

**GROUND WATER DISCHARGE PERMIT RENEWAL**  
**Pete's Home of the Halfbreed, DP-1241**

**I. INTRODUCTION**

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal (Discharge Permit), DP-1241, to Tijeras Restaurant LLC (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 Pete's Home of the Halfbreed (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 2,922 gallons per day (gpd) of domestic wastewater is discharged from a restaurant to two septic tank systems in parallel; each of which consist of two septic tanks in series. All domestic wastewater from the septic tank systems is discharged to a single low pressure dose disposal field. In addition, an independent wastestream consisting of backwash from a drinking water treatment system (water softener) is discharged to a synthetically lined lagoon for disposal through evaporation. The domestic wastewater is discharged to a low pressure dose disposal field. The discharge contains water contaminants or toxic pollutants which may be elevated above the standards of Section 20.6.2.3103 NMAC. The facility is located at 12540 North Hwy 14, approximately four miles north of Cedar Crest, in Section 25, Township 11N, Range 05E, Bernalillo County. Ground water most likely to be affected is at a depth of approximately 13 feet and has a total dissolved solids concentration of approximately 320 milligrams per liter.

The original Discharge Permit was issued on April 1, 1999 and subsequently renewed and modified on March 28, 2006. The permittee's application consists of the materials submitted by the permittee dated August 18, 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 and/or remediate ground water quality may be required by NMED. These requirements may include: expanding disposal areas; changing waste management practices; expanding monitoring requirements; installing an advanced treatment system; and/or implementing abatement of water pollution.

Issuance of this Discharge Permit does not relieve the 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**

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1.	The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 1 and 2 NMAC. [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 2,922 gpd of domestic wastewater from a restaurant to two septic tank systems in parallel; each of which consist of two septic tanks in series. All domestic wastewater from the septic tank systems is discharged to a single low pressure dose disposal field. In addition, an independent wastestream consisting of backwash from a drinking water treatment system (water softener) is discharged to a synthetically lined lagoon for disposal through evaporation. [20.6.2.3104 NMAC, 20.6.2.3106 NMAC]
4.	<p>Within 90 days of the effective date of this Discharge Permit (<b>by DATE</b>), the permittee shall install fences around the synthetically lined lagoon to control access by the general public and animals. The fences shall consist of a minimum of six-foot chain link or field fencing, and locking gates.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC]</p>
5.	<p>The permittee shall maintain fences around the synthetically lined lagoon to control access by the general public and animals. Fences shall be maintained throughout the term of this Discharge Permit.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC]</p>
6.	<p>Within 30 days of the effective date of this Discharge Permit (<b>by DATE</b>), the permittee shall post signs around the synthetically lined lagoon indicating that the wastewater is not potable. Signs shall be posted at the entrance to the synthetically lined lagoons and other areas where there is potential for public contact with wastewater. All signs shall be printed in English and Spanish.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC]</p>
7.	<p>The permittee shall maintain signs indicating that the wastewater at the facility is not potable. Signs shall be posted at the entrance to the synthetically lined lagoons and other areas where there is potential for public contact with wastewater. All signs shall be printed in English and Spanish remain visible and legible for the term of this Discharge Permit.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC]</p>
8.	The permittee shall maintain the lagoon liner(s) in such a manner as to avoid conditions

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	<p>which could affect the structural integrity of the lagoon liner(s). Such conditions include or may be characterized by the following:</p> <ul style="list-style-type: none"> <li>• erosion damage;</li> <li>• animal burrows or other damage;</li> <li>• the presence of vegetation including aquatic plants, weeds, woody shrubs or trees growing within five feet of the top inside edge of a sub-grade lagoon, within five feet of the toe of the outside berm of an above-grade lagoon, or within the lagoon itself;</li> <li>• the presence of large debris or large quantities of debris in the lagoon;</li> <li>• evidence of seepage; and</li> <li>• evidence of berm subsidence.</li> </ul> <p>Vegetation growing around the lagoon shall be routinely controlled by mechanical removal in a manner that is protective of the lagoon liner.</p> <p>The permittee shall visually inspect the lagoon and surrounding berms on a monthly basis to ensure proper maintenance. In the event that inspection reveals any evidence of damage that threatens the structural integrity of an lagoon berm or liner, or that may result in an unauthorized discharge, the permittee shall enact the contingency plan set forth in this Discharge Permit.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC]</p>
9.	<p>The permittee shall preserve a minimum of two feet of freeboard between the liquid level in the lagoon and the elevation of the top of the lagoon liner. In the event that the permittee determines that two feet of freeboard cannot be preserved in the lagoon, the permittee shall enact the contingency plan set forth in this Discharge Permit.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC]</p>

