

GROUND WATER DISCHARGE PERMIT RENEWAL AND MODIFICATION

Village of San Jon Wastewater Treatment Facility, DP-535

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal and Modification (Discharge Permit), DP-535, to the Village of San Jon (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 Village of San Jon Wastewater Treatment 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 or will be met. Pursuant to Section 20.6.2.3104 NMAC, it is the responsibility of the permittee to comply with the terms and conditions of this Discharge Permit; failure may result in an enforcement action(s) by NMED (20.6.2.1220 NMAC).

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

- Up to 46,000 gallons per day (gpd) of domestic wastewater is received and treated using a synthetically lined impoundment treatment system. Reclaimed wastewater is then discharged to up to a 4.5-acre of land application area or to a combined 19-acre land application and sludge surface disposal area.
- Up to 4,050 cubic yards of stored domestic wastewater treatment facility sludge from the wastewater impoundments may be applied to the 19-acre surface disposal area.

The modification consists of authorizing the installation of a synthetic liner in impoundment #3, and authorizing the surface disposal of up to 4,050 cubic yards of sludge currently stored in the former wetland cell to the 19-acre surface disposal area.

This Discharge Permit sets forth separate requirements for the discharge of reclaimed wastewater and surface disposal of sludge. The separate requirements are identified in individual Parts, which include:

- **Part A. Applicable to All Parts.**
- **Part B. Applicable to Wastewater Treatment/Storage Facilities and Discharges of Reclaimed Wastewater to Land Application Sites.**
- **Part C. Applicable to Discharges of Domestic Sludge to the Surface Disposal Area.**

The facility is located on E. South Ave. at the southeast corner of the municipal boundary, in Section 10, Township 10N, Range 34E, Quay County. Ground water most likely to be affected

is at a depth of approximately 48 feet and has a total dissolved solids concentration of approximately 1,400 milligrams per liter.

The original Discharge Permit was issued on August 3, 1989 and subsequently modified on August 19, 1991, renewed and modified on August 31, 1995, and renewed on June 24, 2003, and renewed and modified on April 28, 2008. The application (i.e., discharge plan) consists of the materials submitted by Dennis Engineering Company on behalf of the permittee dated May 20, 2011, and materials contained in the administrative record prior to issuance of this Discharge Permit. The discharge shall be managed in accordance with all conditions and requirements of this Discharge Permit.

Pursuant to Section 20.6.2.3109 NMAC, NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the requirements of 20.6.2 NMAC are being or may be violated or the standards of Section 20.6.2.3103 NMAC are being or may be violated. This may include a determination that structural controls and/or management practices approved under this Discharge Permit are not protective of ground water quality, and that more stringent requirements to protect ground water quality may be required by NMED. The permittee may be required to implement abatement of water pollution and remediate ground water quality.

Issuance of this Discharge Permit does not relieve the permittee of the responsibility to comply with the WQA, WQCC Regulations, and any other applicable federal, state and/or local laws and regulations, such as zoning requirements and nuisance ordinances.

The following acronyms and abbreviations may be used in this Discharge Permit:

Abbreviation	Explanation	Abbreviation	Explanation
BOD ₅	biochemical oxygen demand (5-day)	NTU	nephelometric turbidity units
CFR	Code of Federal Regulations	Org	organisms
Cl	chloride	TDS	total dissolved solids
EPA	United States Environmental Protection Agency	TKN	total Kjeldahl nitrogen
gpd	gallons per day	total nitrogen	= TKN + NO ₃ -N
LADS	land application data sheet(s)	TRC	Total Residual Chlorine
mg/L	milligrams per liter	TSS	total suspended solids
mL	milliliters	UPC	Uniform Plumbing Code
NMAC	New Mexico Administrative Code	WQA	New Mexico Water Quality Act
NMED	New Mexico Environment Department	WQCC	Water Quality Control Commission
NMSA	New Mexico Statutes Annotated	WWTF	Wastewater Treatment Facility
NO ₃ -N	nitrate-nitrogen		

II. FINDINGS

In issuing this Discharge Permit, NMED finds:

1. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move directly or indirectly into ground water within the meaning of Section 20.6.2.3104 NMAC.
2. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move into ground water of the State of New Mexico which has an existing concentration of 10,000 mg/L or less of TDS within the meaning of Subsection A of 20.6.2.3101 NMAC.
3. The discharge from the facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

III. AUTHORIZATION TO DISCHARGE

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

The permittee is authorized to receive and treat up to 46,000 gpd of domestic wastewater using a synthetically lined impoundment treatment system. The permittee is authorized to discharge reclaimed wastewater to 24.5 acres of land application area. The permittee is authorized to land apply up to 4,050 cubic yards of domestic wastewater treatment facility sludge, currently stored in the former wetland cell, to the 19 acre surface disposal site. [20.6.2.3104 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection C of 20.6.2.3109 NMAC]

IV. CONDITIONS

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

OPERATIONAL PLAN

Part A. Applicable to All Parts

#	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. [Subsection C of 20.6.2.3109 NMAC]
2.	The permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated. [20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]
3.	The permittee shall utilize operators, certified by the State of New Mexico at the appropriate level, to operate the wastewater collection, treatment and disposal systems.

