

**GROUND WATER DISCHARGE PERMIT**  
**Village of Floyd Water Treatment System, DP-1737**

**I. INTRODUCTION**

The New Mexico Environment Department (NMED) issues this Discharge Permit (Discharge Permit), DP-1737, to the Village of Floyd (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 Floyd Water Treatment System (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 16,700 gallons per day of reject wastewater from a reverse osmosis water treatment system is discharged to a double synthetically lined lagoon for disposal by evaporation. 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 1564 NM Hwy 267, Floyd, in Section 15, Township 01 South, Range 32 East, Roosevelt County. Ground water most likely to be affected is at a depth of approximately 80-85 feet and has a total dissolved solids concentration of approximately 789 milligrams per liter.

The permittee's application consists of the materials submitted by Cody Sipes, P.E., Dennis Engineering Company, dated July 9, 2009 and additional information received on December 7, 2009. 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: relining lagoons; changing waste management practices; installing ground water monitoring wells; expanding monitoring requirements; 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                                                                                                                                                      |
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| 1. | The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 1 and 2 NMAC.<br>[20.6.2.3106.C NMAC, 20.6.2.3107 NMAC] |

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| 2. | <p>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.<br/>[20.6.2.3101 NMAC, 20.6.2.3103 NMAC]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 3. | <p>Prior to discharging to the facility, the permittee shall give written notification to NMED stating the date the discharge is to commence.<br/>[20.6.2.3109.H NMAC]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 4. | <p>The permittee is authorized to discharge up to 16,700 gallons per day of reject wastewater from a reverse osmosis water treatment system to a double synthetically lined lagoon with a leak detection system for disposal through evaporation.<br/>[20.6.2.3104 NMAC, 20.6.2.3106 NMAC ]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 5. | <p>Prior to discharging from the water treatment facility, the permittee shall construct a double synthetically lined lagoon with a leak detection system in accordance with final construction plans and specifications approved by NMED Construction Programs Bureau on December 14, 2009. The permittee 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 double synthetically lined lagoon 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 evaporation lagoon.<br/>[20.6.2.3109 NMAC]</p>                                                                                                                                                                              |
| 6. | <p>Prior to discharging wastewater to the double synthetically lined lagoon, the permittee shall install fences around the entire lagoon 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, field fencing or locking lids) and shall be maintained throughout the term of this Discharge Permit.<br/>[20.6.2.3109 NMAC]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 7. | <p>Prior to discharging wastewater to the double synthetically lined lagoon, the permittee 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.<br/>[20.6.2.3109 NMAC]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 8. | <p>The lagoon's double synthetic liners shall be maintained in such a manner as to avoid conditions which could affect the structural integrity of the lagoon and/or lagoon liners. Such conditions include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Erosion damage;</li> <li>• Animal activity/damage;</li> <li>• The presence of vegetation, such as; aquatic plants, weeds, woody shrubs or trees growing within five feet of the lagoon edge or within the lagoon itself;</li> <li>• Evidence of seepage;</li> <li>• Evidence of berm subsidence; and/or</li> <li>• The presence of large pieces or large quantities of debris in the lagoon.</li> </ul> <p>The permittee shall visually inspect the lagoon and surrounding berms on a monthly basis to ensure proper maintenance. Vegetation growing around the lagoons shall be routinely controlled by mechanical removal in a manner that is protective of the lagoon liners. Any</p> |

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|     | evidence of damage to the lagoon berm or liners shall be reported to NMED immediately upon discovery.<br>[20.6.2.3107 NMAC]                                                                                                                                                                                                                                                                 |
| 9.  | The permittee shall maintain a minimum of two feet of freeboard between the liquid level in the lagoon and the top elevation of the lagoon liner at all times.<br>[20.6.2.3107 NMAC, 20.6.2.3109 NMAC]                                                                                                                                                                                      |
| 10. | The permittee shall utilize operators, certified by the State of New Mexico at the appropriate level, to operate the reverse osmosis water treatment system, transfer and disposal systems. All operations and maintenance of all or any part of the water treatment and disposal systems shall be performed by, or under the direct supervision of, a certified operator.<br>[20.7.4 NMAC] |

