b></td> </tr> <tr> <td>TRC:</td> <td>N/A</td> <td><b>Monitor Only</b></td> <td><b>Monitor Only</b></td> </tr> </tbody> </table>	Test	30-day geometric mean	30-day average	maximum	TN	N/A	N/A	<b>20 mg/L</b>	Fecal coliform bacteria:	<b>200 Org/100 mL</b>	N/A	<b>400 Org/100 mL</b>	BOD <sub>5</sub> :	N/A	<b>30 mg/L</b>	<b>45 mg/L</b>	TSS:	N/A	<b>30 mg/L</b>	<b>45 mg/L</b>	TRC:	N/A	<b>Monitor Only</b>	<b>Monitor Only</b>
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5.	<p>The permittee shall apply reclaimed wastewater to up to 48 acres of Village property including: the Village Agricultural Site, the future Village Driving Range and the future Village Recreation Area. The amount of total nitrogen applied in the wastewater shall not exceed 200 pounds per acre per year. Nitrogen content shall not be adjusted to account for volatilization or mineralization processes. Wastewater shall be distributed evenly over the entire area of application. Excessive ponding shall be prevented. [20.6.2.3109 NMAC]</p>
6.	<p>The permittee shall apply reclaimed wastewater directly to up to 15 acres of irrigated cropland located at the privately owned Rankin Agriculture Discharge Site. Wastewater shall be applied to cropland under cultivation in such a manner that the amount of total nitrogen in the combined application of wastewater and chemical fertilizer shall not exceed by more than 25% the amount reasonably expected to be taken up and removed by the harvested crops on an annual basis. Nitrogen content shall not be adjusted to account for volatilization or mineralization processes. Wastewater shall be distributed evenly over the entire area of application. Excessive ponding shall be prevented. [20.6.2.3109 NMAC]</p>
7.	<p>The permittee shall install and maintain 18 to 24-inch berms around the Village and Rankin Agriculture Discharge Sites to prevent surface water run-on and run-off. The berms shall be inspected on a regular basis and after any major rainfall event and repaired as necessary. Confirmation of berm installation and locations, including photographic documentation, shall be submitted to NMED within 30 days of completion. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>
8.	<p>The permittee shall maintain fences around the wastewater treatment facility to control public access. The fences shall be constructed in a manner which prevents access by the general public and animals such as dogs (e.g., chain link or field fencing) and shall be maintained throughout the term of this Discharge Permit. [20.6.2.3109 NMAC]</p>
9.	<p>The permittee shall maintain signs at the facility entrance and other areas where public contact is possible indicating that the water is not potable. All signs shall remain visible and legible for the term of this Discharge Permit. [20.6.2.3109 NMAC]</p>
10.	<p>Within 30 days of the effective date of this Discharge Permit (by DATE), the permittee shall post signs in English and Spanish at all above ground areas receiving reclaimed wastewater. The signs shall be posted at the entrance and/or at other locations where public access may occur and shall state: <b>NOTICE: THIS AREA IS IRRIGATED WITH RECLAIMED WASTEWATER - DO NOT DRINK. AVISO: ESTA ÁREA ESTÁ REGADA CON AGUAS NEGRAS RECOBRADAS - NO TOMAR.</b> Alternate wording and/or graphics may be submitted for NMED approval. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>
11.	<p>Prior to discharging from the repaired or replaced BioLac wastewater treatment system, the permittee shall survey the entire facility to a U.S. Geological Survey (USGS) or other permanent benchmark and shall submit an up-to-date scaled map (or maps) of the entire facility to NMED. The map (or maps) shall be drawn to a scale such that all necessary information is plainly shown and labeled and shall include:</p>

