

GROUND WATER DISCHARGE PERMIT

Estancia Valley Solid Waste Authority Septage Dewatering and Disposal Facility, DP-1708

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit (Discharge Permit), DP-1708, to Estancia Valley Solid Waste 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 Estancia Valley Solid Waste Authority (EVSWA) Septage Dewatering and Disposal Facility (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:

Domestic septage is processed and discharged at the facility as follows:

- Up to 4000 gallons per week (gpw) of domestic septage (including portable toilet waste) or septage filtrate (the liquid fraction of domestic septage) to 0.9 total acres of surface disposal cells on a rotational basis.
- Up to 6000 gpw of domestic septage (including portable toilet waste) to a 60-mil HDPE synthetically lined lagoon dewatering system equipped with liquids collection sump and dewatering pad. The lagoon system is also armored with a 200-mil geotextile membrane along the sides and bottom.

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 249 Sidewinder, Moriarty, in Section 23, T09N, R10E, Torrance County. Ground water beneath the site is at a depth greater than 350 feet and has a total dissolved solids concentration of approximately 820 milligrams per liter.

The permittee's application consists of the materials submitted by Joseph Ellis dated November 20, 2008 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: lining/relining lagoons; expanding surface disposal areas; ceasing discharging to surface 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 ₅	biochemical oxygen demand (5-day)	NO ₃ -N	nitrate-nitrogen
CFR	Code of Federal Regulations	NTU	nephelometric turbidity units
CFU	colony forming units	SDDS	Surface Disposal Data Sheet
Cl	chloride	TDS	total dissolved solids
EPA	United States Environmental Protection Agency	TKN	total Kjeldahl nitrogen
Mg/kg	Milligrams per kilogram	TPH	total petroleum hydrocarbons
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		
NMSA	New Mexico Statutes Annotated		

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 NMAC and 20.6.2.3103 NMAC. [20.6.2.3103 NMAC]
3.	<p>The permittee is authorized to process and discharge the following waste types:</p> <ul style="list-style-type: none"> • Up to 4000 gallons per week (gpw) of domestic septage (including portable toilet waste) or septage filtrate (the liquid fraction of domestic septage) to 0.9 total acres of surface disposal cells on a rotational basis. • Up to 6000 gpw of domestic septage (including portable toilet waste) to a 60-mil HDPE synthetically lined lagoon dewatering system equipped with liquids collection sump and dewatering pad. The lagoon system is also armored with a 200-mil geotextile membrane along the sides and bottom and is to be filled with green waste. <p>Waste types that are not specifically authorized to be received by this Discharge Permit shall not be received at the facility. [20.6.2.3104 NMAC]</p>
4.	Prior to discharging at the facility, the permittee shall construct the proposed lagoon dewatering system according to the final construction plans and specifications submitted to NMED Solid Waste Bureau on July 8, 2010. The permittee shall notify NMED at the commencement of construction to allow NMED personnel to be onsite for inspection during the construction phase. Record drawings of the finished lagoon dewatering system shall be submitted to NMED within 30 days of completion. A licensed New Mexico professional engineer shall certify all construction plans and specifications, supporting design calculations, and record drawings of the wastewater treatment system. [20.6.2.3109 NMAC]
5.	Prior to discharging at the facility to either the surface disposal cells or the lagoon dewatering system, the permittee shall give written and verbal notification to NMED stating the date(s) the discharge is to commence. [20.6.2.3109.H NMAC]
6.	Prior to discharging at the facility, the permittee shall install and maintain fences around the entire disposal facility and lagoon dewatering system to prevent unrestricted access. A minimum of a three-strand barbed wire fence and locked gate shall surround the facility. [20.6.2.3109 NMAC]
7.	<p>Prior to discharging at the facility, the permittee shall post and maintain the following signs at the following locations:</p> <ul style="list-style-type: none"> • Signs in both English and Spanish that state: "Notice: Waste Disposal Area - KEEP OUT" and "Aviso: Área de Disposición - NO ENTAR" posted at the facility entrance and every 500 feet along the facility boundary.

