

**GROUND WATER DISCHARGE PERMIT RENEWAL AND MODIFICATION**  
**San Mateo Enterprises, DP-1525**

**I. INTRODUCTION**

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal and Modification (Discharge Permit), DP-1525, to Rosie Lack (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 San Mateo Enterprises (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 or will be 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 7,000 gallons per day (gpd) of wastewater generated by red chile processing is discharged from September through January each year through a solids separator, from where it is discharged by flood irrigation to a minimum of 2 acres and a maximum of 7 acres of fallow fields for surface disposal (surface disposal area). The modification consists of an increase in the maximum daily discharge volume from 5,000 to 7,000 gpd. The discharge contains water contaminants which may be elevated above the standards of Section 20.6.2.3103 NMAC and/or the presence of toxic pollutants as defined in Subsection WW of 20.6.2.7 NMAC. The facility is located at 7301 Hwy 26, approximately five miles southwest of Hatch, in Section 29, T19S, R04W, Doña Ana County. Ground water most likely to be affected is at a depth of approximately 150 - 300 feet and has a total dissolved solids concentration of approximately 300 - 400 milligrams per liter.

The original Discharge Permit was issued on August 2, 2006. The permittee's application consists of the materials submitted by Ricardo B. Jacquez on behalf of the permittee dated July 25, 2011 and materials contained in the administrative record prior to issuance of this Discharge Permit. The discharge shall be managed in accordance with all conditions and requirements of this Discharge Permit.

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

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

The following acronyms and abbreviations may be used in this Discharge Permit:

Abbreviation	Explanation	Abbreviation	Explanation
BOD <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
EPA	United States Environmental Protection Agency	TKN	total Kjeldahl nitrogen
gpd	gallons per day	total nitrogen	= TKN + NO <sub>3</sub> -N
LADS	land application data sheet(s)	TRC	Total Residual Chlorine
mg/L	milligrams per liter	TSS	total suspended solids
mL	milliliters	UPC	Uniform Plumbing Code
NMAC	New Mexico Administrative Code	WQA	New Mexico Water Quality Act
NMED	New Mexico Environment Department	WQCC	Water Quality Control Commission
NMSA	New Mexico Statutes Annotated	WWTF	Wastewater Treatment Facility
NO <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 mg/L or less of TDS 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. AUTHORIZATION TO DISCHARGE

The permittee is authorized to discharge up to 7,000 gallons per day (gpd) of wastewater generated by red chile processing from September through January each year through a solids separator, from where it is discharged by flood irrigation to a minimum of 2 acres and a maximum of 7 acres of fallow fields for surface disposal (surface disposal area). The modification consists of an increase in the maximum daily discharge volume from 5,000 to 7,000 gpd.

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

The permittee is authorized to discharge water contaminants subject to the following conditions:

### IV. CONDITIONS

The conditions of this Discharge Permit shall be complied with by the permittee and are enforceable by NMED.

#### A. OPERATIONAL PLAN

#	Terms and Conditions
1.	The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 1 and 2 NMAC.  [NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]
2.	The permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated.  [20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsections B and C of 20.6.2.3109 NMAC]

#### *Operational Actions with Implementation Deadlines*

#	Terms and Conditions
3.	Within 60 days following the effective date of this Discharge Permit ( <b>by DATE</b> ), the permittee shall submit documentation confirming the existence of the infrastructure necessary to transfer, distribute and apply reclaimed wastewater to the surface disposal area. Documentation of the distribution system installation shall consist of photographic documentation and a narrative statement including the system type and location, and the method of backflow prevention employed (if applicable).  [NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]

**Operating Conditions**

#	Terms and Conditions
4.	<p>The permittee shall discharge wastewater to the 2-acre to 7-acre surface disposal area such that the amount of total nitrogen applied in the wastewater does not exceed 200 pounds per acre in any 12-month period. Nitrogen content shall not be adjusted to account for volatilization or mineralization processes. Wastewater shall be distributed evenly over the entire area of application.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>
5.	<p>The permittee shall maintain 18 to 24-inch berms around the surface disposal area to prevent surface water run-on and run-off. The berms shall be inspected on a regular basis and after any major precipitation event, and repaired as necessary.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>
6.	<p>The permittee shall remove solids from the facility in a manner and frequency necessary to prevent the contamination of ground water. Management practices for solids stored at the facility prior to removal shall minimize generation and infiltration of leachate by diverting stormwater run-on and run-off and by preventing the ponding of water within areas used for solids stockpiling.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC]</p>