	<ul style="list-style-type: none"> <li>• A graphical scale,</li> <li>• A north arrow,</li> <li>• The effective date of the map,</li> <li>• All components of the wastewater treatment and disposal systems,</li> <li>• All land application areas receiving reclaimed wastewater, including distribution pipelines, and backflow prevention devices,</li> <li>• All flow measurement devices,</li> <li>• All domestic and public water supply wells within 1,000 feet of the discharge sites,</li> <li>• All wastewater sampling locations, and;</li> <li>• All ground water monitoring wells.</li> </ul> <p>Survey data shall include northing, easting and elevation to the nearest hundredth of a foot or in accordance with the "Minimum Standards for Surveying in New Mexico" (12.8.2 NMAC). A survey elevation shall be established with a permanent marking indicating the point of survey. The survey shall be completed and certified by a licensed New Mexico professional surveyor.</p> <p>If subsurface structures cannot be directly shown due to limited information regarding their exact location (e.g. a pre-existing sewer lines), they shall be identified on the map in a schematic format and labeled "not-to-scale". [20.6.2.3106 NMAC, 20.6.2.3109 NMAC]</p>
12.	<p>The permittee shall remove solids from the BioLac wastewater treatment system as needed, depending on process control testing such as: the 30-minute settleometer test, the Mixed Liquor Suspended Solids concentration or the Mean Cell Residence Time. The solids shall be contained, transported, and disposed of in accordance with all local, state, and federal (40 CFR Part 503) regulations. Records of solids disposal, while the BioLac treatment system is in operation, shall be submitted to NMED in the quarterly monitoring reports. [20.6.2.3109 NMAC]</p>
13.	<p>The aeration basin and aerobic digester liners shall be maintained in such a manner as to avoid conditions which could affect the structural integrity of the units and/or 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 units.</li> </ul> <p>The permittee shall visually inspect the units and surrounding berms on a monthly basis to ensure proper maintenance. Vegetation growing around the units shall be routinely controlled by mechanical removal in a manner that is protective of the lagoon liner. Any evidence of damage to the berms or liners shall be reported to NMED immediately upon discovery. [20.6.2.3107 NMAC]</p>

14.	The permittee shall maintain a minimum of two feet of freeboard between the liquid level in the aeration basin, aerobic digester and lagoons and the top elevation of the liners at all times. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]
15.	The permittee shall utilize operators, certified by the State of New Mexico at the appropriate level, to operate the wastewater collection, treatment and disposal systems. All operations and maintenance of all or any part of the wastewater system shall be performed by, or under the direct supervision of, a certified operator. [20.7.4 NMAC]
16.	<p>The permittee shall meet the following general requirements for above ground use of reclaimed domestic wastewater:</p> <ul style="list-style-type: none"> <li>a) The permittee shall maintain signs in English and Spanish at above ground areas receiving reclaimed wastewater. All signs shall remain visible and legible for the term of this Discharge Permit.</li> <li>b) The reclaimed wastewater systems shall have no direct or indirect cross connections with potable water systems pursuant to the latest revision of the New Mexico Plumbing and Mechanical Code.</li> <li>c) Above ground use of reclaimed wastewater shall not result in excessive standing or pooling of wastewater, and shall be applied at the appropriate consumptive water use rate. Irrigation shall not be conducted at times when the receiving area is saturated or frozen.</li> <li>d) The discharge of reclaimed wastewater shall be confined to the area designated and approved for receiving the wastewater.</li> <li>e) All water supply wells within 200 feet of a wetted irrigation area shall have adequate well head construction and irrigation shall be managed to ensure protection of ground water quality.</li> <li>f) All existing and accessible portions of the reclaimed wastewater system shall be colored purple or clearly labeled as being part of a reclaimed wastewater distribution system. All piping, valves and outlets that are installed during the term of this Discharge Permit shall be color-coded in purple pursuant to the latest revision of the New Mexico Plumbing and Mechanical Code to differentiate piping or fixtures used to convey reclaimed wastewater from piping or fixtures used for potable or other water. All valves, outlets, and sprinkler heads used in reclaimed wastewater systems shall be of a type that can only be operated by authorized personnel.</li> </ul> <p>[20.6.2.3109 NMAC]</p>
17.	<p>The permittee shall meet the following setbacks, access restrictions and equipment requirements for spray irrigation using Class 2 reclaimed domestic wastewater:</p> <ul style="list-style-type: none"> <li>a) A minimum 100-foot set-back shall be maintained between any dwellings or occupied establishments and the edge of any area receiving reclaimed wastewater.</li> <li>b) Irrigation shall be postponed at times when windy conditions may result in drift of reclaimed wastewater outside the designated area of application.</li> <li>c) Access to the irrigated area shall be restricted by perimeter fencing using 4-strand barbed wire and locking gate or other NMED approved access controls.</li> <li>d) The public shall be excluded from entering the area during times when the reclaimed wastewater is being applied.</li> <li>e) The spray irrigation system shall utilize only low trajectory spray nozzles.</li> </ul> <p>[20.6.2.3109 NMAC]</p>

