GROUND WATER DISCHARGE PERMIT
West Las Vegas Public Schools Athletic Field Effluent Re-use, DP-1800

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit, DP-1800, to West Las Vegas Public Schools (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 occurring at the West Las Vegas High School athletic fields, West Las Vegas Middle School athletic fields and the West Las Vegas Baseball Field Complex (Facilities) 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 or will be met. Pursuant to Section 20.6.2.3104 NMAC, it is the responsibility of the Permittee to comply with the terms and conditions of this Discharge Permit; failure may result in an enforcement action(s) by NMED (20.6.2.1220 NMAC).

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 150,000 gallons per day (gpd) of reclaimed domestic wastewater received from the City of Las Vegas Wastewater Treatment Facility will be discharged by the Permittee for re-use through spray irrigation of a 15-acre baseball field (via a 10,000-gallon storage tank), a five-acre athletic field at the high school and a five-acre athletic field at the middle school.

The discharge contains water contaminants which may be elevated above the standards of Section 20.6.2.3103 NMAC and/or the presence of toxic pollutants as defined in Subsection WW of 20.6.2.7 NMAC. The irrigated Facilities are located at Cinder Road (West side) north of Palo Verde Drive (West Las Vegas Baseball Complex), 157 Moreno Street (West Las Vegas High School), and 1024 South Pacific Street (West Las Vegas Middle School), Las Vegas, in projected Sections 15, 26 and 27, Township 16N, Range 16E, San Miguel County. Ground water most likely to be affected is at a depth of approximately 8-20 feet and has a total dissolved solids concentration of approximately 540 milligrams per liter.

The application (i.e., discharge plan) consists of the materials submitted by Ruben Cordova, Superintendent for West Las Vegas City Schools on behalf of the Permittee on June 5, 2012, 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.

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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 ground water quality may be required by NMED. The Permittee may be required to implement abatement of water pollution and remediate ground water quality.

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 acronyms and abbreviations may be used in this Discharge Permit:

Abbreviation	Explanation		Abbreviation	Explanation
BOD_5	biochemical oxygen demand (5-day)		NTU	nephelometric turbidity units
CFR	Code of Federal Regulations		Org	organisms
Cl	chloride		TDS	total dissolved solids
EPA	United States Environmental Protection Agency		TKN	total Kjeldahl nitrogen
gpd	gallons per day		total nitrogen	= TKN + NO_3-N
LADS	land application data sheet(s)		TRC	Total Residual Chlorine
mg/L	milligrams per liter		TSS	total suspended solids
mL	milliliters		UPC	Uniform Plumbing Code
NMAC	New Mexico Administrative Code		WQA	New Mexico Water Quality Act
NMED	New Mexico Environment Department		WQCC	Water Quality Control Commission
NMSA	New Mexico Statutes Annotated		WWTF	Wastewater Treatment Facility
NO_3-N	nitrate-nitrogen			

II. FINDINGS

In issuing this Discharge Permit, NMED finds:

1. The Permittee is discharging effluent or leachate from the Facilities 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 Facilities 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 mg/L or less of TDS within the meaning of Subsection A of 20.6.2.3101 NMAC.

3. The discharge from the Facilities is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

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III. AUTHORIZATION TO DISCHARGE

Pursuant to Section 20.6.2.3104 NMAC, it is the responsibility of the Permittee to ensure that discharges authorized by this Discharge Permit are consistent with the terms and conditions herein.

The Permittee is authorized to discharge up to 150,000 gpd of reclaimed domestic wastewater, received from the Las Vegas Wastewater Treatment Facility, for re-use through spray irrigation of a 15-acre baseball field (via a 10,000-gallon storage tank), a five-acre athletic field at the high school and a five-acre athletic field at the middle school.

