

GROUND WATER DISCHARGE PERMIT
City of Jal – Sludge and Wastewater Surface Disposal Site, DP-1802

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit, DP-1802, to the City of Jal (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 City of Jal – Sludge and Wastewater Surface 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:

The permittee is authorized to discharge approximately 755,500 gallons of domestic wastewater treatment facility sludge and 5.2 million gallons of treated wastewater from the City of Jal-Wastewater Treatment Facility's Holding Lagoons #1 and #2 to an 18 acre disposal site.

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 1000 North Third Street, in Jal, in Section 17, T25S, R37E, Lea County. Ground water most likely to be affected is at a depth of approximately 37 feet and has a total dissolved solids concentration of approximately 1,065 milligrams per liter.

The permittee's application consists of the materials submitted by Smith Engineering Company on behalf of the permittee dated August 8, 2012 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: 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
CFR	Code of Federal Regulations	NMSA	New Mexico Statutes Annotated
CFU	colony forming units	NO ₃ -N	nitrate-nitrogen
Cl	chloride	SDDS	Surface Disposal Data Sheet
EPA	United States Environmental Protection Agency	TDS	total dissolved solids
Mg/kg	Milligrams per kilogram	TKN	total Kjeldahl nitrogen
mg/L	milligrams per liter	TPH	total petroleum hydrocarbons
mL	milliliters	TSS	total suspended solids
NMAC	New Mexico Administrative Code	total nitrogen	TKN+NO ₃ -N
NMED	New Mexico Environment Department	WQCC	Water Quality Control Commission

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

General Operating Conditions

#	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 are not violated. [20.6.2.3103 NMAC]
3.	<p>The permittee is authorized to discharge to the following wastes to an 18 acre disposal site:</p> <ul style="list-style-type: none"> • Approximately 491,300 gallons of domestic wastewater treatment facility sludge from the City of Jal-Wastewater Treatment Facility’s Holding Lagoon #1 to Land Area #1 which consists of seven acres. • Approximately 264,200 gallons of domestic wastewater treatment facility sludge from the City of Jal-Wastewater Treatment Facility’s Holding Lagoon #2 to Land Area #2 which consists of seven acres. • Approximately 5.2 million gallons of treated domestic wastewater from Holding Lagoon #2 to Land Area #2 and Land Area #3 which consists of seven acres and four acres (respectively). <p>Wastes that are not specifically authorized to be discharged by this Discharge Permit shall not be discharged to the facility. [20.6.2.3104 NMAC]</p>
4.	Prior to discharging to the facility, the permittee shall give written and verbal notification to NMED stating the date the discharge is to commence. [20.6.2.3109.H NMAC]
5.	<p>Prior to discharging to the facility, the permittee shall submit a plan to NMED that contains the following:</p> <ol style="list-style-type: none"> a) A proposed method for measuring the volume of sludge and treated wastewater to be discharged to the disposal site. b) A proposed method for transferring and distributing sludge and treated wastewater from the holding lagoons to the disposal site. c) The anticipated hydraulic and nitrogenous application rates for each Land Area at the disposal site. <p>The plan shall be implemented upon approval, or approval with conditions, by NMED. [20.6.2.3109 NMAC]</p>
6.	Prior to discharging to the facility, the permittee shall install fences around the entire disposal facility to prevent unrestricted access. A minimum of a three-strand barbed wire fence and locked gate shall surround the facility and shall be maintained throughout the term of this Discharge Permit. [20.6.2.3109 NMAC]

#	Terms and Conditions
7.	<p>Prior to discharging to 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 every 500 feet along the facility fence. • 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 posted at the facility entrance gate. <p>All signs shall remain legible for the term of this Discharge Permit. [20.6.2.3109 NMAC]</p>
8.	<p>Prior to discharging to the facility, the permittee shall install a minimum 24-inch earthen berm surrounding the perimeter of the facility to prevent run-on and run-off from a storm event. 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 facility 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]</p>
9.	<p>The permittee shall not discharge domestic wastewater treatment plant sludge or treated domestic wastewater during periods of precipitation or when surface soils are frozen or saturated. [20.6.2.3109 NMAC]</p>

Domestic Wastewater Treatment Plant Sludge Operating Conditions

#	Terms and Conditions
10.	<p>The permittee shall apply domestic wastewater treatment facility sludge from Holding Lagoon #1 to a 7-acre disposal cell (Land Area #1) and Holding Lagoon #2 to a 7-acre disposal cell (Land Area #2). The sludge shall be evenly distributed throughout the individual cells. Disposal of sludge shall be in accordance with requirements set forth in 40 CFR Part 503. [20.6.2.3104 NMAC]</p>
11.	<p>Sludge shall be incorporated into the soil by disking or other NMED approved method within six hours following surface disposal. [20.6.2.3109 NMAC, 74-6-5 WQA]</p>

