

**GROUND WATER DISCHARGE PERMIT
NEW MEXICO STATE UNIVERSITY – AGRICULTURAL SCIENCE CENTER
(AT TUCUMCARI), DP-1769**

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit (Discharge Permit), DP-1769, to New Mexico State University (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 New Mexico State University – Agricultural Science Center at Tucumcari (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. Pursuant to Section 20.6.2.3104 NMAC, it is the responsibility of the permittee to comply with the terms and conditions of this Discharge Permit; failure may result in an enforcement action(s) by NMED (20.6.2.1220 NMAC).

The activities which produce the discharge, the location of the discharge, and the quantity, quality and flow characteristics of the discharge are briefly described as follows:

Up to 720,000 gallons per day (gpd) of reclaimed domestic wastewater is received from the City of Tucumcari wastewater treatment facility (WWTF). Reclaimed wastewater is discharged to a 464 acre re-use area. Up to 465 gpd of domestic wastewater is discharged to a septic tank/leachfield system for treatment and disposal.

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 6502 Quay Road, AM.5, Tucumcari, New Mexico, 88401, approximately 3 miles northeast of Tucumcari, in Sections 6 and 7, Township 11N, Range 31E, and Section 1, Township 11N, Range 30E, Quay County. Ground water most likely to be affected is at a depth of approximately 36 – 84 feet and has a total dissolved solids concentration of approximately 490 to 1,300 milligrams per liter.

This Discharge Permit sets forth separate requirements for the discharge of reclaimed wastewater and the operation of the on-site wastewater treatment/disposal system. The separate requirements are identified in individual Parts, which include:

- **Part A. Applicable to All Parts**
- **Part B. Applicable to the discharge of reclaimed domestic wastewater for irrigation**
- **Part C. Applicable to the on-site domestic wastewater treatment and disposal system**

The application (i.e., discharge plan) consists of the materials submitted by the permittee dated November 4, 2010 and April 28, 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 ₅	biochemical oxygen demand (5-day)	NTU	nephelometric turbidity units
CFR	Code of Federal Regulations	Org	organisms
Cl	chloride	TDS	total dissolved solids
EPA	United States Environmental Protection Agency	TKN	total Kjeldahl nitrogen
gpd	gallons per day	total nitrogen	= TKN + NO ₃ -N
LADS	land application data sheet(s)	TRC	Total Residual Chlorine
mg/L	milligrams per liter	TSS	total suspended solids
mL	milliliters	UPC	Uniform Plumbing Code
NMAC	New Mexico Administrative Code	WQA	New Mexico Water Quality Act
NMED	New Mexico Environment Department	WQCC	Water Quality Control Commission
NMSA	New Mexico Statutes Annotated	WWTF	Wastewater Treatment Facility
NO ₃ -N	nitrate-nitrogen		

II. FINDINGS

In issuing this Discharge Permit, NMED finds:

1. The permittee is discharging effluent or leachate from the 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

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

The permittee is authorized to receive and discharge up to 720,000 gpd of reclaimed domestic wastewater by spray, drip and flood irrigation to 464 acres of cropland under cultivation (reuse area) for the purpose of conducting science based agricultural investigation on crops and conditions. The permittee is also authorized to discharge up to 465 gpd of domestic wastewater from the facility buildings to a septic tank/leachfield system for treatment and disposal.

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

IV. CONDITIONS

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

OPERATIONAL PLAN

Part A. Applicable to All Parts

#	Operating Terms and Conditions (Part A)
1.	The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 1 and 2 NMAC. [Subsection C of 20.6.2.3109 NMAC]
2.	The permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated. [20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]

Part B. Applicable to the discharge of reclaimed domestic wastewater for irrigation

#	Operating Terms and Conditions (Part B)
3.	Prior to receiving reclaimed wastewater from the City of Tucumcari or discharging at the facility, the permittee shall submit written notification to NMED stating the date the discharge is to commence.