[20.6.2.3104 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection C of 20.6.2.3109 NMAC]

IV. CONDITIONS

NMED issues this Discharge Permit for the discharge of water contaminants subject to the following conditions:

A. 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. [Subsection C of 20.6.2.3109 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, Subsection C of 20.6.2.3109 NMAC]

Operational Actions with Implementation Deadlines

#	Terms and Conditions
3.	Prior to discharging, the Permittee shall submit written notification to NMED stating the date the discharge is to commence. [Subsection A of 20.6.2.3107 NMAC, Subsection H of 20.6.2.3109 NMAC]
4.	Prior to discharging, the Permittee shall submit an up-to-date diagram of the layout of all the Facilities to NMED. The diagram shall include the following elements:

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#	Terms and Conditions
	• a north arrow • the effective date of the diagram • all components of the re-use irrigation system • all re-use areas and associated distribution pipelines • all backflow prevention methods/devices • all flow measurement devices Any element that cannot be directly shown due to its location inside of existing structures, or because it is buried without surface identification, shall be on the diagram in a schematic format and identified as such. [Subsection C of 20.6.2.3106 NMAC, Subsection A of 20.6.2.3107 NMAC]
5.	Prior to discharging, the Permittee shall submit documentation confirming the existence of the infrastructure necessary to transfer, distribute and apply reclaimed wastewater to the re-use areas. Documentation of the distribution system installation shall consist of a narrative statement including the system type and location, and the method of backflow prevention employed (if applicable). [Subsection C of 20.6.2.3106 NMAC, Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
6.	Prior to discharging, the Permittee shall post signs in English and Spanish at all re-use areas. The signs shall be posted at the entrance to re-use areas and at other locations where public exposure to reclaimed wastewater may occur. The signs shall state: **NOTICE: THIS AREA IS IRRIGATED WITH RECLAIMED WASTEWATER - DO NOT DRINK. AVISO: ESTA ÁREA ESTÁ REGADA CON AGUAS NEGRAS RECOBRADAS - NO TOMAR.** Alternate wording and/or graphics may be submitted to NMED for approval. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]

Operating Conditions

#	Terms and Conditions
7.	Reclaimed wastewater received from the City of Las Vegas Wastewater Treatment Facility for irrigation of the West Las Vegas Public Schools Facilities shall not exceed the following limitation: **Total Nitrogen: 10 mg/L** [Subsection C of 20.6.2.3109 NMAC]

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#	**Terms and Conditions**

8. Reclaimed wastewater received from the City of Las Vegas Wastewater Treatment Facility for irrigation of the West Las Vegas Public Schools Facilities shall not exceed the following limitations:

Test	30-day geometric mean	30-day average	Maximum
Fecal coliform bacteria:	**5 Org/100 mL**	**N/A**	**23 Org/100 mL**
BOD_5:	**N/A**	**10 mg/L**	**15 mg/L**
Turbidity:	**N/A**	**3 NTU**	**5 NTU**
TRC	**N/A**	**Monitor Only**	**Monitor Only**
UV Transmissivity:	**N/A**	**Monitor Only**	**Monitor Only**

[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]

9. The Permittee shall meet the following general requirements for above-ground use of reclaimed domestic wastewater:
   a) The Permittee shall maintain signs in English and Spanish at all re-use areas such that they are visible and legible for the term of this Discharge Permit. The signs shall be posted at the entrance to re-use areas and at other locations where public exposure to reclaimed wastewater may occur. The signs shall state: **NOTICE: THIS AREA IS IRRIGATED WITH RECLAIMED WASTEWATER - DO NOT DRINK. AVISO: ESTA ÁREA ESTÁ REGADA CON AGUAS NEGRAS RECOBRADAS - NO TOMAR.** Alternate wording and/or graphics may be submitted to NMED for approval.
   b) The reclaimed wastewater systems shall have no direct or indirect cross connections with public water systems or irrigation wells pursuant to the latest revision of the New Mexico Plumbing Code (14.8.2 NMAC) and New Mexico Mechanical Code (14.9.2 NAMC).
   c) Above-ground use of reclaimed wastewater shall not result in excessive ponding of wastewater, and shall not exceed the water consumptive needs of the crop. Re-use shall not be conducted at times when the re-use area is saturated or frozen.
   d) The discharge of reclaimed wastewater shall be confined to the re-use area.
   e) The discharge of reclaimed domestic wastewater to crops for human consumption is prohibited.
   f) Water supply wells within 200 feet of a re-use area shall have adequate wellhead construction pursuant to 19.27.4 NMAC. Re-use shall be managed to ensure protection of ground water quality.
   g) Existing and accessible portions of the reclaimed wastewater distribution system