### MONITORING, REPORTING, AND OTHER REQUIREMENTS

| #   | Terms and Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| 11. | The permittee shall conduct the following monitoring, reporting, and other requirements listed below.<br>[20.6.2.3107 NMAC]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 12. | METHODOLOGY - 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: <ol 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> </ol> [20.6.2.3107.B NMAC] |
| 13. | The permittee shall submit semi-annual monitoring reports to NMED for the most recently completed semi-annual period by the 1 <sup>st</sup> of February and August each year. <p>Semi-annual monitoring shall be performed during the following periods:</p> <ul style="list-style-type: none"> <li>• January 1<sup>st</sup> through June 30<sup>th</sup> (first half) – <b>due by August 1<sup>st</sup></b>; and</li> <li>• July 1<sup>st</sup> through December 31<sup>st</sup> (second half) – <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>.<br/>[20.6.2.3107 NMAC]</p>                                                                                                                                                                                                                                                                 |

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| 14. | <p>Prior to discharging wastewater to the double synthetically lined lagoon, the permittee shall install a totalizing flow meter on the discharge line between the water treatment system and the double synthetically lined lagoon to measure the volume of wastewater discharged.</p> <p>Confirmation of meter installation, type, calibration and location shall be submitted to NMED prior to discharging to the wastewater lagoon.<br/>[20.6.2.3109 NMAC]</p>                                                                                         |
| 15. | <p>The permittee shall measure the monthly volume of wastewater discharged to the double synthetically lined lagoon using a totalizing flow meter. The monthly meter readings and monthly discharge volumes shall be submitted to NMED in the semi-annual monitoring reports. The flow meter shall be calibrated to within +/- 10% of actual flow and kept operational at all times.<br/>[20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>                                                                                                                          |
| 16. | <p>The permittee shall sample wastewater from the double synthetically lined lagoon on a semi-annual basis and analyze the samples for pH, nitrate-nitrogen, chloride, total dissolved solids, sodium, fluoride, sulfate, magnesium, iron, arsenic, silica, vanadium, manganese, and selenium. 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 semi-annual monitoring reports.<br/>[20.6.2.3107 NMAC]</p> |
| 17. | <p>The permittee shall inspect the double synthetically lined lagoon's leakage detection system which consists of a collection sump and inspection/sample pipe on a monthly basis. During the inspection, the permittee shall make note of any significant leakage. Significant leakage exists when the water level in the sample pipe exceeds the bottom elevation of the primary liner. The inspection records shall be submitted to NMED in the semi-annual monitoring reports.<br/>[20.6.2.3107(A) NMAC]</p>                                           |

### CONTINGENCY PLAN

| #   | Terms and Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| 18. | <p>In the event that significant leakage is detected in the sample pipe of the lagoon leak detection system, the permittee shall:</p> <ol style="list-style-type: none"> <li>a) Verbally notify NMED within 24 hours of discovering significant leakage in the sample pipe.</li> <li>b) Collect a sample from the sample pipe within seven days of discovering significant leakage and analyze the sample for pH, nitrate-nitrogen, chloride, total dissolved solids, sodium, fluoride, sulfate, magnesium, iron, arsenic, silica, vanadium, manganese, and selenium. Analytical results shall be submitted to NMED within seven days of receiving the results.</li> <li>c) Pump the standing liquid in the collection sump into the lagoon (following sample collection). If additional liquid accumulates in the sump, the permittee shall continue to pump the liquid into the lagoon to minimize the hydraulic head upon the secondary liner.</li> <li>d) Should the analytical results confirm that the leakage is from the lagoon, the permittee</li> </ol> |

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|     | <p>shall submit a corrective action plan to NMED within 30 days of receiving the analytical results. The corrective action plan shall propose a method of repair for the primary synthetic liner or the installation of monitoring wells at the lagoon site.</p> <p>e) Upon NMED approval, the corrective action plan shall be implemented.<br/>[20.6.2.1203 NMAC]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 19. | <p>In the event that ground water standards are violated during the term of this Discharge Permit, upon closure of the facility or during the implementation of post-closure requirements, the permittee shall submit to NMED a corrective action plan that proposes measures to mitigate damage from the discharge including, at a minimum, source control measures and an implementation schedule. The permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC, if the corrective action plan will not result in compliance with the standards and requirements set forth in Section 20.6.2.4103 NMAC within 180 days of confirmation of ground water contamination.<br/>[20.6.2.1203 NMAC, 20.6.2.4105.A(8) NMAC]</p>                                                                    |
| 20. | <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 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.<br/>[20.6.2.1203 NMAC]</p> |
| 21. | <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.<br/>[20.6.2.3107.A(10) NMAC]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 22. | <p>In the event that a minimum of two feet of freeboard cannot be maintained in the double synthetically lined lagoon at all times, the permittee shall submit a corrective action plan for NMED approval within 30 days of the date when the two feet of freeboard limit was initially exceeded.<br/>[20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 23. | <p>In the event that inspection findings reveal significant damage likely to affect the ability of the lined lagoon to contain contaminants, the permittee shall discontinue discharging to the lagoon and submit a corrective action plan for the repair or replacement of the lagoon liners to NMED for approval within 30 days of discovery by the permittee or following notification from NMED that significant liner damage is evident. The corrective action plan shall propose a method for maintaining two feet of freeboard within the lagoon and shall be implemented upon NMED approval.<br/>[20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>                                                                                                                                                                                                |

