GROUND WATER DISCHARGE PERMIT RENEWAL AND MODIFICATION
West Mesa Disposal Site, DP-521

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal and Modification (Discharge Permit), DP-521, to Albuquerque Bernalillo County Water Utility Authority (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 West Mesa Disposal Site (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:

A combined total of up to 95,000 gallons per day (gpd) or up to 60.3 dry metric tons per day of treated municipal sludge and sewer line grit from the City of Albuquerque sanitary sewer collection system and Southside Water Reclamation Plant is discharged at the West Mesa Disposal Site.

- Anaerobically digested and dewatered (solid) Class B sludge is spread on the surface of the 5,050-acre Rangeland Restoration Area
- Anaerobically digested and dewatered Class B sludge (solid, semi-solid, or liquid) is spread and then tilled into the fields of the 418-acre Soil Amendment Facility.
- Sewer line grit is spread and then tilled into Soil Amendment Facility fields.
- Residual sludge and grit, originating from cleaning the digesters, is sprayed onto the Soil Amendment Facility fields and tilled.
- Liquified sludge originating from rinsing the sludge trucks and other vehicle wash water is discharged to a synthetically lined lagoon near the vehicle maintenance shop, and is then sprayed on Soil Amendment Facility fields and tilled when the lagoon reaches capacity or requires maintenance.

The modification consists of an increase in the amount of treated municipal sludge that can be discharged from 40 dry metric tons per day to 60.3 dry metric tons per day. 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 7400 Access Road NW, Albuquerque, in Sections 3, 4, 5, 8, 9, 10, 14, 15, 16, 17, 22, 23, 26, 27, and 34, T11N, R01E, Bernalillo County. Ground water beneath the site is at a depth of approximately 922 feet and has a total dissolved solids concentration of approximately 458 milligrams per liter.

The original Discharge Permit was issued on January 29, 1988 and subsequently renewed and/or modified on August 24, 1990, February 7, 1997, June 8, 2001, and January 21, 2005. The permittee's application consists of the materials submitted by Albuquerque Bernalillo County

Water Authority dated July 27, 2009. The permittee's Discharge Plan consists of this application and previously submitted materials as applicable. The discharge shall be managed in accordance with the Discharge Plan as conditioned by this Discharge Permit.

Pursuant to Section 20.6.2.3109 NMAC, NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the requirements of 20.6.2 NMAC are being or may be violated or the standards of Section 20.6.2.3103 NMAC are being or may be violated. This may include a determination that structural controls and/or management practices approved under this Discharge Permit are not protective of ground water quality, and that more stringent requirements to protect and/or remediate ground water quality may be required by NMED. These requirements may include: lining/relining lagoons; expanding land application 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_5	biochemical oxygen demand (5-day)		NMSA	New Mexico Statutes Annotated
CFR	Code of Federal Regulations		NO_3-N	nitrate-nitrogen
CFU	colony forming units		NTU	nepholometric turbidity units
Cl	chloride		TDS	total dissolved solids
LADS	land application data sheet(s)		TKN	total Kjeldahl nitrogen
mg/L	milligrams per liter		TSS	total suspended solids
mL	milliliters		total nitrogen	TKN+NO_3-N
NMAC	New Mexico Administrative Code		WQCC	Water Quality Control Commission
NMED	New Mexico Environment Department		WWTP	Wastewater Treatment Plant

II. FINDINGS

In issuing this Discharge Permit, NMED finds:

1. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move directly or indirectly into ground water within the meaning of Section 20.6.2.3104 NMAC.

2. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move into ground water of the State of New Mexico which has an existing concentration of 10,000 milligrams per liter or less of total dissolved solids within the meaning of Subsection A of 20.6.2.3101 NMAC.