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#	Terms and Conditions
	(with the exception of application equipment such as sprinklers or pivots) shall be colored purple or clearly labeled as being part of a reclaimed wastewater distribution system. Piping, valves and outlets that are installed during the term of this Discharge Permit shall be colored purple pursuant to the latest revision of the New Mexico Plumbing Code (14.8.2 NMAC) and New Mexico Mechanical Code (14.9.2 NAMC) to differentiate piping or fixtures used to convey reclaimed wastewater from those intended for potable or other uses. Valves, outlets, and sprinkler heads used in reclaimed wastewater systems shall be accessible only to authorized personnel. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
10.	In the event that a cross-connection with fresh water exists, the Permittee shall institute a backflow prevention method to protect wells and public water supply systems from contamination by reclaimed wastewater prior to discharging to the re-use area. Backflow prevention shall be achieved by a total disconnect (physical air gap separation between the discharge pipe and the liquid surface at least twice the diameter of the discharge pipe), or by a reduced pressure principal backflow prevention assembly (RP) installed on the line between the fresh water supply wells or public water supply and the reclaimed wastewater delivery system. Backflow prevention shall be maintained at all times. RP devices shall be inspected and tested by a certified backflow prevention assembly tester at the time of installation, repair or relocation and at least on an annual basis thereafter. The backflow prevention assembly tester shall have successfully completed a 40-hour backflow prevention course based on the University of Southern California's Backflow Prevention Standards and Test Procedures, and obtained certification demonstrating completion. A malfunctioning RP device shall be repaired or replaced within 30 days of discovery, and use of all supply lines associated with the RP device shall cease until repair or replacement has been completed. Copies of the inspection and maintenance records and test results for each RP device associated with the backflow prevention program shall be maintained at a location available for inspection by NMED. [Subsection C of 20.6.2.3109 NMAC]

B. MONITORING AND REPORTING

#	Terms and Conditions
11.	The Permittee shall conduct the following monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
12.	METHODOLOGY – Unless otherwise approved in writing by NMED, the Permittee

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#	Terms and Conditions
	shall conduct sampling and analysis in accordance with the most recent edition of the following documents: a) American Public Health Association, Standard Methods for the Examination of Water and Wastewater (18th, 19th or current) b) U.S. Environmental Protection Agency, Methods for Chemical Analysis of Water and Waste c) U.S. Geological Survey, Techniques for Water Resources Investigations of the U.S. Geological Survey d) American Society for Testing and Materials, Annual Book of ASTM Standards, Part 31. Water e) U.S. Geological Survey, et al., National Handbook of Recommended Methods for Water Data Acquisition f) Federal Register, latest methods published for monitoring pursuant to Resource Conservation and Recovery Act regulations g) Methods of Soil Analysis: Part 1. Physical and Mineralogical Methods; Part 2. Microbiological and Biochemical Properties; Part 3. Chemical Methods, American Society of Agronomy [Subsection B of 20.6.2.3107 NMAC]
13.	The Permittee shall submit quarterly monitoring reports to NMED for the most recently completed quarterly period by the 1st of February, May, August and November each year. Quarterly monitoring shall be performed during the following periods and submitted as follows: • January 1st through March 31st (first quarter) – **due by May 1st** • April 1st through June 30th (second quarter) – **due by August 1st** • July 1st through September 30th (third quarter) – **due by November 1st** • October 1st through December 31st (fourth quarter) – **due by February 1st** [Subsection A of 20.6.2.3107 NMAC]

Monitoring Actions with Implementation Deadlines

#	Terms and Conditions
14.	Prior to discharging, the Permittee shall install the following flow meters: a) One totalizing flow meter installed on the conveyance line from the City of Las Vegas Wastewater Treatment Facility to the Facility's 10,000-gallon tank. Confirmation of meter installation, type, calibration and locations shall be submitted to

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#	Terms and Conditions
	NMED within 30 days of completed installations. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]