	<ul style="list-style-type: none"> • A sign with the name of the facility’s contact person, office phone number of the contact person, emergency contact phone number for the facility, and physical location of facility including township, range, and section(s) posted at the entrance gate. • A sign on each tank with the name of the tank contents. Tanks containing contaminated water should be labeled “Not Potable Water” and “el agua no es potable”. • A sign to identify each cell by number and the waste type authorized to be discharged in the cell. All signs shall be weatherproof and posted at the boundary of the cells to facilitate a rotational disposal schedule as required in conditions below. <p>All signs shall remain legible for the term of this Discharge Permit. [20.6.2.3109 NMAC]</p>
8.	Prior to discharging at the facility, the permittee shall construct a minimum 24-inch earthen berm surrounding the perimeter of the surface disposal area of the facility. [20.6.2.3109 NMAC]
9.	To prevent run-on and run-off from a storm event, the permittee shall maintain a minimum 24-inch earthen berm surrounding the perimeter of the surface disposal area of the facility. The berm shall be inspected on a regular basis and after any major rainfall event and repaired as necessary. In place of a berm across the surface disposal area entrance, the permittee shall construct and maintain shallow (minimum depth of six inches) stormwater diversion bar trenches parallel to and on each side of the facility entrance gate. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]
10.	The permittee shall inspect the facility weekly and collect any residual solid waste (trash) on the facility site. The collected materials shall be disposed of in a manner consistent with all local, state and federal regulations. [20.6.2.3109 NMAC]
11.	The permittee shall not discharge liquid wastes during periods of precipitation or when surface soils are frozen or saturated. Wastes may be stored in tanker trucks during these periods. [20.6.2.3109 NMAC]
12.	<p>The dewatering lagoon liner shall be maintained in such a manner as to avoid conditions which could affect the structural integrity of the lagoon and/or lagoon liner. Such conditions include, but are not limited to:</p> <ul style="list-style-type: none"> • Erosion damage; • Animal activity/damage and/or vehicle 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. <p>The permittee shall visually inspect the lagoon and surrounding berms on a monthly basis to ensure proper maintenance. Vegetation growing around the lagoons shall be routinely controlled by mechanical removal in a manner that is protective of the lagoon liner. Any evidence of damage to the lagoon berm or liner shall be reported to NMED immediately upon discovery. [20.6.2.3107 NMAC]</p>
13.	The permittee shall maintain a minimum of two feet of freeboard between the liquid level in the lagoon and the top elevation of the lagoon liner at all times. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]
14.	The composting operation/facility shall be certified by the Solid Waste Bureau and

	conducted in accordance with all local, state and federal regulations. The permittee shall not cause or allow leachate to form as part of the septage composting process. Compost windrows shall not be saturated. The composting facility shall be graded and bermed so that stormwater does not run onto the compost facility and so that facility stormwater does not leave the compost facility. Any ponding of stormwater, potable water, or septage filtrate near compost windrows shall be immediately incorporated into the compost windrows. [20.6.2.3109 NMAC, New Mexico Solid Waste Rules, 20.9.3.27 NMAC]
15.	Domestic septage shall be incorporated into the soil by disking within six hours following surface disposal. Ponding of septage shall be minimized. Treatment and disposal of domestic septage shall be in accordance with requirements set forth in 40 CFR Part 503. [20.6.2.3109 NMAC, 74-6-5 WQA]

MONITORING, REPORTING, AND OTHER REQUIREMENTS

#	Terms and Conditions
16.	The permittee shall conduct the monitoring, reporting, and other requirements listed below. [20.6.2.3107 NMAC]
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 31. Water; e) U.S. Geological Survey, et al., National Handbook of Recommended Methods for Water Data Acquisition; f) 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>[20.6.2.3107.B NMAC]</p>
18.	<p>The permittee shall submit semi-annual monitoring reports to NMED by the 1st of February and August each year.</p> <p>Semi-annual monitoring shall be performed during the following periods:</p> <ul style="list-style-type: none"> • 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. <p>Monitoring requirements detailed in this Discharge Permit are summarized on the sheet titled <i>Summary of Required Actions, Monitoring and Reporting</i>. [20.6.2.3107 NMAC]</p>

19.	<p>The permittee shall create a manifest for each load of waste received. The manifest shall record the following information:</p> <ul style="list-style-type: none"> • Name of the hauling company; • Date of receipt; • Name and address of the waste origin; • Type of waste; • Volume of waste; • Confirmation of inspection for acceptable waste type; • Signature of person conducting the inspection; and • Cell identification and location within the cell where the waste is discharged or state that load was discharged to lagoon for composting operation. <p>Copies of each manifest created during the reporting period shall be submitted with the semi-annual monitoring report. [20.6.2.3107 NMAC]</p>
20.	<p>The permittee shall complete a SDDS to document the amount of nitrogen applied to each surface disposal cell, each month. A SDDS shall be completed for each cell, and shall reflect the volume and total nitrogen concentration of waste discharged to the land disposal cells for each month. The total nitrogen concentration shall be determined from either of the following methods:</p> <ol style="list-style-type: none"> 1) Assuming total nitrogen concentration of 600 mg/L based on average characteristics of septage (Guide to Septage Treatment and Disposal, EPA/625/R-94-002); or 2) Assuming a total nitrogen value derived from the laboratory analysis of a composite sample from a minimum of six waste loads using a sampling protocol approved by NMED prior to sample collection. <p>Nitrogen content shall not be adjusted to account for volatilization or mineralization processes. The SDDS, or a statement that no surface disposal occurred within the specific cell, shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3109 NMAC]</p>
21.	<p>The permittee shall inspect the liquids collection sump, riser pipe and associated pump(s)/controls on a quarterly basis, and clean/repair them as needed. The inspection and cleaning/repair records shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC]</p>