#	Operating Terms and Conditions (Part B)
	[Subsection A of 20.6.2.3107 NMAC, Subsection H of 20.6.2.3109 NMAC]
4.	<p>Prior to discharging from the facility, the permittee shall submit an up-to-date diagram of the layout of entire facility to NMED. The diagram shall include the following elements:</p> <ul style="list-style-type: none">• a north arrow• the effective date of the diagram• all existing and planned components of the reclaimed wastewater treatment distribution system• all existing and planned re-use areas and associated distribution pipelines, sprinklers, pivots and flood/drip irrigation systems• the designated irrigation method (flood, drip or spray) by field• all flow measurement devices• the method of backflow prevention employed (if applicable)• the approximate location of the septic tank/leachfield system <p>Any element that cannot be directly shown due to its location inside of existing structures, or because it is buried without surface identification, shall be on the diagram in a schematic format and identified as such.</p> <p>[Subsection C of 20.6.2.3106 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>
5.	<p>Prior to discharging to the flood irrigated areas, the permittee shall install 18 to 24-inch berms around the flood irrigated fields/zones within the re-use area to prevent surface water run-on and run-off.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
6.	<p>Prior to discharging from the facility, the permittee shall post signs in English and Spanish at all re-use areas. The signs shall be posted at the entrance to re-use areas and at other locations where public exposure to reclaimed wastewater may occur. The signs shall state: NOTICE: THIS AREA IS IRRIGATED WITH RECLAIMED WASTEWATER - DO NOT DRINK. AVISO: ESTA ÁREA ESTÁ REGADA CON AGUAS NEGRAS RECOBRADAS - NO TOMAR. Alternate wording and/or graphics may be submitted to NMED for approval.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
7.	<p>Reclaimed wastewater received from the City of Tucumcari shall not exceed the following limitation:</p> <p>Total Nitrogen: 15 mg/L</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>

#	Operating Terms and Conditions (Part B)																				
8.	<p>Reclaimed wastewater received from the City of Tucumcari shall not exceed the following limitations:</p> <table border="1" data-bbox="277 401 1286 632"> <thead> <tr> <th data-bbox="277 401 428 436">Test</th> <th data-bbox="428 401 776 436">30-day geometric mean</th> <th data-bbox="776 401 1016 436">30-day average</th> <th data-bbox="1016 401 1286 436">maximum</th> </tr> </thead> <tbody> <tr> <td data-bbox="277 436 428 512"><i>E. coli</i> bacteria:</td> <td data-bbox="428 436 776 512">126 Org/100 mL</td> <td data-bbox="776 436 1016 512">NA</td> <td data-bbox="1016 436 1286 512">235 Org/100 mL</td> </tr> <tr> <td data-bbox="277 512 428 548">BOD₅:</td> <td data-bbox="428 512 776 548">N/A</td> <td data-bbox="776 512 1016 548">30 mg/L</td> <td data-bbox="1016 512 1286 548">45 mg/L</td> </tr> <tr> <td data-bbox="277 548 428 583">TSS:</td> <td data-bbox="428 548 776 583">N/A</td> <td data-bbox="776 548 1016 583">30 mg/L</td> <td data-bbox="1016 548 1286 583">45 mg/L</td> </tr> <tr> <td data-bbox="277 583 428 619">TRC:</td> <td data-bbox="428 583 776 619">N/A</td> <td data-bbox="776 583 1016 619">Monitor Only</td> <td data-bbox="1016 583 1286 619">Monitor Only</td> </tr> </tbody> </table> <p data-bbox="277 667 1195 699">[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>	Test	30-day geometric mean	30-day average	maximum	<i>E. coli</i> bacteria:	126 Org/100 mL	NA	235 Org/100 mL	BOD ₅ :	N/A	30 mg/L	45 mg/L	TSS:	N/A	30 mg/L	45 mg/L	TRC:	N/A	Monitor Only	Monitor Only
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9.	<p>The permittee shall meet the following general requirements for above-ground use of reclaimed domestic wastewater:</p> <ol style="list-style-type: none"> <li data-bbox="277 800 1427 1087">a) The permittee shall maintain signs in English and Spanish at all re-use areas such that they are visible and legible for the term of this Discharge Permit. The signs shall be posted at the entrance to re-use areas and at other locations where public exposure to reclaimed wastewater may occur. The signs shall state: NOTICE: THIS AREA IS IRRIGATED WITH RECLAIMED WASTEWATER - DO NOT DRINK. AVISO: ESTA ÁREA ESTÁ REGADA CON AGUAS NEGRAS RECOBRADAS - NO TOMAR. Alternate wording and/or graphics may be submitted to NMED for approval. <li data-bbox="277 1094 1427 1234">b) The reclaimed wastewater systems shall have no direct or indirect cross connections with public water systems or irrigation wells pursuant to the latest revision of the New Mexico Plumbing Code (14.8.2 NMAC) and New Mexico Mechanical Code (14.9.2 NAMC). <li data-bbox="277 1241 1427 1339">c) Above-ground use of reclaimed wastewater shall not result in excessive ponding of wastewater, and shall not exceed the water consumptive needs of the crop. Re-use shall not be conducted at times when the re-use area is saturated or frozen. <li data-bbox="277 1346 1427 1381">d) The discharge of reclaimed wastewater shall be confined to the re-use area. <li data-bbox="277 1388 1427 1465">e) The discharge of reclaimed domestic wastewater to crops for human consumption is prohibited. <li data-bbox="277 1472 1427 1570">f) Water supply wells within 200 feet of a re-use area shall have adequate wellhead construction pursuant to 19.27.4 NMAC. Re-use shall be managed to ensure protection of ground water quality. <li data-bbox="277 1577 1427 1896">g) Existing and accessible portions of the reclaimed wastewater distribution system (with the exception of application equipment such as sprinklers or pivots) shall be colored purple or clearly labeled as being part of a reclaimed wastewater distribution system. Piping, valves and outlets that are installed during the term of this Discharge Permit shall be colored purple pursuant to the latest revision of the New Mexico Plumbing Code (14.8.2 NMAC) and New Mexico Mechanical Code (14.9.2 NAMC) to differentiate piping or fixtures used to convey reclaimed wastewater from those intended for potable or other uses. Valves, outlets, and sprinkler heads used in reclaimed wastewater systems shall be accessible only to authorized personnel. 																				