Facility Monitoring Conditions

#	Terms and Conditions
15.	The Permittee shall measure the monthly volume of reclaimed wastewater received from the City of Las Vegas Wastewater Treatment Facility using the following method: Meter readings of the totalizing flow meter located on the conveyance line between the City of Las Vegas Wastewater Treatment Facility effluent re-use line and the Facility's 10,000-gallon tank shall be logged on a monthly basis. A copy of the monthly totalized flow meter readings and the calculated volumes shall be submitted to NMED in the quarterly monitoring reports. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
16.	All flow meters shall be capable of having their accuracy ascertained under actual working (field) conditions. A field calibration method shall be developed for each flow meter and that method shall be used to check the accuracy of each respective meter. Field calibrations shall be performed upon repair or replacement of a flow measurement device and, at a minimum, once annually. Flow meters shall be calibrated to within plus or minus 10 percent of actual flow, as measured under field conditions. Field calibrations shall be performed by an individual knowledgeable in flow measurement and in the installation/operation of the particular device in use. A flow meter calibration report shall be prepared for each flow measurement device at the frequency calibration is required. The flow meter calibration report shall include the following information: a) The location and meter identification. b) The method of flow meter field calibration employed. c) The measured accuracy of each flow meter prior to adjustment indicating the positive or negative offset as a percentage of actual flow as determined by an in-field calibration check. d) The measured accuracy of each flow meter following adjustment, if necessary, indicating the positive or negative offset as a percentage of actual flow of the meter. e) Any flow meter repairs made during the previous year or during field calibration. The Permittee shall maintain records of flow meter calibration(s) at a location accessible for review by NMED during Facilities inspections.

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#	**Terms and Conditions**
	[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
17.	The Permittee shall visually inspect the flow meter on a monthly basis for evidence of malfunction. If a visual inspection indicates a flow meter is not functioning as required by this Discharge Permit, the Permittee shall repair or replace the meter within 30 days of discovery. For *repaired* meters, the Permittee shall submit a report to NMED with the next monitoring report following the repair that includes a description of the malfunction; a statement verifying the repair; and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit. For *replacement* meters, the Permittee shall submit a report to NMED with the next monitoring report following the replacement that includes a design schematic for the device and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
18.	During any quarterly period in which reclaimed wastewater is received from the City of Las Vegas Wastewater Treatment Facility, the Permittee shall obtain a summary of the results of analyses for the following constituents from the City of Las Vegas Wastewater Treatment Facility: • Fecal coliform bacteria: grab sample at peak daily flow three times per week. • BOD_5: six-hour composite sample three times per week. • Turbidity: continuously monitor reclaimed wastewater for turbidity after the final treatment process and while discharging; record the average and maximum turbidity values for each calendar month. • UV transmissivity values and TRC concentrations: record whenever fecal coliform samples are collected. A copy of the summary of analytical results, monthly average and maximum turbidity values, UV transmissivity values and TRC concentrations shall be submitted to NMED in the quarterly monitoring reports. [Subsection A of 20.6.2.3107 NMAC, Subsections B, C and H of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
19.	The Permittee shall keep a log (copy enclosed) of all additional nitrogenous fertilizer applied to *each* location, field, etc. within the re-use area. The log shall contain the date of fertilizer application, the type (organic or inorganic) and form (granular or liquid), nitrogen concentration (in percent), the amount of fertilizer applied (in pounds per acre), and the amount of nitrogen applied (in pounds per acre) for each location. The log, or a statement that application of fertilizer did not occur, shall be submitted to NMED in the quarterly monitoring reports.

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#	Terms and Conditions
	[Subsection A of 20.6.2.3107 NMAC]