18.	<p>The permittee shall meet the following setbacks and access restrictions for flood irrigation using Class 2 reclaimed domestic wastewater:</p> <ul style="list-style-type: none"> <li>a) Whenever reclaimed wastewater is used in areas with public access it shall be applied at times and in a manner that minimizes public contact.</li> <li>b) Access to the irrigated area shall be restricted by perimeter fencing using 4-strand barbed wire and locking gate or other NMED approved access controls.</li> </ul> <p>[20.6.2.3109 NMAC]</p>
19.	<p>Within 90 days from the effective date of this Discharge Permit, (by DATE), the permittee shall install a backflow prevention method to protect all wells connected to the land application distribution system from contamination by reclaimed wastewater at the Rankin Agriculture Discharge Site. Backflow prevention shall be achieved by installation of a physical air gap between the discharge pipe and the liquid surface at least twice the diameter of the discharge pipe, a reduced pressure principal valve assembly or other method approved by NMED. With the exception of a physical air gap, backflow prevention devices shall be tested by a certified backflow assembly tester at the time of installation, repair or relocation and at least on an annual basis thereafter and shall be maintained functional at all times. Inspection and maintenance records for the backflow prevention device shall be kept on-site and available for NMED review upon request.</p> <p>[20.6.2.3109 NMAC]</p>

**MONITORING, REPORTING, AND OTHER REQUIREMENTS**

#	Terms and Conditions
20.	<p>The permittee shall conduct the following monitoring, reporting, and other requirements listed below. [20.6.2.3107 NMAC]</p>
21.	<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 (18th, 19th 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> <li>d) American Society for Testing and Materials, Annual Book of ASTM Standards, Part 31. Water;</li> <li>e) U.S. Geological Survey, et al., National Handbook of Recommended Methods for Water Data Acquisition; or</li> <li>f) Methods of Soil Analysis: Part 1. Physical and Mineralogical Methods and Part 2. Chemical and Microbiological Properties, American Society of Agronomy.</li> </ul> <p>[20.6.2.3107.B NMAC]</p>
22.	<p>The permittee shall submit quarterly monitoring reports to NMED for the most recently completed quarterly period by the 1<sup>st</sup> of February, May, August and November of each year.</p>

	<p>Quarterly monitoring shall be performed during the following periods:</p> <ul style="list-style-type: none"> <li>• January 1<sup>st</sup> through March 31<sup>st</sup> (first quarter) – <b>due by May 1<sup>st</sup></b>;</li> <li>• April 1<sup>st</sup> through June 30<sup>th</sup> (second quarter) – <b>due by August 1<sup>st</sup></b>;</li> <li>• July 1<sup>st</sup> through September 30<sup>th</sup> (third quarter) – <b>due by November 1<sup>st</sup></b>; and</li> <li>• October 1<sup>st</sup> through December 31<sup>st</sup> (fourth quarter) – <b>due by February 1<sup>st</sup></b>.</li> </ul> <p>Monitoring requirements detailed in this Discharge Permit are summarized on the sheet titled <i>Summary of Required Actions, Monitoring and Reporting</i>. [20.6.2.3107 NMAC]</p>
23.	<p>The permittee shall measure the monthly volume of wastewater discharged to the treatment system using a totalizing flow meter. The monthly meter readings and monthly discharge volumes shall be submitted to NMED in the quarterly monitoring reports. The flow meter shall be calibrated to within +/- 10% of actual flow and kept operational at all times. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>
24.	<p>The permittee shall measure and record all discharges from the storage lagoon to each land application area (Rankin Agriculture Discharge Site, Village Agriculture Discharge Site, Village Driving Range Landscape Irrigation Site and Village Recreation Area Landscape Irrigation Site) using a totalizing flow meter on the transfer line between the disinfection treatment process and the land application areas on a monthly basis. The permittee shall maintain a daily log showing the location of each discharge, totalizing meter readings immediately prior to and after each discharge, and the calculated total volume of each discharge. A summary of the log entries and the calculated monthly discharge volumes for each land application area shall be submitted to NMED in the quarterly monitoring reports. The volumes discharged to each land application area each month, calculated based upon the log, shall be used to calculate nitrogen loading on the LADS. The flow meter shall be calibrated to within +/- 10% of actual flow and kept operational at all times. [20.6.2.3107.A(1) NMAC, 20.6.2.3109.C(3) NMAC]</p>
25.	<p>Once prior to the expiration date of this Discharge Permit, NMED shall have the option to require the permittee to provide access for a complete monitoring well inspection by NMED personnel. NMED shall establish the inspection date and provide at least 60 days notice to the permittee by certified mail. [20.6.2.3107 NMAC]</p>
26.	<p>Within 90 days of the effective date of this Discharge Permit (by DATE), the permittee shall replace 2 monitoring wells. The permittee shall replace:</p> <ul style="list-style-type: none"> <li>• MW-2 with one monitoring well (MW-2A) to be located hydrologically downgradient of the Village Agriculture Discharge Site, and</li> <li>• MW-4 with one monitoring well (MW-4A) to be located hydrologically downgradient of the Rankin Agriculture Discharge Site.</li> </ul> <p>All monitoring well locations shall be approved by NMED prior to installation. The wells shall be completed in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.0, July 2008. Construction and lithologic logs shall be submitted to NMED within 30 days of well completion. [20.6.2.3107 NMAC]</p>