**B. MONITORING AND REPORTING**

#	Terms and Conditions
7.	<p>The permittee shall conduct the following monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC, 20.6.2.3107 NMAC]</p>
8.	<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>American Public Health Association, Standard Methods for the Examination of Water and Wastewater (18<sup>th</sup>, 19<sup>th</sup> or current)</li> <li>U.S. Environmental Protection Agency, Methods for Chemical Analysis of Water and Waste</li> <li>U.S. Geological Survey, Techniques for Water Resources Investigations of the U.S. Geological Survey</li> <li>American Society for Testing and Materials, Annual Book of ASTM Standards, Part 31. Water</li> </ol>

	<p>e) U.S. Geological Survey, et al., National Handbook of Recommended Methods for Water Data Acquisition</p> <p>f) Federal Register, latest methods published for monitoring pursuant to Resource Conservation and Recovery Act regulations</p> <p>g) Methods of Soil Analysis: Part 1. Physical and Mineralogical Methods; Part 2. Microbiological and Biochemical Properties; Part 3. Chemical Methods, American Society of Agronomy</p> <p>[Subsection B of 20.6.2.3107 NMAC]</p>
<p>9.</p>	<p>The permittee shall submit quarterly monitoring reports to NMED for the most recently completed quarterly period by the 1<sup>st</sup> of February, May, August and November each year.</p> <p>Quarterly monitoring shall be performed during the following periods and submitted as follows:</p> <ul style="list-style-type: none"> <li>• January 1<sup>st</sup> through March 31<sup>st</sup> (first quarter) – <b>due by May 1<sup>st</sup></b></li> <li>• April 1<sup>st</sup> through June 30<sup>th</sup> (second quarter) – <b>due by August 1<sup>st</sup></b></li> <li>• July 1<sup>st</sup> through September 30<sup>th</sup> (third quarter) – <b>due by November 1<sup>st</sup></b></li> <li>• October 1<sup>st</sup> through December 31<sup>st</sup> (fourth quarter) – <b>due by February 1<sup>st</sup></b></li> </ul> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>

***Monitoring Actions with Implementation Deadlines***

#	Terms and Conditions
<p>10.</p>	<p>Within 60 days following the effective date of this Discharge Permit (<b>by DATE</b>), the permittee shall submit a written monitoring well location proposal for review and approval by NMED. The proposal shall designate the locations of all monitoring wells required to be installed by this Discharge Permit. The proposal shall include, at a minimum, the following information:</p> <ol style="list-style-type: none"> <li>a) A map showing the proposed location of the monitoring well(s) from the boundary of the source it is intended to monitor.</li> <li>b) A written description of the specific location proposed for the monitoring well(s) including the distance (in feet) and direction of the monitoring well(s) from the edge of the source it is intended to monitor. Examples include: 35 feet north-northwest of the northern berm of the synthetically lined impoundment; 45 feet due south of the leachfield; 30 feet southeast of the re-use area 150 degrees from north.</li> <li>c) A statement describing the ground water flow direction beneath the facility, and documentation and/or data supporting the determination.</li> </ol> <p>All monitoring well locations shall be approved by NMED prior to installation.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC]</p>

<p>11.</p>	<p>Within 120 days of the effective date of this Discharge Permit (<b>by DATE</b>), the permittee shall install the following new monitoring well.</p> <ul style="list-style-type: none"> <li>• One monitoring well (MW-1) located 20 to 50 feet hydrologically downgradient of the surface disposal area.</li> </ul> <p>The well(s) shall be completed in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011 (copy enclosed). Construction and lithologic logs shall be submitted to NMED within 30 days of well completion.</p> <p>Unless otherwise noted in this Discharge Permit, the requirement to install a monitoring well downgradient of a source is <u>not</u> contingent upon construction of or discharge of wastewater to that source, or discharge of wastewater from the facility.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>
<p>12.</p>	<p>Once prior to the date that the term of this Discharge Permit ends, NMED shall have the option to perform downhole inspections of all monitoring wells identified in this Discharge Permit. NMED shall establish the inspection date and provide at least 60 days notice to the permittee by certified mail. The permittee shall have any existing dedicated pumps removed at least 48 hours prior to NMED inspection to allow adequate settling time of sediment agitated from pump removal.</p> <p>Should a facility not have existing dedicated pumps, but decide to install pumps in any of the monitoring wells, NMED shall be notified at least 90 days prior to pump installation so that a downhole well inspection(s) can be scheduled prior to pump placement.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection D of 20.6.2.3107 NMAC]</p>