**MONITORING, REPORTING, AND OTHER REQUIREMENTS**

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10.	<p>The permittee shall conduct the following monitoring, reporting, and other requirements listed below. [20.6.2.3107 NMAC]</p>
11.	<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 (18<sup>th</sup>, 19<sup>th</sup> 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.</li> </ol>

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	<p>Geological Survey</p> <p>d) American Society for Testing and Materials, Annual Book of ASTM Standards, Part 31. Water</p> <p>e) Federal Register, latest methods published for monitoring pursuant to Resources Conservation Recovery Act regulations</p> <p>f) U.S. Geological Survey, et al., National Handbook of Recommended Methods for Water Data Acquisition</p> <p>g) Methods of Soil Analysis: Part 1. Physical and Mineralogical Methods, Part 2. Microbiological and Biochemical Properties, and Part 3. Chemical Methods. American Society of Agronomy.</p> <p>[20.6.2.3107.B NMAC]</p>
12.	<p>The permittee shall submit semi-annual monitoring reports to NMED by the 1<sup>st</sup> of February and August each year. Semi-annual 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 June 30<sup>th</sup> (first half) – <b>report due by August 1<sup>st</sup></b></li> <li>• July 1<sup>st</sup> through December 31<sup>st</sup> (second half) – <b>report 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>Cover Page for Discharge Permit Monitoring Reports</i>. The permittee shall complete and attach a copy of the enclosed <i>Cover Page for Discharge Permit Monitoring Reports</i> to each monitoring report submitted. NMED recommends that the permittee use the monitoring report form provided to compile and submit the monitoring data. The permittee shall provide copies of all laboratory reports with the monitoring reports. [20.6.2.3107 NMAC]</p>
13.	<p>Within 90 days of the effective date of this Discharge Permit (by <b>DATE</b>), the permittee shall install a totalizing flow meter installed on discharge line to the synthetically lined lagoon to measure the volume of backwash discharged from the facility's water softening system to the synthetically lined lagoon .</p> <p>Confirmation of meter installation(s), type, calibration and locations shall be submitted to NMED within 30 days of completed installation. [20.6.2.3109 NMAC]</p>
14.	<p>The permittee shall measure the monthly volume of wastewater discharged to the synthetically lined lagoon using the totalizing flow meter installed on the transfer line between the water softening system and the synthetically lined lagoon. The monthly meter readings and monthly discharge volumes shall be submitted to NMED in the semi-annual monitoring reports. The flow meter shall be calibrated to within +/- 10% of actual flow and kept operational at all times. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>
15.	<p>The permittee shall measure the monthly volume of wastewater discharged to the low pressure dose disposal field by using the supply meter readings and subtracting the volumes discharged to the synthetically lined lagoon. The permittee shall make note of any significant uses of the water during each month, such as irrigation or evaporative cooling,</p>

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	<p>that do not contribute to the wastewater system. The monthly meter readings, calculated water usage, notes and estimated volume of wastewater discharged shall be submitted to NMED in the semi-annual monitoring reports. The flow meter shall be calibrated to within +/- 10% of actual flow and kept operational at all times. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>
16.	<p>Once prior to the expiration date of this Discharge Permit, 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. [20.6.2.3107 NMAC]</p>
17.	<p>The permittee shall perform semi-annual ground water sampling in one monitoring well and analyze the samples for NO<sub>3</sub>-N, TKN, Cl, and TDS. The permittee shall sample the following wells:</p> <ul style="list-style-type: none"> <li>• MW-02, intended to be located hydrologically downgradient of low pressure dose disposal field (located east of the low pressure dose disposal field).</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-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.</li> <li>c) Obtain samples from the well for analysis.</li> <li>d) Properly prepare, preserve and transport samples.</li> <li>e) Analyze samples in accordance with the methods authorized in this Discharge Permit.</li> </ol> <p>Depth-to-water measurements, analytical results, including 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 semi-annual monitoring reports. [20.6.2.3107 NMAC]</p>
18.	<p>The permittee shall sample wastewater from each of the final septic tanks, (ST-F-02 and ST-K-04) on an annual basis for TKN, TDS and Cl. Analytical results shall be submitted to NMED in the monitoring report due by February 1 of each year. [20.6.2.3107 NMAC]</p>
19.	<p>The permittee shall collect a composite wastewater sample on an annual basis from a representative location within the synthetically lined lagoon. The composite sample shall consist of a minimum of six equal aliquots collected around the entire perimeter of the synthetically lined lagoon and thoroughly mixed. The composite sample shall be analyzed</p>