Treated Domestic Wastewater Operating Conditions

#	Terms and Conditions
12.	<p>The permittee shall apply treated domestic wastewater from Holding Lagoon #2 to a 7- acre disposal cell (Land Area #2) and to a 4-acre disposal cell (Land Area #3). The wastewater</p>

#	Terms and Conditions
	shall be evenly distributed throughout each cell and ponding shall be minimized. [20.6.2.3104 NMAC]
13.	<p>The permittee shall meet the following general requirements for above-ground disposal of treated domestic wastewater:</p> <ul style="list-style-type: none"> a) Above-ground disposal of treated domestic wastewater shall not result in excessive ponding of wastewater. Disposal shall not be conducted at times when the Land Areas #2 & #3 is saturated or frozen. b) The discharge of wastewater shall be confined to Land Areas #2 & #3. c) Water supply wells within 200 feet of Land Areas #2 & #3 shall have adequate wellhead construction pursuant to 19.27.4 NMAC. Wastewater disposal shall be managed to ensure protection of ground water quality. <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
14.	<p>The permittee shall meet the following setbacks and access restrictions requirements for disposal of treated domestic wastewater:</p> <ul style="list-style-type: none"> a) A minimum 500-foot setback shall be maintained between any dwellings or occupied establishments and the edge of Land Areas #2 & #3. b) Disposal of treated wastewater shall be postponed at times when windy conditions may result in drift of wastewater outside Land Areas #2 & #3. c) Treated wastewater shall be applied at times and in a manner that minimizes public contact. <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>

MONITORING, REPORTING, AND OTHER REQUIREMENTS

General Monitoring Conditions

#	Terms and Conditions
15.	The permittee shall conduct the monitoring, reporting, and other requirements listed below. [20.6.2.3107 NMAC]
16.	<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.

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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>
17.	<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>[20.6.2.3107 NMAC]</p>

Monitoring Actions with Implementation Deadlines

18.	<p>Prior to discharging to the facility, the permittee shall submit a written monitoring well location proposal for review and approval by NMED. The proposal shall designate the locations of all monitoring wells required to be installed by this Discharge Permit. The proposal shall include, at a minimum, the following information:</p> <p>a) A map showing the proposed location of each monitoring well from the boundary of the source it is intended to monitor.</p> <p>b) A written description of the specific location proposed for each monitoring well including the distance (in feet) and direction of each monitoring well from the edge (i.e., toe of lagoon berm) of the source it is intended to monitor. Examples include, 35 feet north-northwest of the northern berm of the synthetically lined wastewater lagoon; 45 feet due south of the leachfield; 30 feet southeast of the land application area 150 degrees from north.</p> <p>c) A statement describing the ground water flow direction beneath the facility and data supporting the determination.</p> <p>All monitoring well locations shall be approved by NMED prior to installation.</p> <p>[20.6.2.3107 NMAC]</p>
19.	<p>Prior to discharging to the facility, the permittee shall install the following two new monitoring wells:</p>

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	<ul style="list-style-type: none"> • One monitoring well (MW-S5) located 20 to 50 feet hydrologically downgradient of Land Area #1. • One monitoring well (MW-S6) 20 to 50 feet hydrologically downgradient of Land Areas #2 and #3. <p>All monitoring well locations shall be approved by NMED prior to installation. The wells shall be completed in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011. Construction and lithologic logs shall be submitted to NMED within 60 days of well completion. [20.6.2.3107 NMAC]</p>
20.	<p>Following installation of the new monitoring wells required by this Discharge Permit and prior to discharging to the facility, the permittee shall sample ground water in the new wells and analyze the samples for NO₃-N, TKN, Cl, TDS, arsenic (As), chromium (Cr) and nickel (Ni). The permittee shall sample the following wells:</p> <ul style="list-style-type: none"> • MW-S5, intended to be located hydrologically downgradient of Land Area #1. • MW-S6, intended to be located hydrologically downgradient of Land Areas #2 and #3. <p>Ground water sample collection, preservation, transport and analysis shall be performed according to the following procedure:</p> <ol style="list-style-type: none"> a) Measure the depth-to-ground water from the top of well casing to the nearest hundredth of a foot. b) Purge three well volumes of water from the well prior to sample collection. c) Obtain samples from the well for analysis. d) Properly prepare, preserve and transport samples. e) Analyze samples in accordance with the methods authorized in this Discharge Permit. <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 within 60 days of the installation of the monitoring wells. [20.6.2.3107 NMAC]</p>
21.	<p>Prior to discharging to the facility, the permittee shall survey all wells approved by NMED for Discharge Permit monitoring purposes and wells (MW-S1, MW-S2 & MW-S3) approved by NMED for Discharge Permit #59 to a U.S. Geological Survey (USGS) or other permanent benchmark. Survey data shall include northing, easting and elevation to the nearest hundredth of a foot or in accordance with the "Minimum Standards for Surveying in New Mexico" (12.8.2 NMAC). A survey elevation shall be established at the top-of-casing, with a permanent marking indicating the point of survey. The survey shall be completed and certified by a licensed New Mexico professional surveyor. Depth-to-water shall be measured to the nearest hundredth of a foot in all surveyed wells, and the data shall be used to develop a map showing the location of all monitoring wells and the direction and gradient of ground water flow at the facility. The data and map of ground water flow</p>

