

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

## **Rancheros de Santa Fe Campground, DP-532**

### **I. INTRODUCTION**

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal and Modification (Discharge Permit), DP-532, to Tom Brimacombe (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 Rancheros de Santa Fe Campground (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 6,800 gallons per day (gpd) of recreational vehicle (RV) and domestic wastewater is discharged to three systems. Each system consists of septic tanks and Multi-Flo brand aeration treatment units discharging to Geoflow brand subsurface irrigation tubing or leachfields. The modification consists of the construction of a synthetically lined, total evaporation lagoon for the collection of up to 4,800 gallons per day of RV wastewater and up to 2,000 gallons per day of domestic wastewater generated at the laundry and shower facility. The domestic wastewater from the laundry and shower facility will either be collected in septic tanks, aerated and discharged to subsurface irrigation (not to exceed 2,000 gallons per day) or discharged to the total evaporation lagoon. 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 736 Old Las Vegas Highway, approximately seven miles southeast of Santa Fe, in Section 10, Township 15, Range 10E, Santa Fe County. Ground water most likely to be affected is at a depth of approximately 65 feet and has a total dissolved solids concentration of approximately 1,950 milligrams per liter.

The original Discharge Permit was issued on August 19, 1988 and subsequently renewed and/or modified on July 22, 1994, May 3, 1999 and February 7, 2005. The permittee's application consists of the materials submitted by Thomas Brimacombe, permittee, and Ewan Young, PE, of Souder, Miller & Associates dated November 14, 2008. The discharge shall be managed in accordance with all conditions and requirements of this Discharge Permit.

Pursuant to Section 20.6.2.3109 NMAC, NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the requirements of 20.6.2 NMAC are being or may be violated or the standards of Section 20.6.2.3103 NMAC are being or may be violated. This may include a determination that structural controls and/or management practices approved under this Discharge Permit are not protective of ground water quality, and that more stringent requirements to protect and/or remediate ground water quality may be required by NMED.

These requirements may include: lining/relining lagoons; changing waste management practices; expanding monitoring requirements; installing an advanced treatment system; and/or implementing abatement of water pollution.

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

The following abbreviations may be used in this Discharge Permit:

Abbreviation	Explanation	Abbreviation	Explanation
BOD <sub>5</sub>	biochemical oxygen demand (5-day)	NTU	nephelometric turbidity units
CFR	Code of Federal Regulations	Org	organisms
Cl	chloride	TDS	total dissolved solids
LADS	land application data sheet(s)	TKN	total Kjeldahl nitrogen
mg/L	milligrams per liter	total nitrogen	TKN+NO <sub>3</sub> -N
mL	milliliters	TRC	Total Residual Chlorine
NMAC	New Mexico Administrative Code	TSS	total suspended solids
NMED	New Mexico Environment Department	WQA	New Mexico Water Quality Act
NMSA	New Mexico Statutes Annotated	WQCC	Water Quality Control Commission
NO <sub>3</sub> -N	nitrate-nitrogen		

## II. FINDINGS

In issuing this Discharge Permit, NMED finds:

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

**III. CONDITIONS**

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

**OPERATIONAL PLAN**

#	Terms and Conditions
1.	The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 1 and 2 NMAC. [20.6.2.3106.C NMAC, 20.6.2.3107 NMAC]
2.	The permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated. [20.6.2.3101 NMAC, 20.6.2.3103 NMAC]
3.	The permittee is authorized to discharge up to 4,800 gallons per day of RV wastewater and up to 2,000 gallons per day of domestic wastewater generated at the laundry and shower facility to a synthetically lined, total evaporation lagoon. The domestic wastewater from the laundry and shower facility may be collected in a septic tank, aerated with Multi-Flo brand aeration treatment units and discharged to subsurface irrigation or discharged to the total evaporation lagoon. [20.6.2.3104 NMAC, 20.6.2.3106 NMAC ]
4.	The permittee may discharge treated wastewater through 1000 feet of subsurface irrigation piping. 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]
5.	<p>Within 90 days of the effective date of this Discharge Permit (by <b>DATE</b>), the permittee shall arrange for an inspection and test for water-tight construction of the septic tanks and lift stations that will be incorporated into the total evaporation lagoon system or retained for use in the subsurface irrigation system. The inspection and test shall be performed by a licensed New Mexico professional engineer, a person holding a valid inspector certification issued by the National Association of Wastewater Transporters, Inc. or a New Mexico licensed plumber.</p> <p>The inspection shall be performed according to the following procedure:</p> <ol style="list-style-type: none"> <li>The contents of the unit(s) shall be pumped and disposed of in accordance with all local, state, and federal (40 CFR Part 503) regulations.</li> <li>The interior of the unit(s) shall be inspected to determine the tank construction material, interior dimensions and mechanical integrity. Inspection findings shall be recorded.</li> <li>The condition of the interior of the unit(s) shall be photographically documented while the unit(s) is empty.</li> </ol> <p>Water-tightness testing shall be completed using one of the following procedures:</p> <ul style="list-style-type: none"> <li><u>Hydrostatic testing</u> shall be performed by: (1) plugging the inlet and outlet piping of the unit(s); (2) filling the unit(s) with water to the normal operating level; (3) measuring the</li> </ul>