#	Operating Terms and Conditions (Part B)
	[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
10.	<p>The permittee shall meet the following setbacks, access restrictions and equipment requirements for spray irrigation using Class 1B reclaimed domestic wastewater:</p> <ul style="list-style-type: none"> a) A minimum 100-foot setback shall be maintained between any dwellings or occupied establishments and the edge of the re-use area. b) Irrigation using reclaimed wastewater shall be postponed at times when windy conditions may result in drift of reclaimed wastewater outside the re-use area. c) Reclaimed wastewater shall be applied at times and in a manner that minimizes public contact. d) The spray irrigation system shall be limited to low trajectory spray nozzles. <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
11.	<p>The permittee shall manage the flood and drip irrigation of Class 1B reclaimed domestic wastewater in a manner that minimizes public contact.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
12.	<p>The permittee shall maintain 18 to 24-inch berms around the flood irrigated fields/zones within the re-use 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>[Subsection C of 20.6.2.3109 NMAC]</p>
13.	<p>In the event that a cross-connection with fresh water exists, the permittee shall institute a backflow prevention method to protect wells and public water supply systems from contamination by reclaimed wastewater prior to discharging to the re-use area. Backflow prevention shall be achieved by a total disconnect (physical air gap separation between the discharge pipe and the liquid surface at least twice the diameter of the discharge pipe), or by a reduced pressure principal backflow prevention assembly (RP) installed on the line between the fresh water supply wells or public water supply and the reclaimed wastewater delivery system. Backflow prevention shall be maintained at all times.</p> <p>RP devices shall be inspected and tested by a certified backflow prevention assembly tester at the time of installation, repair or relocation and at least on an annual basis thereafter. The backflow prevention assembly tester shall have successfully completed a 40-hour backflow prevention course based on the University of Southern California’s Backflow Prevention Standards and Test Procedures, and obtained certification demonstrating completion. A malfunctioning RP device shall be repaired or replaced within 30 days of discovery, and use of all supply lines associated with the RP device shall cease until repair or replacement has been completed. Copies of the inspection and</p>

#	Operating Terms and Conditions (Part B)
	<p>maintenance records and test results for each RP device associated with the backflow prevention program shall be maintained at a location available for inspection by NMED.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>

Part C. Applicable to the on-site domestic wastewater treatment and disposal system