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	direction at the facility shall be submitted to NMED within 60 days of survey completion. [20.6.2.3107 NMAC]

Ground Water Monitoring Conditions

#	Terms and Conditions
22.	<p>The permittee shall perform semi-annual ground water sampling in the following monitoring wells and analyze the samples for dissolved TKN, NO₃-N, Cl, TDS, As, Cr, and Ni:</p> <ul style="list-style-type: none"> • MW-S5, intended to be located hydrologically downgradient of Land Area #1. • MW-S6, intended to be located hydrologically downgradient of Land Areas #2 and #3. <p>Ground water sample collection, preservation, transport and analysis shall be performed according to the following procedure:</p> <ol style="list-style-type: none"> a) Measure the depth-to-most-shallow ground water from the top of the well casing to the nearest hundredth of a foot. b) Purge three well volumes of water from the well prior to sample collection. c) Obtain samples from the well for analysis. d) Properly prepare, preserve and transport samples. <p>a) Analyze samples in accordance with the methods authorized in this Discharge Permit.</p> <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>

Domestic Wastewater Treatment Plant Sludge Monitoring Conditions

#	Terms and Conditions
23.	<p>The permittee shall record the total volume of sludge discharged from Holding Lagoon #1 to Land Area #1 and Holding Lagoon #2 to Land Area #2. The total volume discharged to each disposal area shall be reported to NMED in the semi-annual monitoring report following the completion of the surface disposal of sludge from each lagoon. [20.6.2.3107 NMAC]</p>
24.	<p>Prior to the discharge of sludge from each Holding Lagoon, the permittee shall collect a composite sludge sample from each lagoon. The permittee shall composite the sludge in accordance with the following procedure:</p> <ol style="list-style-type: none"> a) The total surface area of each Holding Lagoon shall be divided into nine equal sub-areas. b) An aliquot shall be obtained from each sub-area.

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	<p>c) The composite sample shall consist of the nine equal aliquots collected from the sub-areas.</p> <p>Each composite sample shall be analyzed for TKN, NO₃-N and %TS. Samples shall be properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results, reported as mg/kg for TKN and NO₃-N (dry weight basis), shall be submitted to NMED in the semi-annual monitoring report following the completion of the surface disposal from each lagoon. [20.6.2.3107 NMAC]</p>
25.	<p>The permittee shall complete a SDDS (copy enclosed) to document the amount of nitrogen applied to each Land Area. A SDDS shall reflect the nitrogen concentration from the sludge composite sample and the total number of dry tons discharged from each Holding Lagoon to each Land Area. Nitrogen content shall not be adjusted to account for volatilization or mineralization processes. The SDDS shall be submitted to NMED in the semi-annual monitoring report following the completion of the surface disposal sludge for each Land Area. [20.6.2.3107 NMAC]</p>

Treated Domestic Wastewater Monitoring Conditions

#	Terms and Conditions
26.	<p>The permittee shall record the total volume of treated domestic wastewater discharged from Holding Lagoon #2 to Land Areas #2 & #3. The total volume discharged to each disposal area shall be reported to NMED in the semi-annual monitoring report following the completion of the surface disposal of wastewater. [20.6.2.3107 NMAC]</p>
27.	<p>Prior to discharging treated domestic wastewater from Holding Lagoon #2 to Land Areas #2 & #3, the permittee shall collect a composite wastewater sample from a representative location within Holding Lagoon #2. The composite sample shall consist of a minimum of six equal aliquots collected around the entire perimeter of Holding Lagoon #2 and thoroughly mixed. The composite sample shall be preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit for TKN, NO₃-N, TDS and Cl. Analytical results shall be submitted to NMED in the semi-annual monitoring report following the completion of the surface disposal. [20.6.2.3107 NMAC]</p>
28.	<p>The permittee shall complete LADS (copy enclosed) that documents the amount of nitrogen applied to Land Areas #2 & #3. The LADS shall reflect the total nitrogen concentration from the composite treated domestic wastewater analysis and the total discharge volume to Land Areas #2 & #3. The LADS shall be completed with information above. The LADS shall be submitted to NMED in the semi-annual monitoring report following the completion of the surface disposal. [20.6.2.3107 NMAC]</p>