	<p>water level; (4) allowing the water to stand for 60 minutes without the addition of more water; and (5) measuring the water level at the end of 60 minutes. A unit which does not allow a drop in water level of greater than 0.01 ft in 60 minutes is considered to be water-tight.</p> <p style="text-align: center;">- OR -</p> <ul style="list-style-type: none"> <li>• <u>Vacuum testing</u> shall be performed by: (1) sealing all openings to the unit(s); (2) applying a vacuum of 50mm of mercury to the unit(s); and (3) allowing the unit(s) to stand for 2 minutes without the application of additional vacuum. A unit that maintains at least 90% of the vacuum (i.e. greater than 45 mm of mercury remaining after 2 minutes) is considered to be water-tight.</li> </ul> <p>The permittee shall submit a report for each unit inspected/tested to NMED within 30 days of the inspection/test date. The report shall include the date of the inspection/test, the name of the individual that conducted the test, written inspection findings, photographic documentation of the tank interior and water-tightness test results. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>
6.	<p>Within one year of the effective date of this Discharge Permit by [date], the permittee shall construct the proposed synthetically lined, total evaporation lagoon according to the final construction plans and specifications submitted to NMED on (finals in progress). 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 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]</p>
7.	<p>Prior to discharging to the total evaporation lagoon, the permittee shall install the following:</p> <ol style="list-style-type: none"> <li>a) One analog flow meter installed on the influent line to measure the volume of wastewater discharged to the total evaporation lagoon;</li> <li>b) One analog flow meter installed on the discharge line from the treatment system to the subsurface irrigation system to measure the volume of treated wastewater discharged.</li> </ol> <p>Confirmation of meter installation, type, calibration and locations shall be submitted to NMED prior to discharging to the total evaporation lagoon. [20.6.2.3109 NMAC]</p>
8.	<p>Prior to discharging to the total evaporation lagoon, the permittee shall install fences around the entire wastewater treatment facility to control public access. The fences shall be constructed in a manner which prevents access by the general public and animals such as dogs (e.g., 6-foot chain link or field fencing) and shall be maintained throughout the term of this Discharge Permit. [20.6.2.3109 NMAC]</p>
9.	<p>Prior to discharging to the total evaporation 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. [20.6.2.3109 NMAC]</p>

10.	<p>The lagoon liner shall be maintained in such a manner as to avoid conditions which could affect the structural integrity of the lagoon and/or lagoon liner. 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 liner. Any evidence of damage to the lagoon berm or liner shall be reported to NMED immediately upon discovery. [20.6.2.3107 NMAC]</p>
11.	<p>The permittee shall maintain a minimum of two feet of freeboard between the liquid level in the lagoon and the top elevation of the lagoon liner at all times. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>
12.	<p>The permittee shall utilize operators, certified by the State of New Mexico at the appropriate level, to operate the wastewater collection, treatment and disposal systems. All operations and maintenance of all or any part of the wastewater system shall be performed by, or under the direct supervision of, a certified operator. [20.7.4 NMAC]</p>

**MONITORING, REPORTING, AND OTHER REQUIREMENTS**

#	Terms and Conditions
13.	<p>The permittee shall conduct the following monitoring, reporting, and other requirements listed below. [20.6.2.3107 NMAC]</p>
14.	<p><b>METHODOLOGY</b> - Unless otherwise approved in writing by NMED, the permittee shall conduct sampling and analysis in accordance with the most recent edition of the following documents:</p> <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> </ol>