***Ground Water Monitoring Conditions***

#	Terms and Conditions
<p>13.</p>	<p>The permittee shall perform quarterly ground water sampling in the following monitoring well and analyze the samples for dissolved TKN, NO<sub>3</sub>-N, TDS and Cl:</p> <ul style="list-style-type: none"> <li>• MW-1, intended to be located hydrologically downgradient of the surface disposal area.</li> </ul> <p>Ground water sample collection, preservation, transport and analysis shall be performed according to the following procedure:</p> <ol style="list-style-type: none"> <li>a) Measure the depth-to-most-shallow ground water from the top of the well casing to the nearest hundredth of a foot.</li> <li>b) Purge three well volumes of water from the well prior to sample collection.</li> <li>c) Obtain samples from the well for analysis.</li> </ol>

	<p>d) Properly prepare, preserve and transport samples.  e) Analyze samples in accordance with the methods authorized in this Discharge Permit.</p> <p>Depth-to-most-shallow ground water measurements, analytical results, including the laboratory QA/QC summary report, and a facility layout map showing the location and number of each well shall be submitted to NMED in the quarterly monitoring reports.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>
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***Facility Monitoring Conditions***

#	Terms and Conditions
14.	<p>The permittee shall estimate the monthly volume of wastewater discharged to the wastewater treatment system by recording meter readings for the facility’s water supply on a monthly basis and calculating the monthly and average daily usage volumes. The estimated monthly discharge volume* (based upon meter readings) shall be used to calculate the average daily discharge volume by the formula below.</p> <p style="padding-left: 40px;">estimated monthly discharge volume ÷ number of days between readings = average daily discharge volume</p> <p>Each month, the permittee shall make note of any significant uses of the water (e.g., irrigation, evaporative cooling or leaks) that do not contribute to the volume of wastewater discharged.</p> <p>The monthly meter readings, estimated monthly and average daily discharge volumes, and notes and estimated volume of significant uses shall be submitted to NMED in the quarterly monitoring reports.</p> <p>* Should more than one flow meter exist for the facility’s water supply, the permittee shall calculate the estimated monthly discharge volume for the facility by adding the estimated monthly discharge volume for each meter. This summation should be completed prior to calculating the average daily discharge volume for the facility.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>
15.	<p>The permittee shall collect composite chile wastewater samples from the concrete sump monthly throughout the processing season. The wastewater sampling shall be performed according to the following procedure:</p> <ol style="list-style-type: none"> <li>a) Grab wastewater samples from the concrete sump 1 hour after the start of production, 3 hours after the start of production, and 5 hours after the start of production;</li> <li>b) Create a single composite sample by combining equal volumes of the three grab samples; and</li> <li>c) Analyze the composite sample for NO<sub>3</sub>-N, TKN, TDS, and Cl. The permittee shall record the sampling date, time production started, time of the first grab sample, time of</li> </ol>

	<p>second grab sample, time of third grab sample, and time production ended on a Wastewater Sampling Log (copy enclosed). The Wastewater Sampling Log, analytical results and laboratory reports shall be submitted to NMED in the monitoring report due by the 1<sup>st</sup> of May each year.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>
16.	<p>If the chile production season begins after the 20<sup>th</sup> day of any given month or ends before the 10<sup>th</sup> day of any given month, the permittee will not be required to collect a monthly composite wastewater sample for that given month.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>
17.	<p>The permittee shall complete LADS (copy enclosed) annually that document the amount of nitrogen applied to the surface disposal area. The LADS shall reflect the average total nitrogen concentration from the wastewater analyses of the most recent production season and the measured discharge volumes to the surface disposal area for each month. The LADS shall be completed with the information above or shall include a statement that the discharge of treated wastewater did not occur. The LADS shall be submitted to NMED in the monitoring report due by the 1<sup>st</sup> of May each year.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>

