GROUND WATER DISCHARGE PERMIT
Eagle Creek Condo West, DP-1656

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit, DP-1656, to Eagle Creek West Condominium Association, Don Romero, Scott Maynard, and Don Maynard (permittees) 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 Eagle Creek Condo West (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 4,000 gallons per day of domestic wastewater is discharged to an extended air sequence batch reactor (SBR) package plant followed by disposal to a 1.22 acre subsurface irrigation field. 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 175 Ski Run Road, Alto, in Section 33, T10S, R13E, Lincoln County. Ground water most likely to be affected is at a depth of approximately 42 feet and has a total dissolved solids concentration of approximately 812 milligrams per liter.

The permittees' application consists of the materials submitted by Smith Engineering Company on behalf of the permittees dated October 21, 2008 and additional information received on September 25, 2009, February 15, 2010, and March 1, 2010. 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: 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 permittees 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.

draft

The following 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
LADS	land application data sheet(s)		TKN	total Kjeldahl nitrogen
mg/L	milligrams per liter		total nitrogen	$TKN+NO_3$-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_3-N	nitrate-nitrogen			

II. FINDINGS

In issuing this Discharge Permit, NMED finds:

1. The permittees are 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 permittees are 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 permittees and are enforceable by NMED. The permittees are authorized to discharge water contaminants subject to the following conditions:

draft

OPERATIONAL PLAN

#	Terms and Conditions
1.	The permittees 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 permittees 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 permittees are authorized to discharge up to 4,000 gallons per day of domestic wastewater to an extended air sequence batch reactor (SBR) package plant followed by disposal to a 1.22 acre subsurface irrigation field. [20.6.2.3104 NMAC, 20.6.2.3106 NMAC]
4.	Treated wastewater discharged from the dosing tank shall not exceed the following limitation: **Total Nitrogen: 20 mg/L**. [20.6.2.3109 NMAC]
5.	The permittees shall discharge treated wastewater to 1.22 acres of subsurface irrigation field. 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. [20.6.2.3109 NMAC]
6.	Within 180 days of the effective date of the Discharge Permit (by date), the permittees shall construct the proposed SBR system according to the final construction plans and specifications submitted to NMED on March 1, 2010. The permittees shall notify NMED at the commencement of construction to allow NMED personnel to be onsite for inspection during the construction phase. Record drawings of the finished wastewater treatment facility 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 wastewater treatment system. [20.6.2.3109 NMAC]
7.	Prior to discharging from the facility, the permittees shall install fences around the entire wastewater treatment facility or implement other access controls to control public access. The fences/access controls shall be constructed in a manner which prevents access by the general public and animals such as dogs (e.g., chain link, field fencing or locking lids) and shall be maintained throughout the term of this Discharge Permit. [20.6.2.3109 NMAC]
8.	Prior to discharging from the facility, the permittees shall post 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]
9.	The permittees shall remove solids from the treatment plant 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 shall be submitted to NMED in the quarterly monitoring reports. [20.6.2.3109 NMAC]
10.	The permittees shall utilize operators, certified by the State of New Mexico at the appropriate level, to operate the wastewater collection, treatment and disposal systems. All

draft

	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]

MONITORING, REPORTING, AND OTHER REQUIREMENTS

#	Terms and Conditions
11.	The permittees shall conduct the following monitoring, reporting, and other requirements listed below. [20.6.2.3107 NMAC]
12.	METHODOLOGY - Unless otherwise approved in writing by NMED, the permittees 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; or f) Methods of Soil Analysis: Part 1. Physical and Mineralogical Methods and Part 2. Chemical and Microbiological Properties, American Society of Agronomy. [20.6.2.3107.B NMAC]
13.	The permittees 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: • 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**; and • October 1st through December 31st (fourth quarter) – **due by February 1st**. Monitoring requirements detailed in this Discharge Permit are summarized on the sheet titled *Summary of Required Actions, Monitoring and Reporting*. [20.6.2.3107 NMAC]
14.	Prior to discharging from the facility, the permittees shall install equipment hours meters on the influent lift station pumps so that the discharge to the treatment system can be estimated. [20.6.2.3109 NMAC]
15.	The permittees shall estimate the monthly volume of wastewater discharged to the treatment facility by multiplying the total monthly operating time of the influent pump(s) by the pumping rate. The record of the monthly operating time for the pump(s) and estimated monthly discharge volumes shall be submitted to NMED in the quarterly monitoring reports. The equipment hours meter(s) used to track the operating time of the pump(s) shall be kept functional at all times. [20.6.2.3107 NMAC]