	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]
15.	<p>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> <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>. [20.6.2.3107 NMAC]</p>
16.	Within 1 year of the effective date of this Discharge Permit ( <b>by DATE</b> ), the discharge from the existing septic tanks to the existing leachfields will cease and the flows shall be diverted into the total evaporation lagoon. ( <b>by DATE</b> ). [20.6.2.3106 NMAC, 20.6.2.3109 NMAC]
17.	<p>Within 1 year of the effective date of this Discharge Permit (<b>by DATE</b>), the permittee shall install one new monitoring well. The permittee shall install:</p> <ul style="list-style-type: none"> <li>• One monitoring well (MW-2) located 20 to 50 feet hydrologically downgradient of the proposed total evaporation lagoon.</li> </ul> <p>All monitoring well locations shall be approved by NMED prior to installation. The wells shall be completed in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.0, July 2008. Construction and lithologic logs shall be submitted to NMED within 30 days of well completion. [20.6.2.3107 NMAC]</p>
18.	<p>Immediately after installation of monitoring well MW-2 and semi-annually thereafter, the permittee shall perform ground water sampling in two wells used for monitoring. The permittee shall sample:</p> <ul style="list-style-type: none"> <li>• MW-1, intended to be located hydrologically downgradient of the main leachfield located on the western half of the property; and</li> <li>• MW-2, intended to be located hydrologically downgradient of the proposed total evaporation lagoon.</li> </ul> <p>The ground water sampling shall be performed according to the following procedure:</p> <ol style="list-style-type: none"> <li>a) measure the depth-to-ground water from the top of well casing to the nearest hundredth of a foot;</li> <li>b) purge three well volumes of water from the well prior to sample collection; and</li> <li>c) obtain samples from the well to be analyzed for NO<sub>3</sub>-N, TKN, Cl, and TDS.</li> </ol> <p>Depth-to-water measurements, analytical results, and a facility layout map showing the location and number of each well shall be submitted to NMED immediately after the initial sampling and in the semi-annual monitoring reports. [20.6.2.3107 NMAC]</p>
19.	The permittee shall measure the monthly volume of wastewater discharged to the total evaporation lagoon and the monthly volume of treated wastewater discharged to the treatment and subsurface irrigation system using flow meters. The monthly meter readings and monthly discharge volumes for each system shall be submitted to NMED in the semi-

	annual monitoring reports. The flow meters shall be calibrated to within +/- 10% of actual flow and kept operational at all times. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]
20.	Once prior to the expiration date of this Discharge Permit, NMED shall have the option to require the permittee to temporarily remove the dedicated pump from each monitoring well to provide access for a complete well inspection by NMED personnel. NMED shall establish the inspection date and provide at least 60 days notice to the permittee by certified mail. Dedicated pumps shall be removed at least 48 hours prior to NMED inspection to allow adequate settling time for sediment agitated from pump removal. [20.6.2.3107 NMAC]
21.	The permittee shall sample wastewater from a representative location within the total evaporation lagoon on a semi-annual basis and analyze the samples for TKN, NO <sub>3</sub> -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 monitoring reports due by August 1 <sup>st</sup> and February 1 <sup>st</sup> each year. [20.6.2.3107 NMAC]
22.	The permittee shall sample treated wastewater from the final subsurface irrigation tank on a semi-annual basis and analyze the samples for TKN, NO <sub>3</sub> -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 monitoring reports due by August 1 <sup>st</sup> and February 1 <sup>st</sup> each year. [20.6.2.3107 NMAC]
23.	The permittee shall complete land application data sheets (LADS) semi-annually that document the amount of nitrogen applied to the subsurface irrigation system. The LADS (copy enclosed) shall reflect the nitrogen concentration from the most recent wastewater analysis and the measured discharge volumes for each month. The LADS shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC]
24.	The permittee shall inspect the septic tanks semi-annually for the accumulation of scum and solids. In the event that the scum layer exceeds three inches or the settled solids occupy 50% of the tank or more, the contents of the tanks shall be pumped by a licensed hauler. The inspection and pumping records shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC]
25.	The permittee shall inspect the lift stations on a quarterly basis, and clean them as needed. The inspection and cleaning records shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC]
26.	The permittee 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, or evidence of seepage. The permittee shall keep a log of the inspection findings and repairs made. [20.6.2.3107 NMAC]
27.	The permittee shall log RV site usage on a daily basis. A summary of the log shall be submitted in the semi-annual monitoring reports. [20.6.2.3107 NMAC]