CONTINGENCY PLAN

#	Terms and Conditions
29.	<p>In the event that monitoring indicates ground water standards are violated during the term of this Discharge Permit, upon closure of the facility or during post-closure monitoring, the permittee shall collect a confirmatory sample from the monitoring well within 15 days to confirm the initial sampling results. Within 15 days of confirmation of ground water contamination, 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 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]</p>
30.	<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>
31.	<p>In the event that ground water flow information obtained pursuant to this Discharge Permit indicates that a monitoring well(s) was not installed hydrologically downgradient of the intended discharge location(s), the permittee shall install a replacement well(s) within 90 days of notification from NMED. The 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. [20.6.2.3107 NMAC]</p>
32.	<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</p>

#	Terms and Conditions
	<p>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>
33.	<p>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]</p>

CLOSURE PLAN

#	Terms and Conditions
34.	<p>Within one year of the completion of the surface disposal of domestic wastewater treatment plant sludge and treated domestic wastewater to the facility, the permittee shall perform the following closure measures:</p> <ol style="list-style-type: none"> a) Re-vegetate the Land Areas 1, 2 & 3 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 permittee shall maintain the vegetative cover through two consecutive growing seasons. b) Following 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. c) Continue ground water monitoring as required by this Discharge Permit after surface disposal of sludge and wastewater is completed and for the term of this Discharge Permit 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. d) 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. <p>When all closure and 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

#	Terms and Conditions
35.	<p>RECORD KEEPING - The permittee shall maintain a written record of the following information:</p> <ul style="list-style-type: none"> a) Information and data used to complete the application for this Discharge Permit. b) Records of any releases (commonly known as “spills”) not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC. c) Records of the operation, maintenance, and repair of the facility. d) Copies of monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit. e) The volume of wastewater or other wastes discharged pursuant to this Discharge Permit. f) Ground water quality and wastewater quality data collected pursuant to this Discharge Permit. g) Copies of construction records (well log) for all ground water monitoring wells required to be sampled pursuant to this Discharge Permit. h) Records of the maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit. i) Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit. The following information shall be recorded and shall be made available to NMED upon request: <ul style="list-style-type: none"> i) The dates, location and times of sampling or field measurements; ii) The name and job title of the individuals who performed each sample collection or field measurement; iii) The sample analysis date of each sample; iv) The name and address of the laboratory, and the name of the signatory authority for the laboratory analysis; v) The analytical technique or method used to analyze each sample or collect each field measurement; vi) The results of each analysis or field measurement, including raw data; vii) The results of any split, spiked, duplicate or repeat sample; and viii) A copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. <p>The written record shall be maintained by the permittee at a location accessible during a facility inspection by NMED for a period of at least five years from the date of application, report, collection or measurement and shall be made available to the department upon request. [NMSA 1978, § 74-6-5.D, 20.6.2.3109.B NMAC, 20.6.2.3107.A NMAC]</p>
36.	<p>INSPECTION and ENTRY – The permittee shall allow inspection by NMED of the facility and its operations which are subject to this Discharge Permit and the WQCC regulations. NMED may upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which are</p>

#	Terms and Conditions
	<p>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. [20.6.2.3107.D NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>
37.	<p>DUTY to PROVIDE INFORMATION - The permittee shall, upon NMED’s request, allow NMED’s inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records. [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]</p>
38.	<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. [NMSA 1978, § 74-6-5.D, 20.6.2.3109.E NMAC, 20.6.2.3107.C NMAC]</p>
39.	<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. [NMSA 1978, §§ 74-6-10 and 74-6-10.1]</p>
40.	<p>CRIMINAL PENALTIES – No person shall:</p> <ol style="list-style-type: none"> 1) make any false material statement, representation, certification or omission of material

#	Terms and Conditions
	<p>fact in an application, record, report, plan or other document filed, submitted or required to be maintained under the WQA;</p> <ol style="list-style-type: none"> 2) falsify, tamper with or render inaccurate any monitoring device, method or record required to be maintained under the WQA; or 3) fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation. <p>Any person who knowingly violates or knowingly causes or allows another person to 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. [NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
41.	<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. [20.6.2 NMAC]</p>
42.	<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. [NMSA 1978, § 74-6-5.O]</p>
43.	<p>TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this facility or any portion thereof, the permittee shall:</p> <ol style="list-style-type: none"> 1) notify the proposed transferee in writing of the existence of this Discharge Permit; 2) include a copy of this Discharge Permit with the notice; and 3) deliver or send by certified mail to NMED a copy of the notification and proof that such notification has been received by the proposed transferee. <p>Until both ownership and possession of the facility have been transferred to the transferee, the permittee shall continue to be responsible for any discharge from the facility. [20.6.2.3111 NMAC]</p>

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44.	<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. [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.H NMAC, NMSA 1978, § 74-6-5.I]

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