<p>27.</p>	<p>Following well development and no more than five days after installation of the replacement monitoring wells required by this Discharge Permit, the permittee shall sample ground water in the replacement wells and analyze the samples for NO<sub>3</sub>-N, TKN, Cl, and TDS. The permittee shall sample:</p> <ul style="list-style-type: none"> <li>• MW-2A, intended to be located hydrologically downgradient of the Village Agriculture Discharge Site and</li> <li>• MW-4A, intended to be located hydrologically downgradient of the Rankin Agriculture Discharge Site.</li> </ul> <p>Ground water sample collection, preservation, transport and analysis shall be performed according to the following procedure:</p> <ol style="list-style-type: none"> <li>a) measure the depth-to-ground water from the top of well casing to the nearest hundredth of a foot;</li> <li>b) purge three well volumes of water from the well prior to sample collection;</li> <li>c) obtain samples from the well for analysis;</li> <li>d) properly prepare, preserve and transport samples; and</li> <li>e) analyze samples in accordance with the methods authorized in this Discharge Permit.</li> </ol> <p>Depth-to-water measurements, analytical results, including the laboratory QA/QC summary report, and a facility layout map showing the location and number of each well shall be submitted to NMED within 45 days of the installation of the monitoring wells. [20.6.2.3107 NMAC]</p>
<p>28.</p>	<p>Within 120 days of the effective date of this Discharge Permit (by DATE), the permittee shall survey all wells approved by NMED for Discharge Permit monitoring purposes to a U.S. Geological Survey (USGS) or other permanent benchmark. Survey data shall include northing, easting and elevation to the nearest hundredth of a foot or in accordance with the "Minimum Standards for Surveying in New Mexico" (12.8.2 NMAC). A survey elevation shall be established at the top-of-casing, with a permanent marking indicating the point of survey. The survey shall be completed and certified by a licensed New Mexico professional surveyor. Depth-to-water shall be measured to the nearest hundredth of a foot in all surveyed wells, and the data shall be used to develop a map showing the location of all monitoring wells and the direction and gradient of ground water flow at the facility. The data and map of ground water flow direction at the facility shall be submitted to NMED within 30 days of survey completion. [20.6.2.3107 NMAC]</p>
<p>29.</p>	<p>The permittee shall perform quarterly ground water sampling in 5 monitoring wells and analyze the samples for NO<sub>3</sub>-N, TKN, TDS, and Cl. The permittee shall sample:</p> <ul style="list-style-type: none"> <li>• MW-1A, intended to be located hydrologically downgradient of the storage lagoon;</li> <li>• MW-2A, intended to be located hydrologically downgradient of the Village Agriculture Discharge Site;</li> <li>• MW-3, intended to be located hydrologically upgradient of the wastewater treatment facility and land application areas;</li> <li>• MW-4A, intended to be located hydrologically downgradient of the Rankin Agriculture Discharge Site; and</li> </ul>