## CONTINGENCY PLAN

#	Terms and Conditions
28.	<p>In the event that monitoring indicates ground water standards are violated in the monitoring well required to be installed by this Discharge Permit (MW-2) or that standards not previously violated in monitoring well MW-1 are violated during the term of this Discharge Permit, upon closure of the facility or during post-closure monitoring, the permittee shall collect a confirmatory sample from the monitoring well within 15 days to confirm the initial sampling results. Within 15 days of confirmation of ground water contamination, the permittee shall submit to NMED a corrective action plan that proposes measures to mitigate damage from the discharge including, at a minimum, source control measures and an implementation schedule. The permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC, if the corrective action plan will not result in compliance with the standards and requirements set forth in Section 20.6.2.4103 NMAC within 180 days of confirmation of ground water contamination. [20.6.2.1203 NMAC, 20.6.2.4105.A(8) NMAC]</p>
29.	<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. [20.6.2.1203 NMAC]</p>
30.	<p>In the event NMED or the permittee identifies any other failures of the Discharge Permit or system not specifically noted herein, NMED may require the permittee to develop for NMED approval contingency plans and schedules to cope with the failures. [20.6.2.3107.A(10) NMAC]</p>
31.	<p>In the event that information available to NMED indicates that the well is not appropriately constructed to effectively monitor ground water quality, contains insufficient water to allow the collection of representative ground water samples, or is not completed in a manner that is protective of ground water quality, the permittee shall install a replacement well(s) within 90 days of notification from NMED. Replacement well location(s) shall be approved by NMED prior to installation and completed in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.0, July 2008. Construction and lithologic logs shall be submitted to NMED within 30 days of well completion.</p> <p>Upon completion of the replacement monitoring well(s), the monitoring well(s) requiring replacement shall be properly plugged and abandoned. The well(s) shall be plugged and abandoned in accordance with the abandonment details in the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>,</p>

	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]
32.	In the event that LADS show that the amount of nitrogen in wastewater applied exceeds 200 pounds per acre per year, the permittee shall submit a corrective action plan for the reduction of nitrogen loading to the land application area. The plan shall be submitted to NMED for approval within 90 days of the end of the monitoring period in which the exceedance occurred. The corrective action plan shall be implemented within 30 days of NMED approval. [20.6.2.3107.A(10) NMAC]
33.	In the event that a minimum of two feet of freeboard cannot be maintained in the 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. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]
34.	In the event that inspection findings reveal significant damage likely to affect the ability of the lined lagoon to contain contaminants, the permittee shall submit a corrective action plan for the repair or replacement of the lagoon liners to NMED for approval within 30 days of discovery by the permittee or following notification from NMED that significant liner damage is evident. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]
35.	In the event that water-tightness testing of the septic tanks, lift stations, or dosing tanks reveals that a unit is not water-tight, or should inspection reveal damage to the units that could result in structural failure, the permittee shall enact the following corrective actions upon notification from NMED: <ul style="list-style-type: none"> <li>a) Within 90 days of notification from NMED, repair or replace the unit(s). If notified to do so by NMED, submit plans and specification for the proposed repair or replacement, certified by a licensed New Mexico professional engineer, to NMED for approval prior to construction.</li> <li>b) Within 30 days of repair or replacement of the unit(s), repeat the water-tightness testing to verify the effectiveness of the repair or replacement and submit a report to NMED. The report shall include the date of the inspection/test, the name of the individual that performed the inspection/test, written inspection findings, photographic documentation of the tank interior and water tightness test results. If notified to do so by NMED, submit record drawings, certified by a licensed New Mexico professional engineer, which detail the final, actual construction of the unit(s).</li> </ul> [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]
36.	In the event that an inspection of the subsurface irrigation system reveals failure, the permittee shall enact the following contingency plan: <ul style="list-style-type: none"> <li>a) Within 24 hours of the discovered failure, the permittee shall notify NMED of the failure and public access to the area shall be restricted.</li> <li>b) The permittee shall conduct a physical inspection of the treatment and disposal system to identify additional failures.</li> <li>c) The permittee 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]</li> </ul>

**CLOSURE PLAN**

#	Terms and Conditions
37.	<p>Upon closure of the facility, the permittee shall perform the following closure measures:</p> <ul style="list-style-type: none"> <li>a) Complete the installation of all monitoring wells as required by this Discharge Permit.</li> <li>b) Remove or plug all lines leading to the lagoon, septic tanks, aeration treatment units and disposal areas so that a discharge can no longer occur.</li> <li>c) Drain and/or evaporate all liquids from the lagoon, septic tanks, and aeration treatment units and dispose of all sludge in accordance with all local, state, and federal (40 CFR Part 503) regulations.</li> <li>d) Remove or demolish all tanks and re-grade area with clean fill to blend with surface topography and prevent ponding.</li> <li>e) Perforate or remove the lagoon liner and re-grade the lagoon with clean fill to blend with surface topography and prevent ponding.</li> <li>f) Continue ground water monitoring as required by this Discharge Permit for two years after closure to confirm the absence of ground water contamination. If monitoring results show that the ground water standards in Section 20.6.2.3103 NMAC are being violated, the permittee shall implement the contingency plan required by this Discharge Permit.</li> <li>g) Following notification from NMED that post-closure monitoring may cease, the permittee shall plug and abandon the monitoring well(s) in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.0, July 2008.</li> </ul> <p>When all post-closure requirements have been met, the permittee may request to terminate the Discharge Permit. [20.6.2.3107.A(11) NMAC]</p>