**C. CONTINGENCY PLAN**

#	Terms and Conditions
18.	<p>In the event that ground water monitoring indicates that a ground water quality standard identified in Section 20.6.2.3103 NMAC is exceeded; the total nitrogen concentration in ground water is greater than 10 mg/L; or a toxic pollutant (defined in Subsection WW of 20.6.2.7 NMAC) is present in a ground water sample and in any subsequent ground water sample collected from a monitoring well required by this Discharge Permit, the permittee shall enact the following contingency plan:</p> <p>Within 60 days of the subsequent sample analysis date, the permittee shall propose measures to ensure that the exceedance of the standard or the presence of a toxic pollutant will be mitigated by submitting a corrective action plan to NMED for approval. The corrective action plan shall include a description of the proposed actions to control the source and an associated completion schedule. The plan shall be enacted as approved by NMED.</p> <p>Once invoked (whether during the term of this Discharge Permit; or after the term of this Discharge Permit and prior to the completion of the Discharge Permit closure plan</p>

	<p>requirements), this condition shall apply until the permittee has fulfilled the requirements of this condition and ground water monitoring confirms for a minimum of two years of consecutive ground water sampling events that the standards of Section 20.6.2.3103 NMAC are not exceeded and toxic pollutants are not present in ground water.</p> <p>The permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC, should the corrective action plan not result in compliance with the standards and requirements set forth in Section 20.6.2.4103 NMAC within 180 days of confirmed ground water contamination.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>
<p>19.</p>	<p>In the event that information available to NMED indicates that a well(s) is not constructed in a manner consistent with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011; contains insufficient water to effectively monitor ground water quality; or is not completed in a manner that is protective of ground water quality, the permittee shall install a replacement well(s) within 120 days following notification from NMED.</p> <p>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 1.1, March 2011. The permittee shall submit construction and lithologic logs to NMED within 60 days following well completion.</p> <p>Upon completion of the replacement monitoring well(s), the monitoring well(s) requiring replacement shall be properly plugged and abandoned. Well plugging, abandonment and documentation of the abandonment procedures shall be completed in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011, and all applicable local, state, and federal regulations. The well abandonment documentation shall be submitted to NMED within 60 days of completion of well plugging activities.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC]</p>
<p>20.</p>	<p>In the event that the LADS show that the amount of nitrogen in wastewater applied in any 12-month period exceeds 200 pounds per acre, the permittee shall propose the reduction of nitrogen loading to the surface disposal area by submitting a corrective action plan to NMED for approval. The plan shall include a schedule for completion of corrective actions and shall be submitted within 90 days following the end of the monitoring period in which the exceedance occurred. The permittee shall initiate implementation of the plan following approval by NMED.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>

21.	<p>In the event that a release (commonly known as a “spill”) occurs that is not authorized under this Discharge Permit, the permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below.</p> <p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the permittee shall verbally notify NMED and provide the following information:</p> <ul style="list-style-type: none"><li>a) The name, address, and telephone number of the person or persons in charge of the facility, as well as of the owner and/or operator of the facility.</li><li>b) The name and address of the facility.</li><li>c) The date, time, location, and duration of the unauthorized discharge.</li><li>d) The source and cause of unauthorized discharge.</li><li>e) A description of the unauthorized discharge, including its estimated chemical composition.</li><li>f) The estimated volume of the unauthorized discharge.</li><li>g) Any actions taken to mitigate immediate damage from the unauthorized discharge.</li></ul> <p>Within <u>one week</u> following discovery of the unauthorized discharge, the permittee shall submit written notification to NMED with the information listed above and any pertinent updates.</p> <p>Within <u>15 days</u> following discovery of the unauthorized discharge, the permittee shall submit a corrective action report/plan to NMED describing any corrective actions taken and/or to be taken relative to the unauthorized discharge that includes the following:</p> <ul style="list-style-type: none"><li>a) A description of proposed actions to mitigate damage from the unauthorized discharge.</li><li>b) A description of proposed actions to prevent future unauthorized discharges of this nature.</li><li>c) A schedule for completion of proposed actions.</li></ul> <p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, the permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p> <p>Nothing in this condition shall be construed as relieving the permittee of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, 20.6.2.1203 NMAC]</p>
22.	<p>In the event that NMED or the permittee identifies any failures of the discharge plan or this Discharge Permit not specifically noted herein, NMED may require the permittee to submit a corrective action plan and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a Discharge Permit modification to achieve</p>