	<ul style="list-style-type: none"> <li>• MW-5, intended to be located hydrologically downgradient of the BioLac wastewater treatment system.</li> </ul> <p>Ground water sample collection, preservation, transport and analysis shall be performed according to the following procedure:</p> <ol style="list-style-type: none"> <li>a) measure the depth-to-ground water from the top of well casing to the nearest hundredth of a foot;</li> <li>b) purge three well volumes of water from the well prior to sample collection;</li> <li>c) obtain samples from the well for analysis;</li> <li>d) properly prepare, preserve and transport samples; and</li> <li>e) analyze samples in accordance with the methods authorized in this Discharge Permit.</li> </ol> <p>Depth-to-water measurements, analytical results, including the laboratory QA/QC summary report, and a facility layout map showing the location and number of each well shall be submitted to NMED in the quarterly monitoring reports. [20.6.2.3107 NMAC]</p>
30.	<p>The permittee shall sample reclaimed wastewater after the disinfection treatment process on a quarterly basis and analyze the samples for TKN, NO<sub>3</sub>-N, TDS and Cl. Analytical results shall be submitted to NMED in the quarterly monitoring reports. [20.6.2.3107 NMAC]</p>
31.	<p>The permittee shall perform the following analyses on reclaimed wastewater samples collected after the disinfection treatment process using the sampling method and frequency indicated:</p> <ul style="list-style-type: none"> <li>• Fecal coliform bacteria: grab sample at peak daily flow once per month;</li> <li>• BODs: grab sample once per month;</li> <li>• TSS: grab sample once per month;</li> <li>• The permittee shall record TRC concentrations whenever fecal coliform samples are collected.</li> </ul> <p>Analytical results and a copy of the log of TRC concentrations shall be submitted to NMED in the quarterly monitoring reports. [20.6.2.3107 NMAC]</p>
32.	<p>The permittee shall complete 4 land application data sheets (LADS) quarterly that document the amount of nitrogen applied to the Rankin Agriculture Discharge Site, the Village Agriculture Discharge Site, the Village Driving Range Landscape Irrigation Site and the Village Recreation Area Landscape Irrigation Site. The LADS (copy enclosed) shall reflect the nitrogen concentration from the most recent wastewater analysis and the measured discharge volumes for each month. The permittee shall also report crops grown, yields removed and nitrogen uptake values specific to the crops grown on the LADS for the Rankin Agriculture Discharge Site. The LADS or a statement that no land application occurred for each land application area shall be submitted to NMED in the quarterly monitoring reports. [20.6.2.3107 NMAC]</p>
33.	<p>The permittee shall keep a log of all additional fertilizer applied to the Rankin Agriculture Discharge Site. The log shall contain the date of fertilizer application, the type and nutrient concentration of the fertilizer, and the amount of fertilizer applied to each field. A summary of the log entries shall be submitted to NMED in the quarterly monitoring reports. [20.6.2.3107 NMAC]</p>

**CORRECTIVE ACTIONS REQUIRED**

#	Terms and Conditions
34.	<p>To address the repair and/or replacement of the BioLac wastewater treatment system and the rehabilitations of the old wastewater treatment system, the permittee shall complete the following corrective actions according to the following schedule:</p> <ul style="list-style-type: none"> <li>a) Within 1 month of the effective date of this Discharge Permit (by DATE), the permittee shall repair the wastewater treatment system disinfection unit. The disinfection unit shall be maintained operable, or an alternate disinfection method shall be proposed by the permittee and approved by NMED for the term of this Discharge Permit.</li> <li>b) Within 2 months of the effective date of this Discharge Permit (by DATE), the permittee shall dispose of the accumulated sludge from the clay-line aerated lagoon in a manner that is protective of the lagoon liner and under the following conditions: <ul style="list-style-type: none"> <li>1) The permittee shall notify NMED at least five working days prior to sludge removal from the aerated lagoon;</li> <li>2) The permittee shall discharge the sludge to the sludge drying beds or, in the event of a lack of drying bed space, shall have the sludge removed and disposed of by a licensed hauler; and</li> <li>3) The permittee shall submit records of the sludge removal to NMED with the quarterly monitoring reports.</li> </ul> </li> <li>c) Within 3 months of the effective date of this Discharge Permit (by DATE), the permittee shall have the liner of the aerated lagoon inspected for integrity by an experienced liner installer. If required, the aerated lagoon's liner shall be repaired or replaced prior to returning the unit to service. Construction plans and specifications shall be submitted to NMED, prior to liner repair or replacement, for approval. The permittee shall notify NMED at least five working days prior to liner repair or replacement to allow NMED personnel to be onsite for inspection. Record drawings of the lagoon, lagoon liner and final lagoon capacity calculations shall be submitted to NMED within 30 days of liner replacement. A licensed New Mexico professional engineer shall certify construction plans and specification, support design calculations, and record drawings of the lagoon and liner.</li> <li>d) Within 3 months of the effective date of this Discharge Permit (by DATE), the permittee shall evaluate and rehabilitate, as necessary, the clay-lined aerated lagoon's aeration system. The permittee shall evaluate the ability of the existing aerators to maintain final effluent quality and any needed upgrades shall be implemented prior to returning the unit to service.</li> <li>e) The permittee shall obtain NMED approval prior to discharging wastewater to the aerated lagoon wastewater treatment system.</li> <li>f) Within 6 months of the effective date of this Discharge Permit (by DATE), the permittee shall cease discharging to the BioLac wastewater treatment system and start discharging to the old rehabilitated wastewater treatment system.</li> <li>g) Within 7 months of the effective date of the Discharge Permit (by DATE), the permittee shall remove all liquids and solids/sludge from the BioLac aeration/mixing basin and integral clarifier.</li> </ul>