3. The discharge from the facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

III. CONDITIONS

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

OPERATIONAL PLAN

#	Terms and Conditions
1.	The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 1 and 2 NMAC. [20.6.2.3106.C NMAC, 20.6.2.3107 NMAC]
2.	The permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated. [20.6.2.3101 NMAC, 20.6.2.3103 NMAC]
3.	The permittee is authorized to discharge a combined total of up to 95,000 gpd or up to 60.3 dry metric tons per day of treated municipal sludge and sewer line grit from the City of Albuquerque sanitary sewer collection system and Southside Water Reclamation Plant. • Anaerobically digested and dewatered (solid) Class B sludge is spread on the surface of the 5,050-acre Rangeland Restoration Area • Anaerobically digested and dewatered Class B sludge (solid, semi-solid, or liquid) is spread and then tilled into the fields of the 418-acre Soil Amendment Facility. • Sewer line grit is spread and then tilled into Soil Amendment Facility fields. • Residual sludge and grit, originating from cleaning the digesters, is sprayed onto the Soil Amendment Facility fields and tilled. • Liquified sludge originating from rinsing the sludge trucks and other vehicle wash water is discharged to a synthetically lined lagoon near the vehicle maintenance shop, and is then sprayed on Soil Amendment Facility fields and tilled when the lagoon reaches capacity or requires maintenance. Treatment, storage and disposal of sludge shall be in accordance with requirements set forth in 40 CFR 503. [20.6.2.3104 NMAC, 40 CFR 503]
4.	The permittee shall conduct surface disposal of sludge at the Soil Amendment Facility as follows: a) The permittee shall spread sludge on the surface of the ground and then till the soil to a depth of at least 12 inches by the end of each day. b) The permittee shall spray liquified sludge evenly on the surface of the ground in such a manner as to avoid excessive ponding. c) The permittee shall distribute the sludge so that each of the eleven disposal fields receive approximately the same loading in dry metric tons of sludge per acre over a two-year period. d) In the event that the active disposal field is snow covered, the field shall be tilled before sludge spreading begins. e) The permittee shall divert stormwater from the Soil Amendment Facility into the four stormwater impoundments.

	f) The permittee shall maintain a fence, security gates and warning signs in English and Spanish around the Soil Amendment Facility to prevent access by livestock and the general public. [20.6.2.3109 NMAC, 40.503(24) CFR]
5.	The permittee shall conduct surface disposal of sludge to the Rangeland Restoration Area as follows: a) The permittee shall deposit sludge at the Rangeland Restoration Area and spread it as evenly as possible on the surface of the ground within 72 hours. b) The permittee shall apply sludge at application rates not exceeding 20 dry tons per acre per year. c) The permittee shall not apply sludge to the Rangeland Restoration Area when the land is flooded, frozen, or covered with snow. d) The permittee shall exclude livestock from treated pastures for at least 30 days after sludge has been applied, consistent with 40 CFR Part 503. e) The permittee shall maintain fencing, gates and warning signs in English and Spanish to exclude livestock and the general public from treated pastures for at least 30 days after sludge has been applied, consistent with 40 CFR Part 503. f) The permittee shall apply sludge in a manner which prevents runoff of sludge from the Rangeland Restoration Area. g) The permittee shall not apply to a field with a repeat application of sludge until after all fields in the Rangeland Restoration Area have received sludge applications. [20.6.2.3109 NMAC, 40.503(32)b.5 CFR]
6.	The lagoon liners shall be maintained in such a manner as to avoid conditions which could affect the structural integrity of the lagoons and/or lagoon liners. Such conditions include, but are not limited to: • Erosion damage; • Animal activity/damage; • The presence of vegetation, such as; aquatic plants, weeds, woody shrubs or trees growing within five feet of the lagoon edge or within the lagoon itself; • Evidence of seepage; • Evidence of berm subsidence; and/or • The presence of large pieces or large quantities of debris in the lagoon. The permittee shall visually inspect the lagoons and surrounding berms on a monthly basis to ensure proper maintenance. Vegetation growing around the lagoons shall be routinely controlled by mechanical removal in a manner that is protective of the lagoon liner. Any evidence of damage to the lagoon berm or liner shall be reported to NMED immediately upon discovery. [20.6.2.3107 NMAC]
7.	The permittee shall maintain a minimum of two feet of freeboard between the liquid level in the lagoons and the top elevation of the lagoon liners at all times. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]
8.	Prior to using any of the four synthetically lined lagoons along the western boundary of the Soil Amendment Facility for storage or disposal of liquified sludge, the permittee shall notify NMED in writing and shall inspect/maintain the lagoon(s) and surrounding berms as described in Condition 6. In the event that inspection findings reveal significant damage