#	Operating Terms and Conditions (Part C)
14.	<p>The permittee shall inspect the septic tank 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 tank shall be pumped by a licensed hauler. The inspection records and pumping invoices shall be maintained in a location available to NMED during facility inspections.</p> <p>[20.6.2.3107 NMAC]</p>
15.	<p>The permittee shall visually inspect the area above the leachfield semi-annually to ensure proper maintenance. Any conditions that indicate damage to the leachfield shall be corrected. Such conditions include, but are not limited to erosion damage, animal activity/damage, woody shrubs, or evidence of seepage. The inspection records shall be maintained in a location available to NMED during facility inspections.</p> <p>[20.6.2.3107 NMAC]</p>

MONITORING AND REPORTING

Part A. Applicable to All Parts

#	Monitoring Terms and Conditions (Part A)
16.	<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>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
17.	<p>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:</p> <ul style="list-style-type: none"> a) American Public Health Association, Standard Methods for the Examination of Water and Wastewater (18th, 19th or current) b) U.S. Environmental Protection Agency, Methods for Chemical Analysis of Water and Waste c) U.S. Geological Survey, Techniques for Water Resources Investigations of the U.S. Geological Survey d) American Society for Testing and Materials, Annual Book of ASTM Standards, Part

#	Monitoring Terms and Conditions (Part A)
	<p>31. Water</p> <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>
18.	<p>The permittee shall submit semi-annual monitoring reports to NMED for the most recently completed semi-annual period by the 1st of February and August each year.</p> <p>Semi-annual monitoring shall be performed during the following periods and submitted as follows:</p> <ul style="list-style-type: none"> • January 1st through June 30th (first half) – due by August 1st • July 1st through December 31st (second half) – due by February 1st <p>[Subsection A of 20.6.2.3107 NMAC]</p>

Part B. Applicable to the discharge of reclaimed domestic wastewater for irrigation

#	Monitoring Terms and Conditions (Part B)
19.	<p>Prior to receiving reclaimed wastewater from the City of Tucumcari, the permittee (or its designate) shall install the following flow meter:</p> <p>a) One totalizing flow meter installed at the point of delivery from the City of Tucumcari.</p> <p>Confirmation of meter installation, type, calibration and locations shall be submitted to NMED prior to discharging from the facility.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
20.	<p>The permittee shall measure the totalized volume of wastewater transferred to the facility by the City of Tucumcari each month using a totalizing flow meter located at the point of delivery from the City of Tucumcari.</p> <p>The totalized discharge volumes for each month shall be submitted to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>

#	Monitoring Terms and Conditions (Part B)
21.	<p>The reclaimed wastewater flow meter shall be capable of having its accuracy ascertained under actual working (field) conditions. A field calibration method shall be developed for the flow meter and that method shall be used to check the accuracy. Field calibrations shall be performed upon repair or replacement of a flow measurement device and, at a minimum, on an annual basis.</p> <p>Flow meters shall be calibrated to within plus or minus 10 percent of actual flow, as measured under field conditions. Field calibrations shall be performed by an individual knowledgeable in flow measurement and in the installation/operation of the particular device in use. A flow meter calibration report shall be prepared for each flow measurement device at the frequency calibration is required. The flow meter calibration report shall include the following information:</p> <ol style="list-style-type: none"> a) The location and meter identification. b) The method of flow meter field calibration employed. c) The measured accuracy of each flow meter prior to adjustment indicating the positive or negative offset as a percentage of actual flow as determined by an in-field calibration check. d) The measured accuracy of each flow meter following adjustment, if necessary, indicating the positive or negative offset as a percentage of actual flow of the meter. e) Any flow meter repairs made during the previous year or during field calibration. <p>The permittee shall maintain records of flow meter calibration(s) at a location accessible for review by NMED during facility inspections.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H 20.6.2.3109 NMAC]</p>
22.	<p>The permittee shall visually inspect the flow meter on a monthly basis for evidence of malfunction. If a visual inspection indicates the flow meter is not functioning as required by this Discharge Permit, the permittee shall repair or replace the meter within 30 days of discovery. For repaired meters, the permittee shall submit a report to NMED with the next monitoring report following the repair that includes a description of the malfunction; a statement verifying the repair; and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit. For replacement meters, the permittee shall submit a report to NMED with the next monitoring report following the replacement that includes a design schematic for the device and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
23.	<p>The permittee shall keep a log (copy enclosed) of all additional nitrogenous fertilizer applied to each location, field, etc. within the re-use area. The log shall contain the date of fertilizer application, the type (organic or inorganic) and form (granular or liquid), nitrogen concentration (in percent), the amount of fertilizer applied (in pounds per acre),</p>