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	<p>for 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 report due on February 1<sup>st</sup> of 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>
20.	<p>The permittee shall inspect the grease trap (GT-01) on a daily basis and clean as needed. Inspection records shall be kept on-site. [20.6.2.3109 NMAC]</p>
21.	<p>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 records and pumping invoices shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC]</p>
22.	<p>The permittee shall visually inspect the area above the low pressure dose disposal field semi-annually to ensure proper maintenance. Any conditions that indicate damage to the low pressure dose disposal field 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 submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC]</p>

### CONTINGENCY PLAN

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23.	<p>In the event that ground water monitoring indicates that one or more of the ground water standards of Section 20.6.2.3103 NMAC are violated during the term of this Discharge Permit, upon closure of the facility or during post-closure monitoring, the permittee shall perform the following actions:</p> <ol style="list-style-type: none"> <li>a) Collect a second sample from the monitoring well(s) within 30 days of the initial sample analysis date to verify the initial results.</li> <li>b) Submit the analytical results for both the initial and second ground water samples to NMED within 30 days of the analysis date of the second ground water sample.</li> </ol> <p>In the event that analytical results of the second ground water sample verify the exceedance of one or more of the ground water standards of Section 20.6.2.3103 NMAC, within 60 days of the second sample analysis date the permittee shall submit a corrective action plan to NMED and implement the plan upon NMED approval. The corrective action plan shall propose 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</p>

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	<p>forth in Section 20.6.2.4103 NMAC within 180 days of confirmed ground water contamination. [20.6.2.1203 NMAC, 20.6.2.4105.A(8) NMAC]</p>
24.	<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 seven 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>
25.	<p>In the event that information available to NMED indicates that a well(s) is not appropriately constructed to effectively monitor ground water quality, contains insufficient water to allow the collection of representative ground water samples, or is not completed in a manner that is protective of ground water quality, the 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 1.1, March 2011. 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>, Revision 1.1, March 2011, 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]</p>
26.	<p>In the event that an inspection of the low pressure dose disposal field reveals failure, the permittee shall enact the following contingency plan:</p> <ol style="list-style-type: none"> <li>a) Within 24 hours of the discovered failure, the permittee shall: <ul style="list-style-type: none"> <li>• restrict public access to the area;</li> <li>• take immediate actions to stop/reduce the system failure or impacts from it;</li> <li>• disinfect contaminated soil and other materials; and</li> <li>• notify NMED of the failure including information on the size/volume of the discharge resulting from the failure, and the immediate actions taken.</li> </ul> </li> <li>b) The permittee shall conduct a physical inspection of the treatment and disposal system(s) to identify additional failures.</li> <li>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</li> </ol>

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	<p>to the following:</p> <ul style="list-style-type: none"> <li>• the names, addresses, and phone numbers of the person in charge of the facility and the owner/operator;</li> <li>• the name and address of the facility;</li> <li>• the date, time, specific location, and duration of the discharge;</li> <li>• the source and the cause of the discharge;</li> <li>• the estimated volume of the discharge; and</li> <li>• all actions taken to mitigate the immediate damage from the discharge since the failure began.</li> </ul> <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>
27.	<p>In the event that inspection findings reveal significant damage likely to affect the structural integrity of the lined lagoon or its ability to contain contaminants, the permittee shall propose the repair or replacement of the lagoon liner(s) by submitting a corrective action plan to NMED for approval. The plan shall be submitted to NMED within 30 days after discovery by the permittee or following notification from NMED that significant liner damage is evident. The corrective action plan shall include a schedule for completion of corrective actions and 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>
28.	<p>In the event that a minimum of two feet of freeboard cannot be preserved in the lagoon, the permittee shall take actions authorized by this Discharge Permit and all applicable local, state, and federal regulations to restore the required freeboard.</p> <p>In the event that two feet of freeboard cannot be restored within a period of 72 hours following discovery, the permittee shall propose actions to be immediately implemented to restore two feet of freeboard by submitting a short-term corrective action plan to NMED for approval. Examples of short-term corrective actions include: removing excess wastewater from the lagoon through pumping and hauling; or reducing the volume of wastewater discharged to the lagoon. The plan shall include a schedule for completion of corrective actions and shall be submitted within 15 days following the date when the two feet of freeboard limit was initially discovered. The permittee shall initiate implementation of the plan following approval by NMED.</p> <p>In the event that the short-term corrective actions failed to restore two feet of freeboard, the permittee shall propose permanent corrective actions in a long-term corrective action plan submitted to NMED within 90 days following failure of the short-term corrective action</p>