draft

16.	Within 180 days of the effective date of the Discharge Permit (by date), the permittees shall install one new monitoring well. The permittees shall install: • One monitoring well (MW-1) located 20 to 50 feet hydrologically downgradient of the subsurface irrigation field. All monitoring well locations shall be approved by NMED prior to installation. The wells shall be completed in accordance with the attachment titled *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions*, 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]
17.	Following well development and no more than five days after installation of the new monitoring well required by this Discharge Permit, the permittees shall sample ground water in the new well and analyze the samples for NO_3-N, TKN, Cl, and TDS. The permittees shall sample: • MW-1, intended to be located hydrologically downgradient of subsurface irrigation field. Ground water sample collection, preservation, transport and analysis shall be performed according to the following procedure: a) measure the depth-to-ground water from the top of well casing to the nearest hundredth of a foot; b) purge three well volumes of water from the well prior to sample collection; c) obtain samples from the well for analysis; d) properly prepare, preserve and transport samples; and e) analyze samples in accordance with the methods authorized in this Discharge Permit. 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]
18.	The permittees shall perform quarterly ground water sampling in one monitoring well and analyze the samples for NO_3-N, TKN, Cl, and TDS. The permittees shall sample: • MW-1, intended to be located hydrologically downgradient of subsurface irrigation field. Ground water sample collection, preservation, transport and analysis shall be performed according to the following procedure: a) measure the depth-to-ground water from the top of well casing to the nearest hundredth of a foot; b) purge three well volumes of water from the well prior to sample collection; c) obtain samples from the well for analysis; d) properly prepare, preserve and transport samples; and e) analyze samples in accordance with the methods authorized in this Discharge Permit. Depth-to-water measurements, analytical results, including the laboratory QA/QC summary

draft

	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]
19.	The permittees shall sample treated wastewater from the subsurface irrigation field dosing tank on a quarterly basis and analyze the samples for TKN, NO_3-N, TDS and Cl. Samples shall be properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results shall be submitted to NMED in the quarterly monitoring reports. [20.6.2.3107 NMAC]
20.	The permittees shall complete land application data sheets (LADS) quarterly that document the amount of nitrogen applied to the subsurface irrigation field. The LADS (copy enclosed) shall reflect the nitrogen concentration from the most recent wastewater analysis and the estimated discharge volumes for each month. The LADS shall be submitted to NMED in the quarterly monitoring reports. [20.6.2.3107 NMAC]
21.	The permittees shall inspect the lift station on a quarterly basis, and clean it as needed. The inspection and cleaning records shall be submitted to NMED in the quarterly monitoring reports. [20.6.2.3107 NMAC]
22.	The permittees shall visually inspect the area above the subsurface irrigation system semi-annually to ensure proper maintenance. Any conditions that indicate damage to the subsurface irrigation system shall be corrected. Such conditions include, but are not limited to erosion damage, animal activity/damage, woody shrubs, or evidence of seepage. The permittees shall keep a log of the inspection findings and repairs made. [20.6.2.3107 NMAC]

CONTINGENCY PLAN

#	**Terms and Conditions**
23.	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 permittees 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 permittees 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 permittees may be required to abate water pollution pursuant to Sections 20.6.2.4000 though 20.6.2.4115 NMAC, if the corrective action plan will not result in compliance with the standards and requirements set forth in Section 20.6.2.4103 NMAC within 180 days of confirmation of ground water contamination. [20.6.2.1203 NMAC, 20.6.2.4105.A(8) NMAC]
24.	In the event of a spill or release that is not authorized under this Discharge Permit, the permittees shall initiate the notifications and corrective actions as required in Section 20.6.2.1203 NMAC. The permittees 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 permittees 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 permittees shall submit a written report to NMED verifying the oral notification and providing any additional information or changes. The permittees