	<p>compliance with 20.6.2 NMAC.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and E of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107NMAC]</p>
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**D. CLOSURE PLAN**

*Permanent Facility Closure Conditions*

#	Terms and Conditions
23.	<p>In the event a facility, or a component of a facility, is proposed to be permanently closed, upon ceasing discharging, the permittee shall perform the following closure measures:</p> <p>Within <u>90 days</u> of ceasing discharging, the permittee shall complete the following closure measures:</p> <ul style="list-style-type: none"> <li>a) The line leading to the wastewater system shall be plugged so that a discharge can no longer occur.</li> <li>b) All remaining wastewater in the system components shall be discharged from the system to the surface disposal area, as authorized by this Discharge Permit. The discharge of accumulated solids to the surface disposal area is prohibited.</li> <li>c) Solids removed from the system components shall be contained, transported, and disposed of in accordance with all local, state, and federal regulations. The permittee shall maintain a record of all solids transported for off-site disposal.</li> </ul> <p>Within <u>180 days</u> of ceasing discharging, the permittee shall complete the following closure measures:</p> <ul style="list-style-type: none"> <li>a) Remove all lines leading to and from the system components, or permanently plug them and abandon them in place.</li> <li>b) Remove or demolish all system components, and re-grade area with suitable fill to blend with surface topography, promote positive drainage and prevent ponding.</li> </ul> <p>The permittee shall continue ground water monitoring until the requirements of this condition have been met and ground water monitoring confirms for a minimum of two years of consecutive ground water sampling events that the standards of Section 20.6.2.3103 NMAC are not exceeded and toxic pollutants are not present in ground water.</p> <p>If monitoring results show that a ground water quality standard in Section 20.6.2.3103 NMAC is exceeded; the total nitrogen concentration in ground water is greater than 10 mg/L; or a toxic pollutant (defined in Subsection WW of 20.6.2.7 NMAC) is present in ground water, the permittee shall implement the contingency plan required by this Discharge Permit.</p> <p>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</p>

	<p><i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011.</p> <p>When all closure and post-closure requirements have been met, the permittee may submit a written request for termination of the Discharge Permit to NMED.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>
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**E. GENERAL TERMS AND CONDITIONS**

#	Terms and Conditions
24.	<p><b>RECORD KEEPING</b> - The permittee shall maintain a written record of the following information:</p> <ul style="list-style-type: none"> <li>a) Information and data used to complete the application for this Discharge Permit.</li> <li>b) Records of any releases (commonly known as “spills”) not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC.</li> <li>c) Records of the operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater.</li> <li>d) Facility record drawings (plans and specifications) showing the actual construction of the facility and bear the seal and signature of a licensed New Mexico professional engineer.</li> <li>e) Copies of monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit.</li> <li>f) The volume of wastewater or other wastes discharged pursuant to this Discharge Permit.</li> <li>g) Ground water quality and wastewater quality data collected pursuant to this Discharge Permit.</li> <li>h) Copies of construction records (well log) for all ground water monitoring wells required to be sampled pursuant to this Discharge Permit.</li> <li>i) Records of the maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit.</li> <li>j) Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit. The following information shall be recorded and shall be made available to NMED upon request: <ul style="list-style-type: none"> <li>i) The dates, location and times of sampling or field measurements;</li> <li>ii) The name and job title of the individuals who performed each sample collection or field measurement;</li> <li>iii) The sample analysis date of each sample;</li> <li>iv) The name and address of the laboratory, and the name of the signatory authority for the laboratory analysis;</li> <li>v) The analytical technique or method used to analyze each sample or collect each field measurement;</li> <li>vi) The results of each analysis or field measurement, including raw data;</li> <li>vii) The results of any split, spiked, duplicate or repeat sample; and</li> <li>viii) A copy of the laboratory analysis chain-of-custody as well as a description of the</li> </ul> </li> </ul>