	likely to affect the ability of the lined lagoon(s) to contain contaminants, the permittee shall submit a corrective action plan to NMED for approval prior to discharging to any of the four synthetically lined lagoons that has been damaged. [20.6.2.3109 NMAC]
9.	The permittee shall utilize operators, certified by the State of New Mexico at the appropriate level, to operate the West Mesa Disposal Site. All disposal activities at the site shall be performed by, or under the direct supervision of, a certified operator. [20.7.4 NMAC]

MONITORING, REPORTING, AND OTHER REQUIREMENTS

#	Terms and Conditions
10.	The permittee shall conduct the following monitoring, reporting, and other requirements listed below. [20.6.2.3107 NMAC]
11.	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: 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 31.Water; e) U.S. Geological Survey, et al., National Handbook of Recommended Methods for Water Data Acquisition; or f) Methods of Soil Analysis: Part 1. Physical and Mineralogical Methods and Part 2. Chemical and Microbiological Properties, American Society of Agronomy. [20.6.2.3107.B NMAC]
12.	The permittee shall submit semi-annual monitoring reports to NMED by the 1st of February and August each year. Semi-annual monitoring shall be performed during the following periods: • January 1st through June 30th (first half) – **report due by August 1st**; and • July 1st through December 31st (second half) – **report due by February 1st**. Monitoring requirements detailed in this Discharge Permit are summarized on the sheet titled *Summary of Required Actions, Monitoring and Reporting*. [20.6.2.3107 NMAC]
13.	The permittee shall measure the volume and the total solids (in dry weight) of dewatered sludge discharged to the Rangeland Restoration Area each month. The dry weight total solids of dewatered sludge shall be measured by tracking the volume of dewatered sludge transported from the WWTP to the disposal site and the average percent total solids concentration of the dewatered sludge. Records of the volume and total solids dry weight of the dewatered sludge discharged to the Rangeland Restoration Area shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC]

14.	The permittee shall measure the volume and the total solids (in dry weight) of dewatered sludge discharged to the Soil Amendment Facility each month. The dry weight total solids of dewatered sludge shall be measured by tracking the volume of dewatered sludge transported from the WWTP to the disposal site and the average percent total solids concentration of the dewatered sludge. Records of the volume and total solids dry weight of the dewatered sludge discharged to Soil Amendment Facility shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC]
15.	The permittee shall measure the volume and the total solids (in dry weight) of sewer line grit, residual sludge and grit originating from cleaning the digesters, and liquified sludge originating from the synthetically lined lagoon near the vehicle maintenance shop discharged to the Soil Amendment Facility each month. The dry weight total solids of the grit and liquefied sludge shall be measured by tracking the volume of grit and liquefied sludge discharged to the Soil Amendment Facility and the average percent total solids concentration of the grit and liquefied sludge. Records of the volume and the total solids (in dry weight) of sewer line grit, residual sludge and grit originating from cleaning the digesters, and liquified sludge originating from the synthetically lined lagoon near the vehicle maintenance shop discharged to Soil Amendment Facility shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC]
16.	The permittee shall sample dewatered sludge that is to be discharged to the Soil Amendment Facility and Rangeland Restoration Area for TKN and NO_3-N each month. Analytical results, reported as mg/kg TKN and NO_3-N (dry weight basis), shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC]
17.	The permittee shall complete Land Application Data Sheets (LADS) annually to document the amount of nitrogen applied to each Rangeland Restoration Area and Soil Amendment Facility field receiving sludge applications during the previous twelve-month period in pounds of total nitrogen per acre per year. The LADS shall reflect the monthly nitrogen concentration of the dewatered sludge for the 12-month period and the total number of dry tons discharged each month. Nitrogen content shall not be adjusted to account for volatilization or mineralization processes. The LADS shall be submitted to NMED in the annual monitoring report due February 1st of each year. [20.6.2.3107 NMAC]
18.	The permittee shall collect two composite soil samples annually from the following locations: a) each of the Soil Amendment Facility fields where sludge was applied; b) two locations within the playa located in the Soil Amendment Facility; c) one location within each stormwater retention basin at the eastern extent of the Soil Amendment Facility; d) one location within an untreated Soil Amendment Facility field; e) two locations within each treated Rangeland Restoration Area field; and f) one location within one untreated Rangeland Restoration Area field. In each location, six soil aliquots shall be collected at a depth of 24 inches and six soil aliquots shall be collected at a depth of 48 inches. The six aliquots collected at each depth shall be mixed to create two composite soil samples. All soil samples shall be analyzed for TKN and NO_3-N. Soil NO_3-N shall be analyzed by a 2 molar KCl extract, as described in Methods of Soil Analysis: Part 2, Chemical and Microbiological Properties, Agronomy