draft

	shall submit a corrective action report within 15 days after discovery of the discharge. [20.6.2.1203 NMAC]
25.	In the event that analytical results of a quarterly treated wastewater sample exceed the total nitrogen limitation set in this Discharge Permit, the permittees shall analyze another sample within 15 days to confirm the initial results. Upon confirmation that the limitation is being exceeded, the permittees shall enact the following contingency plan: a) NMED shall be notified immediately that the contingency plan is being enacted. b) Wastewater sampling and analysis shall be done on a monthly basis. c) The permittees shall examine the operation and maintenance log, required under the Record Keeping section of this permit, for improper operational procedures. The permittees shall also conduct a physical inspection of the treatment system to detect abnormalities. Any abnormalities discovered shall be corrected. d) If analytical results from wastewater sampling continue to exceed the limitation, the permittees 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. When analytical results from three consecutive months of wastewater sampling do not exceed the limitation, the permittees shall return to quarterly monitoring. [20.6.2.3107.A(10) NMAC]
26.	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 permittees 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 *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions*, Revision 1.0, July 2008. Construction and lithologic logs shall be submitted to NMED within 30 days of well completion. 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 *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions*, 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]
27.	In the event that ground water flow information indicates that a monitoring well(s) was not installed hydrologically downgradient of the intended discharge location(s), the permittees 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 *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions*, Revision 1.0, July 2008. Construction and lithologic logs

draft

	shall be submitted to NMED within 30 days of well completion. [20.6.2.3107 NMAC]
28.	In the event that LADS show that the amount of nitrogen in wastewater applied exceeds 200 pounds per acre per year, the permittees 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]
29.	In the event that an inspection of the subsurface irrigation system reveals failure, the permittees shall enact the following contingency plan: a) Within 24 hours of the discovered failure, the permittees shall notify NMED of the failure and public access to the area shall be restricted. b) The permittees shall conduct a physical inspection of the treatment and disposal system to identify additional failures. c) The permittees shall submit a corrective action plan for NMED approval to address the failure and propose methods of correction. The corrective action plan shall be submitted within 30 days of the discovered failure and shall be implemented immediately upon NMED approval. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]
30.	In the event NMED or the permittees identify any other failures of the Discharge Permit or system not specifically noted herein, NMED may require the permittees to develop for NMED approval contingency plans and schedules to cope with the failures. [20.6.2.3107.A(10) NMAC]

CLOSURE PLAN

#	**Terms and Conditions**
31.	Within 180 days of the effective date of this Discharge Permit (by date), the permittees shall perform the following closure measures: a) Remove or plug all lines conveying wastewater to the septic tank/leachfield system(s) so that a discharge can no longer occur. b) Pump the septic tank(s) and dispose of pumpings in accordance with all local, state, and federal regulations. c) Backfill the tank(s) with clean fill or sand, or remove from the site. Documentation describing the closing procedures, including photo documentation, shall be submitted to NMED within 30 days of completed septic tank/leachfield system closure. [20.6.2.3107 NMAC]
32.	Upon closure of the facility, the permittees shall perform the following closure measures: d) Complete the installation of all monitoring wells as required by this Discharge Permit. e) Remove or plug all lines leading to the treatment system and disposal area so that a discharge can no longer occur. f) 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.

draft

	g) Remove or demolish all tanks and re-grade area with clean fill to blend with surface topography and prevent ponding. h) 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 permittees shall implement the contingency plan required by this Discharge Permit. i) Following notification from NMED that post-closure monitoring may cease, the permittees shall plug and abandon the monitoring well(s) in accordance with the attachment titled *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions*, Revision 1.0, July 2008. When all post-closure requirements have been met, the permittees may request to terminate the Discharge Permit. [20.6.2.3107.A(11) NMAC]