#	Monitoring Terms and Conditions (Part B)
	and the amount of nitrogen applied (in pounds per acre) for each location. The log, or a statement that application of fertilizer did not occur, shall be submitted to NMED in the quarterly monitoring reports. [Subsection A of 20.6.2.3107 NMAC]

Part C. Applicable to the on-site domestic wastewater treatment and disposal system

#	Monitoring Terms and Conditions (Part C)
24.	The permittee shall sample wastewater from the discharge of the septic tank on an annual basis for and analyze the sample for TKN. Analytical results shall be submitted to NMED in the semi-annual monitoring report due by February 1 of each year. [20.6.2.3107 NMAC]

CONTINGENCY PLAN

Part A. Applicable to All Parts

#	Contingency Terms and Conditions (Part A)
25.	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 compliance with 20.6.2 NMAC. [Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]
26.	In the event that a ground water quality standard identified in Section 20.6.2.3103 NMAC is exceeded; the total nitrogen concentration in ground water is greater than 10 mg/L; or a toxic pollutant (defined in Subsection WW of 20.6.2.7 NMAC) is present in ground water during the term of this Discharge Permit, upon closure of the facility or during the implementation of post-closure requirements, the permittee shall propose measures to mitigate damage from the discharge including, at a minimum, source control measures and a completion schedule by submitting a corrective action plan to NMED for approval. The permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC, should the corrective action plan not result in compliance with the standards and requirements set forth in Section 20.6.2.4103 NMAC within 180 days of confirmation of ground water contamination. [Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]

Part B. Applicable to the discharge of reclaimed domestic wastewater for irrigation

#	Contingency Terms and Conditions (Part B)
27.	<p>In the event that analytical results of a reclaimed domestic wastewater sample confirm an exceedance of any of the maximum limitations or 30-day average limitations for BOD₅, TSS, or E. coli bacteria set by this Discharge Permit, the contingency plan below shall be enacted.</p> <p><u>Contingency Plan</u></p> <ul style="list-style-type: none"> a) The transfer of reclaimed domestic wastewater to the permittee shall cease in accordance with the requirements of DP-1700. b) Within 24 hours of becoming aware that reclaimed domestic wastewater transfers were required to cease, the permittee shall: <ul style="list-style-type: none"> i) notify NMED that the contingency plan is being enacted. <p>When the analytical results from samples of reclaimed domestic wastewater, sampled as required by DP-1700, no longer indicate an exceedance of any of the maximum limitations, the permittee may resume transferring reclaimed wastewater to the re-use areas.</p> <p>Prior to recommencing discharge to the re-use areas, reclaimed wastewater sampling or other temporary protective measures may be required by NMED.</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>
28.	<p>In the event that a release (commonly known as a “spill”) occurs at this facility 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"> 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. b) The name and address of the facility. c) The date, time, location, and duration of the unauthorized discharge. d) The source and cause of unauthorized discharge. e) A description of the unauthorized discharge, including its estimated chemical composition. f) The estimated volume of the unauthorized discharge. g) Any actions taken to mitigate immediate damage from the unauthorized discharge. <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>

#	Contingency Terms and Conditions (Part B)
	<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> <ol style="list-style-type: none"> a) A description of proposed actions to mitigate damage from the unauthorized discharge. b) A description of proposed actions to prevent future unauthorized discharges of this nature. c) A schedule for completion of proposed actions. <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>[20.6.2.1203 NMAC]</p>

Part C. Applicable to the on-site domestic wastewater treatment and disposal system

#	Contingency Terms and Conditions (Part C)
29.	<p>In the event that an inspection of the leachfield reveals failure, the permittee shall enact the following contingency plan:</p> <ol style="list-style-type: none"> a) Within 24 hours of the discovered failure, the permittee shall: <ul style="list-style-type: none"> • restrict public access to the area; • take immediate actions to stop/reduce the system failure or impacts from it; • disinfect contaminated soil and other materials; and • notify NMED of the failure including information on the size/volume of the discharge resulting from the failure, and the immediate actions taken. b) The permittee shall conduct a physical inspection of the treatment and disposal system(s) to identify additional failures. c) Within one week of the discovered failure, the permittee shall submit written notification to NMED of the information obtained for items a) and b) above in addition to the following: <ul style="list-style-type: none"> • the names, addresses, and phone numbers of the person in charge of the facility and the owner/operator; • the name and address of the facility; • the date, time, specific location, and duration of the discharge; • the source and the cause of the discharge;