	Monograph no.9 (2nd edition), pp 643-698, American Society of Agronomy, or another method approved by NMED. Analytical results and a map outlining the sampling locations shall be submitted to NMED in the semi-annual monitoring report due February 1st of each year. [20.6.2.3107 NMAC]
19.	The permittee shall sample wastewater from a representative location within the synthetically lined lagoon near the vehicle maintenance shop on a semi-annual basis and analyze the samples for TKN, NO_3-N, and volatile and semi-volatile organic compounds (EPA Methods 8260 and 8270.) Samples shall be properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results shall be submitted to NMED in the semi-annual monitoring report. [20.6.2.3107 NMAC]
20.	The permittee shall complete the Discharge Monitoring Report (DMR) required under 40 CFR 503. Copies shall be submitted in the semi-annual monitoring report. [40.503(17) CFR, 74-6-5(E)(1) WQA, 74-6-5(K) WQA]

CONTINGENCY PLAN

#	**Terms and Conditions**
21.	In the event that ground water standards are violated during the term of this Discharge Permit, upon closure of the facility or during the implementation of post-closure requirements, the permittee shall submit to NMED a corrective action plan that proposes measures to mitigate damage from the discharge including, at a minimum, source control measures and an implementation schedule. The permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 though 20.6.2.4115 NMAC, if the corrective action plan will not result in compliance with the standards and requirements set forth in Section 20.6.2.4103 NMAC within 180 days of confirmation of ground water contamination. [20.6.2.1203 NMAC, 20.6.2.4105.A(8) NMAC]
22.	In the event of a spill or release that is not authorized under this Discharge Permit, the permittee shall initiate the notifications and corrective actions as required in Section 20.6.2.1203 NMAC. The permittee shall take immediate corrective action to contain and remove or mitigate the damage caused by the discharge. Within 24 hours after discovery of the discharge, the permittee shall verbally notify NMED and provide the information required by Paragraph (1) of Subsection A of 20.6.2.1203 NMAC. Within 7 days of discovering the discharge, the permittee shall submit a written report to NMED verifying the oral notification and providing any additional information or changes. The permittee shall submit a corrective action report within 15 days after discovery of the discharge. [20.6.2.1203 NMAC]
23.	In the event that the analytical results from the soil sampling indicate significant migration of NO_3-N, TKN, and/or other constituents attributable to the disposed waste, the permittee shall submit a corrective action plan to NMED within 60 days of written notification from NMED. The plan shall propose additional soil testing to determine the extent of the vertical migration of contaminants below the sludge disposal area, and address source control or a reduction of the total nitrogen discharged. [20.6.2.3107.A(10) NMAC]
24.	In the event that the sludge disposal area is frozen or covered with snow, sludge shall not be discharged to the surface disposal area. In the event that the adverse conditions persist

	beyond the storage capacity of the WWTP, the permittee shall obtain NMED approval for a temporary alternative. [20.6.2.3107.A(10) NMAC]
25.	In the event that a minimum of two feet of freeboard cannot be maintained in the lagoons at all times, the permittee shall submit a corrective action plan for NMED approval within 30 days of the date when the two feet of freeboard limit was initially exceeded. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]
26.	In the event that inspection findings reveal significant damage likely to affect the ability of the lined lagoons to contain contaminants, the permittee shall submit a corrective action plan for the repair or replacement of the lagoon liners to NMED for approval within 30 days of discovery by the permitee or following notification from NMED that significant liner damage is evident. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]
27.	In the event NMED or the permittee identifies any other failures of the discharge plan 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]