### CLOSURE PLAN

| #   | Terms and Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| 24. | <p>Upon closure of the facility, the permittee shall perform the following closure measures:</p> <ul style="list-style-type: none"> <li>a) Remove or plug all lines leading to the double synthetically lined lagoon(s) so that a discharge can no longer occur.</li> <li>b) Drain and/or evaporate all liquids from the double synthetically lined lagoon(s) and dispose of all sludge in accordance with all local, state, and federal (40 CFR Part 503) regulations.</li> <li>c) Perforate or remove the lagoon liners and re-grade the lagoon(s) with clean fill to blend with surface topography and prevent ponding.</li> </ul> <p>When all post-closure requirements have been met, the permittee may request to terminate the Discharge Permit.</p> <p>[20.6.2.3107.A(11) NMAC]</p> |

### GENERAL TERMS AND CONDITIONS

| #   | Terms and Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| 25. | <p><b>RECORD KEEPING</b> - 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> |
| 26. | <p><b>RECORD KEEPING</b> - 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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 27. | <p><b>RECORD KEEPING</b> - 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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

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| 28. | <p><b>RECORD KEEPING</b> - The permittee shall maintain a written record of the amount of wastewater, effluent, leachate or other wastes discharged pursuant to this Discharge Permit.<br/>[20.6.2.3107.A NMAC]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 29. | <p><b>RECORD KEEPING</b> - 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.<br/>[20.6.2.3107.A NMAC]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 30. | <p><b>INSPECTION and ENTRY</b> - The permittee shall allow the Secretary or an authorized representative, upon the presentation of credentials, to:</p> <ul style="list-style-type: none"> <li>a) Enter at regular business hours or at other reasonable times upon the permittee's premises or other location where records must be kept under the conditions of this Discharge Permit, or under any federal or WQCC regulation.</li> <li>b) Inspect and copy, during regular business hours or at other reasonable times, any records required to be kept under the conditions of this Discharge Permit, or under any federal or WQCC regulation.</li> <li>c) Inspect, at regular business hours or at other reasonable times, any facility, equipment (including monitoring and control equipment or treatment works), practices or operations regulated or required under this Discharge Permit, or under any federal or WQCC regulation.</li> <li>d) Sample or monitor, at reasonable times for the purpose of assuring compliance with this Discharge Permit or as otherwise authorized by the WQA, any effluent, water contaminant, or receiving water at any location before or after discharge.</li> </ul> <p>[20.6.2.3107.D NMAC, 74-6-9(B) &amp; (E) WQA]</p> |
| 31. | <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.<br/>[20.6.2.3107 NMAC, 74-6-9(B) &amp; (E) WQA]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 32. | <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.<br/>[20.6.2.3107.D NMAC, 74-6-9(B) &amp; (E) WQA]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 33. | <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.<br/>[20.6.2.1203 NMAC]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 34. | <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</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

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|     | <p>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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 35. | <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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 36. | <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 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> |
| 37. | <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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 38. | <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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 39. | <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)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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|     | 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.<br>[74-6-5(O) WQA]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 40. | TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this permitted facility or any portion thereof, the permittee shall notify the proposed transferee in writing of the existence of this Discharge Permit and include a copy of this Discharge Permit with the notice. The permittee shall deliver or send by certified mail to NMED a copy of the notification and proof that such notification has been received by the proposed transferee.<br>[20.6.2.3111 NMAC]                                                                                                                                                                                                                                                  |
| 41. | TERM - Pursuant to WQA 74-6-5(I) and Subsection H of 20.6.2.3109 NMAC, the term of this Discharge Permit is seven years from its effective date or five years from the date the discharge commences, whichever occurs first. To renew this Discharge Permit, the permittee must submit an application for renewal at least 180 days before the termination date.<br>[20.6.2.3109.H NMAC, 74-6-5(I) WQA]                                                                                                                                                                                                                                                                                                                                                              |
| 42. | 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.<br>[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