	<p>h) Prior to the repair or replacement of the BioLac wastewater treatment system, the permittee shall submit proposed plans and specifications, detailing the repair or replacement, to NMED for approval. Record drawings of the repair or replacement of the BioLac wastewater treatment system shall be submitted to NMED within 30 days of completion. A licensed New Mexico professional engineer shall certify all construction plans and specifications, supporting design calculations, and record drawings of the repairs to the BioLac wastewater treatment system. The BioLac wastewater treatment system shall not be returned to service until repair or replacement is complete and NMED has approved the finalized construction in writing.</p> <p>[20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>
35.	<p>To address the groundwater contamination downgradient of the clay-lined storage lagoon, the permittee shall submit a corrective action plan for NMED approval within one year of the effective date of this Discharge Permit (by DATE) for the repair or replacement of the clay liner in the third (southern) storage lagoon. Construction plans and specifications shall be submitted to NMED for approval along with the corrective action plan. The permittee shall notify NMED at least five working days prior to liner repair and/or replacement to allow NMED personnel to be onsite for inspection. Record drawings of the lagoon, lagoon liner and final lagoon capacity calculations shall be submitted to NMED within 30 days of liner repair and/or replacement. A licensed New Mexico professional engineer shall certify construction plans and specifications, support design calculations, and record drawings of the lagoon and liner.</p> <p>[20.6.2.3107.A NMAC, 20.6.2.3109 NMAC]</p>

**CONTINGENCY PLAN**

#	Terms and Conditions
36.	<p>In the event that monitoring indicates ground water standards are violated during the term of this Discharge Permit, upon closure of the facility or during post-closure monitoring, the permittee shall collect a confirmatory sample from the monitoring well within 15 days to confirm the initial sampling results. Within 15 days of confirmation of ground water contamination, 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.</p> <p>[20.6.2.1203 NMAC, 20.6.2.4105.A(8) NMAC]</p>
37.	<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 7 days of discovering the discharge, the permittee shall submit a written report to NMED verifying</p>