CLOSURE PLAN

#	**Terms and Conditions**
28.	Upon closure of the facility, the permittee shall perform the following closure measures: a. Maintain the fencing around the disposal facility for 30 days to prevent access. b. Remove or plug all lines leading to the lagoon(s) so that a discharge can no longer occur. c. Drain and/or evaporate all liquids from the lagoon(s) and dispose of all sludge in accordance with all local, state, and federal (40 CFR Part 503) regulations. d. Perforate or remove the lagoon liner(s) and re-grade the lagoons with clean fill to blend with surface topography and prevent ponding. e. Revegetate the site in such a manner that ongoing erosion is minimized f. Complete all closure requirements set forth in 40 CFR Part 503 for sludge disposal/land application facilities. When all post-closure requirements have been met, the permittee may request to terminate the Discharge Permit. [20.6.2.3107.A(11) NMAC]

GENERAL TERMS AND CONDITIONS

#	**Terms and Conditions**
29.	RECORD KEEPING - The permittee shall maintain at its facility a written record of all data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit. The following information shall be recorded and shall be made available to NMED upon request: a) The dates, exact place and times of sampling or field measurements; b) The name and job title of the individuals who performed each sample collection or field measurement; c) The date of the analysis of each sample; d) The name and address of the laboratory and the name and job title of the person that

	performed the analysis of each sample; e) The analytical technique or method used to analyze each sample or take each field measurement; f) The results of each analysis or field measurement, including raw data; g) The results of any split sampling, spikes or repeat sampling; and h) A description of the quality assurance and quality control procedures used. [20.6.2.3107.A NMAC]
30.	RECORD KEEPING - The permittee shall maintain a written record of any spills, seeps, and/or leaks of effluent, and of leachate and/or process fluids not authorized by this Discharge Permit. [20.6.2.3107.A NMAC]
31.	RECORD KEEPING - The permittee shall maintain a written record of the operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater; to measure flow rates, to monitor water quality, or to collect other data required by this Discharge Permit. This record shall include repair, replacement or calibration of any monitoring equipment and repair or replacement of any equipment used in the permittee's waste or wastewater treatment and disposal system. [20.6.2.3107.A NMAC]
32.	RECORD KEEPING - The permittee shall maintain a written record of the amount of wastewater, effluent, leachate or other wastes discharged pursuant to this Discharge Permit. [20.6.2.3107.A NMAC]
33.	RECORD KEEPING - The permittee shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this Discharge Permit, and records of all data used to complete the application for this Discharge Permit for a period of at least five years from the date of the sample collection, measurement, report or application. This period may be extended by request of the Secretary at any time. [20.6.2.3107.A NMAC]
34.	INSPECTION and ENTRY - The permittee shall allow the Secretary or an authorized representative, upon the presentation of credentials, to: a) Enter at regular business hours or at other reasonable times upon the permittee's premises or other location where records must be kept under the conditions of this Discharge Permit, or under any federal or WQCC regulation. b) Inspect and copy, during regular business hours or at other reasonable times, any records required to be kept under the conditions of this Discharge Permit, or under any federal or WQCC regulation. c) Inspect, at regular business hours or at other reasonable times, any facility, equipment (including monitoring and control equipment or treatment works), practices or operations regulated or required under this Discharge Permit, or under any federal or WQCC regulation. d) Sample or monitor, at reasonable times for the purpose of assuring compliance with this Discharge Permit or as otherwise authorized by the WQA, any effluent, water contaminant, or receiving water at any location before or after discharge. [20.6.2.3107.D NMAC, 74-6-9(B) & (E) WQA]