**GENERAL TERMS AND CONDITIONS**

#	Terms and Conditions
38.	<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>

39.	RECORD KEEPING - The permittee shall maintain a written record of any spills, seeps, and/or leaks of effluent, and of leachate and/or process fluids not authorized by this Discharge Permit. [20.6.2.3107.A NMAC]
40.	RECORD KEEPING - The permittee shall maintain a written record of the operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater; to measure flow rates, to monitor water quality, or to collect other data required by this Discharge Permit. This record shall include repair, replacement or calibration of any monitoring equipment and repair or replacement of any equipment used in the permittee's waste or wastewater treatment and disposal system. [20.6.2.3107.A NMAC]
41.	RECORD KEEPING - The permittee shall maintain a written record of the amount of wastewater, effluent, leachate or other wastes discharged pursuant to this Discharge Permit. [20.6.2.3107.A NMAC]
42.	RECORD KEEPING - The permittee shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this Discharge Permit, and records of all data used to complete the application for this Discharge Permit for a period of at least five years from the date of the sample collection, measurement, report or application. This period may be extended by request of the Secretary at any time. [20.6.2.3107.A NMAC]
43.	INSPECTION and ENTRY - The permittee shall allow the Secretary or an authorized representative, upon the presentation of credentials, to: <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> [20.6.2.3107.D NMAC, 74-6-9(B) & (E) WQA]
44.	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]
45.	DUTY to PROVIDE INFORMATION - The permittee shall furnish to NMED, within a reasonable time, any documents or other information which it may request to determine whether cause exists for modifying, terminating and/or renewing this Discharge Permit or to determine compliance with this Discharge Permit. The permittee shall also furnish to NMED, upon request, copies of documents required to be kept by this Discharge Permit. [20.6.2.3107.D NMAC, 74-6-9(B) & (E) WQA]

46.	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]
47.	MODIFICATIONS and/or AMENDMENTS - The permittee shall notify NMED of any changes to the permittee's wastewater treatment and disposal system, including any changes in the wastewater flow rate or the volume of wastewater storage, or of any other changes to operations or processes that would result in any significant change in the discharge of water contaminants. The permittee shall obtain NMED's approval, as a modification to this Discharge Permit pursuant to Subsections E, F, or G of 20.6.2.3109 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]
48.	PLANS and SPECIFICATIONS - The permittee shall file plans and specifications with NMED for the construction of a wastewater system and for proposed changes that will change substantially the quantity or quality of the discharge from the system. The permittee shall file plans and specifications prior to the commencement of construction. Changes to the wastewater system having a minor effect on the character of the discharge shall be reported as of January 1 and June 30 of each year to NMED. [20.6.2.1202 NMAC]
49.	CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit. [74-6-10 WQA, 74-6-10.1 WQA]
50.	CRIMINAL PENALTIES – Any person who knowingly violates or knowingly causes or allows another person to: <ol style="list-style-type: none"> <li data-bbox="245 1570 1443 1675">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 data-bbox="245 1684 1443 1747">2) falsify, tamper with or render inaccurate any monitoring device, method or record required to be maintained under the WQA; or</li> <li data-bbox="245 1755 1443 1860">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> [74-6-10.2(A-F) WQA]

51.	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 applicable federal, state, and local laws, regulations, permits or orders. [20.6.2 NMAC]
52.	RIGHT to APPEAL - The permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty (30) days of the receipt of this Discharge Permit. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review. [74-6-5(O) WQA]
53.	TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this permitted facility or any portion thereof, the permittee shall notify the proposed transferee in writing of the existence of this Discharge Permit and include a copy of this Discharge Permit with the notice. The permittee shall deliver or send by certified mail to NMED a copy of the notification and proof that such notification has been received by the proposed transferee. [20.6.2.3111 NMAC]
54.	TERM - Pursuant to WQA 74-6-5(I) and Subsection H of 20.6.2.3109 NMAC, the term of this Discharge Permit is five years from its effective date. To renew this Discharge Permit, the permittee must submit an application for renewal at least 180 days before the termination date. [20.6.2.3109.H NMAC, 74-6-5(I) WQA]
55.	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