C. CONTINGENCY PLAN

#	Terms and Conditions
20.	In the event that a ground water quality standard identified in Section 20.6.2.3103 NMAC is exceeded; the total nitrogen concentration in ground water is greater than 10 mg/L; or a toxic pollutant (defined in Subsection WW of 20.6.2.7 NMAC) is present in ground water during the term of this Discharge Permit, upon closure of the Facilities or during the implementation of post-closure requirements, the Permittee shall propose measures to mitigate damage from the discharge including, at a minimum, source control measures and a completion schedule by submitting a corrective action plan to NMED for approval. The Permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC, should the corrective action plan 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. [Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]
21.	In the event that analytical results of a reclaimed domestic wastewater sample confirm an exceedance of any of the maximum limitations or 30-day average limitations for BOD_5, TSS, or fecal coliform set by this Discharge Permit, the contingency plan below shall be enacted. <u>Contingency Plan</u> a) The transfer of reclaimed domestic wastewater from the City of Las Vegas Wastewater Treatment Facility to the permittee shall cease. b) Within 24 hours of becoming aware that reclaimed domestic wastewater transfers were required to cease, the permittee shall: i) notify NMED that the contingency plan is being enacted; and ii) cease discharges from the 10,000 gallon storage tank. When the analytical results from samples of reclaimed domestic wastewater, sampled as required by the City of Las Vegas (DP-1118), no longer indicate an exceedance of any of the maximum limitations, transfers may resume and the permittee may resume discharging reclaimed wastewater to the re-use areas. Prior to recommencing discharge to the re-use areas, reclaimed wastewater sampling or other temporary protective measures may be required by NMED. [NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]

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#	**Terms and Conditions**
22.	In the event that a release (commonly known as a "spill") occurs that is not authorized under this Discharge Permit, the Permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below. Within 24 hours following discovery of the unauthorized discharge, the Permittee shall verbally notify NMED and provide the following information: a) The name, address, and telephone number of the person or persons in charge of the Facilities, as well as of the owner and/or operator of the Facilities. b) The name and address of the Facilities. c) The date, time, location, and duration of the unauthorized discharge. d) The source and cause of unauthorized discharge. e) A description of the unauthorized discharge, including its estimated chemical composition. f) The estimated volume of the unauthorized discharge. g) Any actions taken to mitigate immediate damage from the unauthorized discharge. Within one week following discovery of the unauthorized discharge, the Permittee shall submit written notification to NMED with the information listed above and any pertinent updates. Within 15 days following discovery of the unauthorized discharge, the Permittee shall submit a corrective action report/plan to NMED describing any corrective actions taken and/or to be taken relative to the unauthorized discharge that includes the following: a) A description of proposed actions to mitigate damage from the unauthorized discharge. b) A description of proposed actions to prevent future unauthorized discharges of this nature. c) A schedule for completion of proposed actions. In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, the Permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC. Nothing in this condition shall be construed as relieving the Permittee of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC. [20.6.2.1203 NMAC]
23.	In the event that NMED or the Permittee identifies any failures of the discharge plan or this Discharge Permit not specifically noted herein, NMED may require the Permittee to

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#	Terms and Conditions
	submit a corrective action plan and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a Discharge Permit modification to achieve compliance with 20.6.2 NMAC. [Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]

D. CLOSURE PLAN

Permanent Facility Closure Conditions

#	Terms and Conditions
24.	In the event the Facility, or component of the Facility, is proposed to be permanently closed, upon ceasing discharge, the Permittee shall perform the following closure measures: Within 90 days of ceasing discharge to the treatment system, the Permittee shall complete the following closure measures: a) The conveyance line leading to the re-use area shall be plugged so that a discharge can no longer occur. b) Wastewater shall be drained or evaporated from the system components and 10,000 storage tank, and it shall be disposed of in accordance with all local, state, and federal regulations or discharged from the system to the re-use area, as authorized by this Discharge Permit. The discharge of accumulated solids (sludge) from the 10,000 gallon storage tank to the re-use area is prohibited. c) Solids removed from the 10,000 gallon storage tank shall be contained, transported, and disposed of in accordance with all local, state, and federal regulations. The Permittee shall maintain a record of all solids transported for off-site disposal. When all closure and post-closure requirements have been met, the Permittee may submit a written request for termination of the Discharge Permit to NMED. [Subsection A of 20.6.2.3107 NMAC, 40 CFR Part 503]

E. GENERAL TERMS AND CONDITIONS

#	Terms and Conditions
25.	RECORD KEEPING - The Permittee shall maintain a written record of the following information: a) Information and data used to complete the application for this Discharge Permit. b) Records of any releases (commonly known as “spills”) not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC.