GENERAL TERMS AND CONDITIONS

#	**Terms and Conditions**
33.	RECORD KEEPING - The permittees 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: a) The dates, exact place and times of sampling or field measurements; b) The name and job title of the individuals who performed each sample collection or field measurement; c) The date of the analysis of each sample; d) The name and address of the laboratory and the name and job title of the person that performed the analysis of each sample; e) The analytical technique or method used to analyze each sample or take each field measurement; f) The results of each analysis or field measurement, including raw data; g) The results of any split sampling, spikes or repeat sampling; and h) A description of the quality assurance and quality control procedures used. [20.6.2.3107.A NMAC]
34.	RECORD KEEPING - The permittees 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. [20.6.2.3107.A NMAC]
35.	RECORD KEEPING - The permittees 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 permittees' waste or wastewater treatment and disposal system. [20.6.2.3107.A NMAC]

draft

36.	RECORD KEEPING - The permittees shall maintain a written record of the amount of wastewater, effluent, leachate or other wastes discharged pursuant to this Discharge Permit. [20.6.2.3107.A NMAC]
37.	RECORD KEEPING - The permittees 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. [20.6.2.3107.A NMAC]
38.	INSPECTION and ENTRY - The permittees shall allow the Secretary or an authorized representative, upon the presentation of credentials, to: a) Enter at regular business hours or at other reasonable times upon the permittees' premises or other location where records must be kept under the conditions of this Discharge Permit, or under any federal or WQCC regulation. 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. 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. 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. [20.6.2.3107.D NMAC, 74-6-9(B) & (E) WQA]
39.	INSPECTION and ENTRY - Nothing in this Discharge Permit shall be construed as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other applicable law or regulation. [20.6.2.3107 NMAC, 74-6-9(B) & (E) WQA]
40.	DUTY to PROVIDE INFORMATION - The permittees 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 permittees shall also furnish to NMED, upon request, copies of documents required to be kept by this Discharge Permit. [20.6.2.3107.D NMAC, 74-6-9(B) & (E) WQA]
41.	SPILLS, LEAKS, and OTHER UNAUTHORIZED DISCHARGES - This Discharge Permit authorizes only those discharges specified herein. Any unauthorized discharges violate Section 20.6.2.3104 NMAC and must be reported to NMED and remediated as required by Section 20.6.2.1203 NMAC. [20.6.2.1203 NMAC]
42.	MODIFICATIONS and/or AMENDMENTS - The permittees shall notify NMED of any changes to the permittees' 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 permittees shall obtain NMED's approval, as a

draft

	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. [20.6.2.3107.C NMAC]
43.	PLANS and SPECIFICATIONS - The permittees 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 permittees shall file plans and specifications prior to the commencement of construction. Changes to the wastewater system having a minor effect on the character of the discharge shall be reported as of January 1 and June 30 of each year to NMED. [20.6.2.1202 NMAC]
44.	CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the permittees 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 permittees waive any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit. [74-6-10 WQA, 74-6-10.1 WQA]
45.	CRIMINAL PENALTIES – Any person who knowingly violates or knowingly causes or allows another person to: 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, is subject to felony charges and shall be sentenced in accordance with the provisions of Section 31-18-15 NMSA 1978. [74-6-10.2(A-F) WQA]
46.	COMPLIANCE WITH OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the permittees of the obligation to comply with all applicable federal, state, and local laws, regulations, permits or orders. [20.6.2 NMAC]
47.	RIGHT to APPEAL - The permittees may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty (30) days of the receipt of this Discharge Permit. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review. [74-6-5(O) WQA]

draft

48.	TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this permitted facility or any portion thereof, the permittees 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 permittees 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]
49.	TERM - Pursuant to WQA 74-6-5(I) and Subsection H of 20.6.2.3109 NMAC, the term of this Discharge Permit is five years from its effective date. To renew this Discharge Permit, the permittees 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]
50.	Payment of permit fees is due at the time of Discharge Permit approval. Permit fees shall be paid in a single payment or shall be paid in equal installments on a yearly basis over the term of the Discharge Permit. Single payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date. Initial installment payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date; subsequent installment payments shall be remitted to NMED no later than the anniversary of the Discharge Permit effective date. An approved Discharge Permit shall be suspended or terminated if the facility fails to remit an installment payment by its due date. [20.6.2.3114.F NMAC, 74-6-5(K) WQA]

EFFECTIVE DATE: effective date
EXPIRATION DATE: expiration date

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

draft