CONTINGENCY PLAN

#	Terms and Conditions
22.	<p>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 a corrective action plan that proposes measures to mitigate damage from the discharge including, at a minimum, source control measures and an implementation schedule to NMED. The permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC, if the corrective action plan will not result in compliance with the standards and requirements set forth in</p>

	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]
23.	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]
24.	In the event that a minimum of two feet of freeboard cannot be maintained in the lagoon at all times, the permittee shall submit a corrective action plan for NMED approval within 30 days of the date when the two feet freeboard limit was initially exceeded. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]
25.	In the event that inspection findings reveal significant damage likely to affect the ability of the lined lagoon to contain contaminants, the permittee shall submit a corrective action plan for the repair or replacement of the lagoon liners to NMED for approval within 30 days of discovery by the permittee or following notification from NMED that significant liner damage is evident. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]
26.	In the event that the surface disposal area is saturated, frozen or covered with snow, septage shall not be discharged to this area. Should the adverse conditions persist beyond the septage storage capacity of the facility, the permittee shall obtain NMED approval for a temporary alternative. [20.6.2.3107.A(10) 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.	<p>Upon closure of the facility, the permittee shall perform the following closure measures:</p> <ul style="list-style-type: none"> a) Backfill the disposal cells with clean fill (as necessary) and re-grade to allow for positive stormwater drainage. b) Remove or plug all lines leading to the lagoon and so that a discharge can no longer occur. c) Drain and/or evaporate all liquids from the lagoon 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 match the surrounding topography and promote positive drainage. e) Re-vegetate the cells and disturbed areas at the facility by establishing a vegetative cover equal to 70% of the native perennial vegetative cover consisting of at least three native plant species including at least one grass, but not including noxious weeds. The

	<p>permittee shall maintain the vegetative cover through two consecutive growing seasons.</p> <p>f) Following final grading and re-seeding of the facility, the permittee shall maintain the perimeter fencing and security gate for a minimum of three years to prevent unauthorized access.</p> <p>g) Submit proof to NMED that all closure activities set forth for the facility under 40 CFR 503 have been completed.</p> <p>When all closure and post-closure requirements have been met, the permittee may request to terminate the Discharge Permit. [20.6.2.3109 NMAC, 20.6.2.3107. NMAC]</p>
--	---

GENERAL TERMS AND CONDITIONS

#	Terms and Conditions
29.	<p>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:</p> <p>a) The dates, exact place and times of sampling or field measurements;</p> <p>b) The name and job title of the individuals who performed each sample collection or field measurement;</p> <p>c) The date of the analysis of each sample;</p> <p>d) The name and address of the laboratory and the name and job title of the person that performed the analysis of each sample;</p> <p>e) The analytical technique or method used to analyze each sample or take each field measurement;</p> <p>f) The results of each analysis or field measurement, including raw data;</p> <p>g) The results of any split sampling, spikes or repeat sampling; and</p> <p>h) A description of the quality assurance and quality control procedures used.</p> <p>[20.6.2.3107.A NMAC]</p>
30.	<p>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]</p>
31.	<p>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]</p>
32.	<p>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]</p>
33.	<p>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</p>

	Secretary at any time. [20.6.2.3107.A NMAC]
34.	<p>INSPECTION and ENTRY - The permittee shall allow the Secretary or an authorized representative, upon the presentation of credentials, to:</p> <ul style="list-style-type: none"> 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. <p>[20.6.2.3107.D NMAC, 74-6-9(B) & (E) WQA]</p>
35.	<p>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]</p>
36.	<p>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]</p>
37.	<p>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]</p>
38.	<p>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]</p>
39.	<p>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</p>

	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: <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, 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 seven years from its effective date or five years from the date the discharge commences, whichever occurs first. 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

draft