	<p>quality assurance and quality control procedures used.</p> <p>The written record shall be maintained by the permittee at a location accessible during a facility inspection by NMED for a period of at least five years from the date of application, report, collection or measurement and shall be made available to the department upon request.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>
<p>25.</p>	<p><b>INSPECTION and ENTRY</b> – The permittee shall allow inspection by NMED of the facility and its operations which are subject to this Discharge Permit and the WQCC regulations. NMED may upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which are located any records required to be maintained by regulations of the federal government or the WQCC.</p> <p>The permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling or monitoring during an inspection for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations.</p> <p>Nothing in this Discharge Permit shall be construed as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state or federal regulations.</p> <p>[Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>
<p>26.</p>	<p><b>DUTY to PROVIDE INFORMATION</b> - The permittee shall, upon NMED’s request, allow NMED’s inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC 20.6.2.3107.D NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>
<p>27.</p>	<p><b>MODIFICATIONS and/or AMENDMENTS</b> – In the event the permittee proposes a change to the facility or the facility’s discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated or discharged by the facility, the permittee shall notify NMED prior to implementing such changes. The permittee shall obtain approval (which may require modification of this Discharge Permit) by NMED prior to implementing such changes.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection E of 20.6.2.3109 NMAC, Subsection C of 20.6.2.3107 NMAC]</p>
<p>28.</p>	<p><b>PLANS and SPECIFICATIONS</b> – In the event the permittee is proposing to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the permittee shall submit construction plans and specifications to NMED for the proposed system or process unit prior to the commencement of construction.</p>

	<p>In the event the permittee implements changes to the wastewater system authorized by this Discharge Permit which result in only a minor effect on the character of the discharge, the permittee shall report such changes (including the submission of record drawings, where applicable) as of January 1 and June 30 of each year to NMED.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, 20.6.2.1202 NMAC]</p>
<p>29.</p>	<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>[NMSA 1978, §§ 74-6-10 and 74-6-10.1 ]</p>
<p>30.</p>	<p><b>CRIMINAL PENALTIES</b> – No person shall:</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.</li> </ol> <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA</p>

	<p>1978, § 31-18-15.</p> <p>[NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
<p>31.</p>	<p>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.</p> <p>[20.6.2 NMAC]</p>
<p>32.</p>	<p>RIGHT to APPEAL - The permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues to be raised and the relief sought. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review.</p> <p>[NMSA 1978, § 74-6-5.O]</p>
<p>33.</p>	<p>TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this facility or any portion thereof, the permittee shall:</p> <ol style="list-style-type: none"> <li>1) notify the proposed transferee in writing of the existence of this Discharge Permit;</li> <li>2) include a copy of this Discharge Permit with the notice; and</li> <li>3) deliver or send by certified mail to NMED a copy of the notification and proof that such notification has been received by the proposed transferee.</li> </ol> <p>Until both ownership and possession of the facility have been transferred to the transferee, the permittee shall continue to be responsible for any discharge from the facility.</p> <p>[20.6.2.3111 NMAC]</p>
<p>34.</p>	<p>PERMIT FEES - Payment of permit fees is due at the time of Discharge Permit approval. Permit fees shall be paid in a single payment or shall be paid in equal installments on a yearly basis over the term of the Discharge Permit. Single payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date. Initial installment payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date; subsequent installment payments shall be remitted to NMED no later than the anniversary of the Discharge Permit effective date.</p> <p>Permit fees are associated with <u>issuance</u> of this Discharge Permit. Nothing in this Discharge Permit shall be construed as relieving the permittee of the obligation to pay all permit fees assessed by NMED. A permittee that ceases discharging or does not commence discharging from the facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. An approved Discharge Permit shall be suspended or terminated if the facility fails to remit an installment payment by its due date.</p> <p>[Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]</p>

**V. PERMIT TERM & SIGNATURE**

EFFECTIVE DATE: [effective date]

TERM ENDS: [expiration date]

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

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

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