35.	INSPECTION and ENTRY - Nothing in this Discharge Permit shall be construed as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other applicable law or regulation. [20.6.2.3107 NMAC, 74-6-9(B) & (E) WQA]
36.	DUTY to PROVIDE INFORMATION - The permittee shall furnish to NMED, within a reasonable time, any documents or other information which it may request to determine whether cause exists for modifying, terminating and/or renewing this Discharge Permit or to determine compliance with this Discharge Permit. The permittee shall also furnish to NMED, upon request, copies of documents required to be kept by this Discharge Permit. [20.6.2.3107.D NMAC, 74-6-9(B) & (E) WQA]
37.	SPILLS, LEAKS, and OTHER UNAUTHORIZED DISCHARGES - This Discharge Permit authorizes only those discharges specified herein. Any unauthorized discharges violate Section 20.6.2.3104 NMAC and must be reported to NMED and remediated as required by Section 20.6.2.1203 NMAC. [20.6.2.1203 NMAC]
38.	MODIFICATIONS and/or AMENDMENTS - The permittee shall notify NMED of any changes to the permittee's wastewater treatment and disposal system, including any changes in the wastewater flow rate or the volume of wastewater storage, or of any other changes to operations or processes that would result in any significant change in the discharge of water contaminants. The permittee shall obtain NMED's approval, as a modification to this Discharge Permit pursuant to Subsections E, F, or G of 20.6.2.3109 NMAC, prior to any increase in the quantity discharged, or any increase in the concentration of water contaminants discharged, above those levels approved in this Discharge Permit. [20.6.2.3107.C NMAC]
39.	PLANS and SPECIFICATIONS - The permittee shall file plans and specifications with NMED for the construction of a wastewater system and for proposed changes that will change substantially the quantity or quality of the discharge from the system. The permittee shall file plans and specifications prior to the commencement of construction. Changes to the wastewater system having a minor effect on the character of the discharge shall be reported as of January 1 and June 30 of each year to NMED. [20.6.2.1202 NMAC]
40.	CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to $15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to $10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit. [74-6-10 WQA, 74-6-10.1 WQA]

41.	CRIMINAL PENALTIES – Any person who knowingly violates or knowingly causes or allows another person to: 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, is subject to felony charges and shall be sentenced in accordance with the provisions of Section 31-18-15 NMSA 1978. [74-6-10.2(A-F) WQA]
42.	COMPLIANCE WITH OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the permittee of the obligation to comply with all applicable federal, state, and local laws, regulations, permits or orders. [20.6.2 NMAC]
43.	RIGHT to APPEAL - The permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty (30) days of the receipt of this Discharge Permit. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review. [74-6-5(O) WQA]
44.	TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this permitted facility or any portion thereof, the permittee shall notify the proposed transferee in writing of the existence of this Discharge Permit and include a copy of this Discharge Permit with the notice. The permittee shall deliver or send by certified mail to NMED a copy of the notification and proof that such notification has been received by the proposed transferee. [20.6.2.3111 NMAC]
45.	TERM - Pursuant to WQA 74-6-5(I) and Subsection H of 20.6.2.3109 NMAC, the term of this Discharge Permit is five years from its effective date. To renew this Discharge Permit, the permittee must submit an application for renewal at least 180 days before the termination date. [20.6.2.3109.H NMAC, 74-6-5(I) WQA]
46.	Payment of permit fees is due at the time of Discharge Permit approval. Permit fees shall be paid in a single payment or shall be paid in equal installments on a yearly basis over the term of the Discharge Permit. Single payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date. Initial installment payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date; subsequent installment payments shall be remitted to NMED no later than the anniversary of the Discharge Permit effective date. An approved Discharge Permit shall be suspended or terminated if the facility fails to remit an installment payment by its due date. [20.6.2.3114.F NMAC, 74-6-5(K) WQA]

EFFECTIVE DATE: effective date
EXPIRATION DATE: expiration date

WILLIAM C. OLSON
Chief, Ground Water Quality Bureau
New Mexico Environment Department