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	<p>plan. Examples include: the installation of an additional storage lagoon, or a significant/permanent reduction in the volume of wastewater discharged to the lagoon. The plan shall include a schedule for completion of corrective actions and implementation of the plan shall be initiated 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>
29.	<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>

**CLOSURE PLAN**

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30.	<p>Upon closure of the facility, the permittee shall perform the following closure measures:</p> <ol style="list-style-type: none"> <li>a) Remove or plug all lines conveying wastewater to the septic tank/leachfield system(s) so that a discharge can no longer occur.</li> <li>b) Pump the grease interceptor(s) and septic tank(s) and dispose of pumpings in accordance with all local, state, and federal regulations.</li> <li>c) Backfill the tank(s) with clean fill or sand, or remove from the site.</li> <li>d) The line leading to the lagoon shall be plugged so that a discharge can no longer occur.</li> <li>e) Wastewater shall be drained or evaporated from the lagoon and any other wastewater system components and it shall be disposed of in accordance with all local, state, and federal regulations.</li> <li>f) The permittee shall submit a sludge removal and disposal plan to NMED for approval. The permittee shall initiate implementation of the plan within 30 days following approval by NMED. The sludge removal and disposal plan shall include the following: <ol style="list-style-type: none"> <li>1) The estimated volume and dry weight of sludge to be removed and disposed, including measurements and calculations.</li> <li>2) The method(s) of sludge <i>removal</i> from the impoundment(s).</li> <li>3) The method(s) of <i>disposal</i> for all of the sludge (and its contents) removed from the impoundment(s). The method(s) shall comply with all local, state and federal regulations.</li> </ol> </li> <li>g) A schedule for completion of sludge removal and disposal not to exceed two years from the date discharge to the impoundment(s) ceased.</li> <li>h) Following completion of the sludge removal and disposal, the permittee shall complete the following closure measures: <ol style="list-style-type: none"> <li>1) Remove all lines leading to and from the lagoon, or permanently plug and abandon them in place.</li> <li>2) Remove or demolish any other wastewater system components and re-grade area</li> </ol> </li> </ol>

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	<p>with suitable fill to blend with surface topography, promote positive drainage and prevent ponding.</p> <ul style="list-style-type: none"> <li>3) Perforate or remove the lagoon liner.</li> <li>4) Fill the lagoon with suitable fill.</li> <li>5) Re-grade the lagoon site to blend with surface topography, promote positive drainage and prevent ponding.</li> </ul> <ul style="list-style-type: none"> <li>i) 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>j) 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 1.1, March 2011.</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**

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31.	<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</li> </ul>

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	<p>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>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 quality assurance and quality control procedures used.</li> </ul> <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, 20.6.2.3109.B NMAC, 20.6.2.3107.A NMAC]</p>
32.	<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>[20.6.2.3107.D NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>
33.	<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>

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	[NMSA 1978, § 74-6-5.D, 20.6.2.3109.B NMAC, 20.6.2.3107.D NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]
34.	<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> <p>[NMSA 1978, § 74-6-5.D, 20.6.2.3109.E NMAC, 20.6.2.3107.C NMAC]</p>
35.	<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>[NMSA 1978, § 74-6-5.D, 20.6.2.3109.B NMAC, 20.6.2.1202 NMAC]</p>
36.	<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>[NMSA 1978, §§ 74-6-10 and 74-6-10.1, ]</p>
37.	<p>CRIMINAL PENALTIES – No person shall:</p> <p>1) make any false material statement, representation, certification or omission of material</p>

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	<p>fact in an application, record, report, plan or other document filed, submitted or required to be maintained under the WQA;</p> <p>2) falsify, tamper with or render inaccurate any monitoring device, method or record required to be maintained under the WQA; or</p> <p>3) fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation.</p> <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 1978, § 31-18-15.</p> <p>[NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
38.	<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>
39.	<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>
40.	<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,</p>

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	the permittee shall continue to be responsible for any discharge from the facility.  [20.6.2.3111 NMAC]
41.	<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>[20.6.2.3114.F NMAC, NMSA 1978, § 74-6-5.K]</p>

**PERMIT TERM & SIGNATURE**

EFFECTIVE DATE: [effective date]

TERM ENDS: [date term ends]

[20.6.2.3109.F NMAC, NMSA 1978, § 74-6-5.I]

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