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#	Terms and Conditions
	c) Records of the operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater. d) Facilities record drawings (plans and specifications) showing the actual construction of the Facilities and bear the seal and signature of a licensed New Mexico professional engineer. e) Copies of monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit. f) The volume of wastewater or other wastes discharged pursuant to this Discharge Permit. g) Ground water quality and wastewater quality data collected pursuant to this Discharge Permit. h) Copies of construction records (well log) for all ground water monitoring wells required to be sampled pursuant to this Discharge Permit. i) Records of the maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit. j) 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: i) The dates, location and times of sampling or field measurements; ii) The name and job title of the individuals who performed each sample collection or field measurement; iii) The sample analysis date of each sample; iv) The name and address of the laboratory, and the name of the signatory authority for the laboratory analysis; v) The analytical technique or method used to analyze each sample or collect each field measurement; vi) The results of each analysis or field measurement, including raw data; vii) The results of any split, spiked, duplicate or repeat sample; and viii) A copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. The written record shall be maintained by the Permittee at a location accessible during a Facilities inspection by NMED for a period of at least five years from the date of application, report, collection or measurement and shall be made available to the department upon request. [Subsections A and D of 20.6.2.3107 NMAC]
26.	INSPECTION and ENTRY – The Permittee shall allow inspection by NMED of the Facilities and its operations which are subject to this Discharge Permit and the WQCC regulations. NMED may upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which are located any records required to be maintained by regulations of the federal government or the WQCC.

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#	**Terms and Conditions**
	The Permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling or monitoring during an inspection for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations. 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 local, state or federal regulations. [Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]
27.	DUTY to PROVIDE INFORMATION - The Permittee shall, upon NMED's request, allow NMED's inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records. [Subsection D of 20.6.2.3107 NMAC]
28.	MODIFICATIONS and/or AMENDMENTS – In the event the Permittee proposes a change to the Facilities or the Facilities discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated or discharged by the Facilities, the Permittee shall notify NMED prior to implementing such changes. The Permittee shall obtain approval (which may require modification of this Discharge Permit) by NMED prior to implementing such changes. [Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]
29.	PLANS and SPECIFICATIONS – In the event the Permittee is proposing to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the Permittee shall submit construction plans and specifications to NMED for the proposed system or process unit prior to the commencement of construction. In the event the Permittee implements changes to the wastewater system authorized by this Discharge Permit which result in only a minor effect on the character of the discharge, the Permittee shall report such changes (including the submission of record drawings, where applicable) as of January 1 and June 30 of each year to NMED. [Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]
30.	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

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#	Terms and Conditions
	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. [20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]
31.	CRIMINAL PENALTIES – No person shall: 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; 2) falsify, tamper with or render inaccurate any monitoring device, method or record required to be maintained under the WQA; or 3) fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation. Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. [20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]
32.	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

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	applicable federal, state, and local laws, regulations, permits or orders. [NMSA 1978, § 74-6-5.L]
33.	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 days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues to be raised and the relief sought. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review. [20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]
34.	TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of these Facilities or any portion thereof, the Permittee shall: 1) notify the proposed transferee in writing of the existence of this Discharge Permit; 2) include a copy of this Discharge Permit with the notice; and 3) 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. Until both ownership and possession of the Facilities have been transferred to the transferee, the Permittee shall continue to be responsible for any discharge from the Facilities. [20.6.2.3111 NMAC]
35.	PERMIT FEES - 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. Permit fees are associated with <u>issuance</u> of this Discharge Permit. Nothing in this Discharge Permit shall be construed as relieving the Permittee of the obligation to pay all permit fees assessed by NMED. A Permittee that ceases discharging or does not commence discharging from the Facilities during the term of the Discharge Permit shall pay all permit fees assessed by NMED. An approved Discharge Permit shall be suspended or terminated if the Facilities fails to remit an installment payment by its due date. [Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]

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V. PERMIT TERM & SIGNATURE

EFFECTIVE DATE: [effective date]
TERM ENDS: [expiration date]

[Subsection H of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.I]

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JERRY SCHOEPPNER
Chief, Ground Water Quality Bureau
New Mexico Environment Department

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