#	Contingency Terms and Conditions (Part C)
	<ul style="list-style-type: none"> • the estimated volume of the discharge; and • all actions taken to mitigate the immediate damage from the discharge since the failure began. <p>d) 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 15 days of the discovered failure and shall be implemented immediately upon NMED approval.</p> <p>[20.6.2.1203 NMAC, 20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>

CLOSURE PLAN

Part A. Applicable to All Parts

No specific closure conditions applicable to Part A.

Part B. Applicable to the discharge of reclaimed domestic wastewater for irrigation

#	Closure Terms and Conditions (Part B)
30.	<p>In the event that the transfer or reclaimed wastewater to the facility, or a section of the facility, is proposed to permanently cease, upon ceasing discharge, the permittee shall perform the following closure measures:</p> <p>Within <u>180 days</u> of ceasing discharge, the permittee shall:</p> <p>a) Plug and/or remove the line leading to the closed section so that a transfer/discharge of reclaimed wastewater can no longer occur.</p> <p>In the event that distribution piping or irrigation systems will be used with other source waters or for other purposes, the permittee shall consult with NMED regarding appropriate disinfection measure to be taken prior to the subsequent use.</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>[Subsection A of 20.6.2.3107 NMAC]</p>

Part C. Applicable to the on-site domestic wastewater treatment and disposal system

#	Closure Terms and Conditions (Part C)
31.	<p>In the event that the discharge to the septic tank/leachfield system permanently ceases, the permittee shall perform the following closure measures:</p> <p>a) Remove or plug all lines conveying wastewater to the septic tank/leachfield system so that a discharge can no longer occur.</p>

#	Closure Terms and Conditions (Part C)
	<p>b) Pump septic tank and dispose of pumpings in accordance with all local, state, and federal regulations.</p> <p>c) Backfill the tank with clean fill or sand, or remove from the site.</p> <p>When all post-closure requirements have been met, the permittee may request to terminate the Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

GENERAL TERMS AND CONDITIONS

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

#	General Terms and Conditions (all Parts)
	<p>field measurement;</p> <ul style="list-style-type: none"> vi) The results of each analysis or field measurement, including raw data; vii) The results of any split, spiked, duplicate or repeat sample; and viii) A copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. <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>[Subsections A and D of 20.6.2.3107 NMAC]</p>
33.	<p>INSPECTION and ENTRY – 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>
34.	<p>DUTY to PROVIDE INFORMATION - The permittee shall, upon NMED’s request, allow NMED’s inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.</p> <p>[Subsection D of 20.6.2.3107 NMAC]</p>
35.	<p>MODIFICATIONS and/or AMENDMENTS – 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>

#	General Terms and Conditions (all Parts)
	[Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]
36.	<p>PLANS and SPECIFICATIONS – In the event the permittee is proposing to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the permittee shall submit construction plans and specifications to NMED for the proposed system or process unit prior to the commencement of construction.</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>[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
37.	<p>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.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]</p>
38.	<p>CRIMINAL PENALTIES – No person shall:</p> <ol style="list-style-type: none"> 1) make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or required to be maintained under the WQA; 2) falsify, tamper with or render inaccurate any monitoring device, method or record required to be maintained under the WQA; or 3) fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation. <p>Any person who knowingly violates or knowingly causes or allows another person to</p>

#	General Terms and Conditions (all Parts)
	<p>violate the requirements of this condition is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
39.	<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>[NMSA 1978, § 74-6-5.L]</p>
40.	<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>[20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]</p>
41.	<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"> 1) notify the proposed transferee in writing of the existence of this Discharge Permit; 2) include a copy of this Discharge Permit with the notice; and 3) deliver or send by certified mail to NMED a copy of the notification and proof that such notification has been received by the proposed transferee. <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>
42.	<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</p>

#	General Terms and Conditions (all Parts)
	<p>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]

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