	<p>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>
38.	<p>In the event NMED or the permittee identifies any other failures of the Discharge Permit 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. [20.6.2.3107.A(10) NMAC]</p>
39.	<p>In the event that analytical results of a quarterly treated wastewater sample exceed the total nitrogen limitation set in this Discharge Permit, the permittee shall analyze another sample within 15 days to confirm the initial results. Upon confirmation that the limitation is being exceeded, the permittee shall enact the following contingency plan:</p> <ul style="list-style-type: none"> <li>a) NMED shall be notified immediately that the contingency plan is being enacted.</li> <li>b) Wastewater sampling and analysis shall be done on a monthly basis.</li> <li>c) The permittee shall examine the operation and maintenance log, required under the Record Keeping section of this permit, for improper operational procedures. The permittee shall also conduct a physical inspection of the treatment system to detect abnormalities. Any abnormalities discovered shall be corrected.</li> <li>d) If analytical results from wastewater sampling continue to exceed the limitation, the permittee shall submit a corrective action plan for NMED approval to modify operational procedures and/or upgrade the treatment process to achieve the effluent limit. The plan shall be submitted within 90 days of the original confirmation of exceedance of the effluent limitation. The corrective action plan shall be implemented immediately upon NMED approval.</li> </ul> <p>When analytical results from three consecutive months of wastewater sampling do not exceed the limitation, the permittee shall return to quarterly monitoring. [20.6.2.3107.A(10) NMAC]</p>
40.	<p>In the event that analytical results of a reclaimed domestic wastewater sample exceed any of the maximum limitations for BOD<sub>5</sub>, TSS, or fecal coliform bacteria set by this Discharge Permit, the permittee shall re-sample within 24 hours of becoming aware of the exceedance to confirm the initial results. If the exceedance of any of the maximum limitations is confirmed, or if any of the 30-day average limitations is exceeded, the permittee shall enact the following contingency plan:</p> <ul style="list-style-type: none"> <li>a) NMED shall be notified immediately that the contingency plan is being enacted.</li> <li>b) The permittee shall examine the operation and maintenance log, required under the Record Keeping section of this Discharge Permit, for improper operational procedures. The permittee shall also conduct a physical inspection of the treatment system to detect abnormalities. Any abnormalities discovered shall be corrected.</li> </ul> <p>If a facility is required to enact the contingency plan more than two times in a calendar year, the permittee shall submit a corrective action plan for NMED approval to modify operational procedures and/or upgrade the treatment process to achieve consistent compliance with the maximum and 30-day average limitations. The plan shall be submitted within 60 days of the second occurrence and shall be implemented immediately upon NMED approval. Additional sampling of stored reclaimed wastewater prior to discharge to the land application area may be required as part of the corrective action plan. [20.6.2.3107.A(10) NMAC]</p>

41.	<p>In the event that information available to NMED indicates that a well(s) is not appropriately constructed to effectively monitor ground water quality, contains insufficient water to allow the collection of representative ground water samples, or is not completed in a manner that is protective of ground water quality, the permittee shall install a replacement well(s) within 90 days of notification from NMED. Replacement well location(s) shall be approved by NMED prior to installation and completed in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.0, July 2008. Construction and lithologic logs shall be submitted to NMED within 30 days of well completion.</p> <p>Upon completion of the replacement monitoring well(s), the monitoring well(s) requiring replacement shall be properly plugged and abandoned. The well(s) shall be plugged and abandoned in accordance with the abandonment details in the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.0, July 2008, and any applicable local, state, and federal regulations. Documentation describing the plugging and abandonment procedures, including photographic documentation, shall be submitted to NMED within 30 days of completed well abandonment. [20.6.2.3107 NMAC]</p>
42.	<p>In the event that ground water flow information obtained pursuant to this Discharge Permit indicates that a monitoring well(s) was not installed hydrologically downgradient of the intended discharge location(s), the permittee shall install a replacement well(s) within 90 days of notification from NMED. The well location(s) shall be approved by NMED prior to installation and completed in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.0, July 2008. Construction and lithologic logs shall be submitted to NMED within 30 days of well completion. [20.6.2.3107 NMAC]</p>
43.	<p>In the event that LADS show that the amount of nitrogen in wastewater applied exceeds 200 pounds per acre per year at the Village Agriculture Discharge Site, the Village Driving Range Landscape Irrigation Site and the Village Recreation Area Irrigation Site, the permittee shall submit a corrective action plan for the reduction of nitrogen loading to the land application area. The plan shall be submitted to NMED for approval within 90 days of the end of the monitoring period in which the exceedance occurred. The corrective action plan shall be implemented within 30 days of NMED approval. [20.6.2.3107.A(10) NMAC]</p>
44.	<p>In the event that LADS show that the amount of nitrogen in wastewater and additional fertilizer applied annually exceeds by more than 25% the amount reasonably expected to be taken up and removed by the harvested crops at the Rankin Agriculture Disposal Site, the permittee shall submit a corrective action plan for the reduction of nitrogen loading to the land application area. The plan shall be submitted to NMED for approval within 90 days of the end of the monitoring period in which the exceedance occurred. The corrective action plan shall be implemented within 30 days of NMED approval. [20.6.2.3107.A(10) NMAC]</p>
45.	<p>In the event that a minimum of two feet of freeboard cannot be maintained in the aeration basin, aerobic digester or lagoons at all times, the permittee shall submit a corrective action</p>

	plan for NMED approval within 30 days of the date when the two feet of freeboard limit was initially exceeded. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]
46.	In the event that inspection findings reveal significant damage likely to affect the ability of the lined units to contain contaminants, the permittee shall submit a corrective action plan for the repair or replacement of the liners to NMED for approval within 30 days of discovery by the permittee or following notification from NMED that significant liner damage is evident. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]

### CLOSURE PLAN

#	Terms and Conditions
47.	<p>Within 120 days of the effective date of this Discharge Permit (by DATE), the permittee shall properly plug and abandon 2 existing monitoring wells:</p> <ul style="list-style-type: none"> <li>• MW-2, located side gradient of the Village Agriculture Disposal Site; and</li> <li>• MW4, located side gradient of the Rankin Agriculture Disposal Site.</li> </ul> <p>The wells shall be plugged and abandoned in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.0, July 2008, and any applicable local, state, and federal regulations. Documentation describing the plug and abandonment procedures, including photographic documentation, shall be submitted to NMED within 30 days of completed well abandonment. [20.6.2.3107 NMAC]</p>
48.	<p>Upon closure of all or any part of the facility, the permittee shall perform the following closure measures:</p> <ol style="list-style-type: none"> <li>a) Complete the installation of all monitoring wells as required by this Discharge Permit.</li> <li>b) Remove or plug all lines leading to components of the wastewater treatment system and each land application area so that a discharge can no longer occur.</li> <li>c) Drain and/or evaporate all liquids from all treatment units and dispose of all sludge in accordance with all local, state, and federal (40 CFR Part 503) regulations.</li> <li>d) Remove or demolish all tanks and re-grade area with clean fill to blend with surface topography and prevent ponding.</li> <li>e) Perforate or remove all liners and re-grade the impoundments with clean fill to blend with surface topography and prevent ponding.</li> <li>f) Continue ground water monitoring as required by this Discharge Permit for two years after closure to confirm the absence of ground water contamination. If monitoring results show that the ground water standards in Section 20.6.2.3103 NMAC are being violated, the permittee shall implement the contingency plan required by this Discharge Permit.</li> <li>g) Following notification from NMED that post-closure monitoring may cease, the permittee shall plug and abandon the monitoring wells in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.0, July 2008.</li> </ol> <p>When all post-closure requirements have been met, the permittee may request to terminate the Discharge Permit. [20.6.2.3107.A(11) NMAC]</p>

**GENERAL TERMS AND CONDITIONS**

#	Terms and Conditions
49.	<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>
50.	<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>
51.	<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>
52.	<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>
53.	<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> <p>[20.6.2.3107.A NMAC]</p>
54.	<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> </ul>

	<p>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.</p> <p>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.</p> <p>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.</p> <p>[20.6.2.3107.D NMAC, 74-6-9(B) &amp; (E) WQA]</p>
55.	<p><b>INSPECTION and ENTRY</b> - 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>
56.	<p><b>DUTY to PROVIDE INFORMATION</b> - 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>
57.	<p><b>SPILLS, LEAKS, and OTHER UNAUTHORIZED DISCHARGES</b> - 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. [20.6.2.1203 NMAC]</p>
58.	<p><b>MODIFICATIONS and/or AMENDMENTS</b> - 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 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.</p> <p>[20.6.2.3107.C NMAC]</p>
59.	<p><b>PLANS and SPECIFICATIONS</b> - 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.</p> <p>[20.6.2.1202 NMAC]</p>
60.	<p><b>CIVIL PENALTIES</b> - 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</p>

	<p>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.</p> <p>[74-6-10 WQA, 74-6-10.1 WQA]</p>
61.	<p><b>CRIMINAL PENALTIES</b> – 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>
62.	<p><b>COMPLIANCE WITH OTHER LAWS</b> - Nothing in this Discharge Permit shall be construed in any way as relieving the permittee of the obligation to comply with all applicable federal, state, and local laws, regulations, permits or orders.</p> <p>[20.6.2 NMAC]</p>
63.	<p><b>RIGHT to APPEAL</b> - 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.</p> <p>[74-6-5(O) WQA]</p>
64.	<p><b>TRANSFER of DISCHARGE PERMIT</b> - 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]</p>
65.	<p><b>TERM</b> - 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]</p>
66.	<p>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</p>

<p>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]</p>
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EFFECTIVE DATE: <effective date>  
EXPIRATION DATE: <expiration date>

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

draft