#	Terms and Conditions
	<p>The operations and maintenance of all or any part of the wastewater system shall be performed by, or under the direct supervision of, a certified operator. [Subsection C of 20.6.2.3109 NMAC, 20.7.4 NMAC]</p>

Part B. Applicable to Wastewater Treatment/Storage Facilities and Discharges of Reclaimed Wastewater to Land Application Areas

#	Terms and Conditions
4.	<p>A minimum of 90 days prior to installation of the synthetic liner in Impoundment #3, the permittee shall submit final construction plans and specifications for the proposed lining project. The construction plans and specifications shall bear the seal and signature of a licensed New Mexico professional engineer (pursuant to New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority) and supporting design calculations, and shall be submitted for review by NMED. The submitted documentation shall include the following elements:</p> <ul style="list-style-type: none"> a) Details for the installation of the liner consistent with the attachment titled <i>Ground Water Discharge Permit Conditions for Synthetically Lined Lagoons – Liner Material and Site Preparation</i>, Revision 0.0, May 2007. b) Details of all wastewater system components (e.g., liner penetrations, piping, valves, etc.); c) The infrastructure necessary to discharge wastewater to the land application areas. The absorption area shall be sized to accommodate the maximum daily volume of wastewater discharged at the maximum allowable total nitrogen limit designated in this Discharge Permit while not exceeding the nitrogen loading limit of 200 pounds per acre in any 12-month period. d) Flow meters to measure the volume of wastewater discharged from the storage impoundment to the land application area. e) Specifications for all equipment, materials and installation procedures to be used in the construction of the wastewater system. f) Fences around the wastewater treatment impoundments to control access by the general public and animals. The fences shall consist of a minimum of six-foot chain link or field fencing, and locking gates. Where fences are not appropriate, access controls shall be proposed at the wastewater treatment impoundments to prevent access by the general public and animals. The controls shall consist of locking lids and compartments or other controls proposed for approval by NMED. <p>Prior to installing the synthetic liner in impoundment #3, and its associated components, the permittee shall obtain written verification from NMED that the plans and specifications meet the requirements of this Discharge Permit.</p> <p>[Subsections A and C 20.6.2.1202 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection C of 20.6.2.3107 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>

#	Terms and Conditions
5.	<p>The permittee shall complete installation of the synthetic liner in Impoundment #3 in accordance with the final construction plans and specifications submitted to NMED as outlined in condition #4 of this Discharge Permit. The permittee shall notify NMED at the commencement of construction to allow NMED personnel to be onsite for inspection during construction. The permittee shall submit record drawings that bear the seal and signature of a licensed New Mexico professional engineer (pursuant to the New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority) for the installation of the synthetic liner to NMED within 30 days of completion. [Subsections A and C of 20.6.2.1202 NMAC, Subsection C of 20.6.2.3109 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
6.	<p>Within eighteen months following the effective date of this Discharge Permit (by DATE), the permittee shall measure the thickness of the settled solids in Impoundment #1 and report the results of the solids depth measurements to NMED.</p> <p>The permittee shall measure the thickness of settled solids in accordance with the following procedure.</p> <ol style="list-style-type: none"> a) The total surface area of the treatment impoundment shall be divided into nine equal sub-areas. b) A settled solids measurement device (core sampler) shall be utilized to obtain one settled solids thickness measurement (to the nearest half-foot) per sub-area. c) The nine settled solids measurements shall be averaged. <p>In the event the average solids accumulation exceeds one-third of the maximum liquid depth in the impoundment(s), the permittee shall propose a plan for the removal and disposal of the solids from the treatment impoundment(s). The solids removal and disposal plan shall be submitted to NMED for approval within 120 days following the submittal of the report and shall include the following:</p> <ol style="list-style-type: none"> a) A method for removal of the solids to a depth of less than six inches throughout the treatment impoundment in a manner that is protective of the impoundment liner. b) A description of how the solids will be contained, transported, and disposed of in accordance with all local, state, and federal regulations, including 40 CFR Part 503. c) A schedule for completion of the solids removal and disposal project. <p>The permittee shall initiate implementation of the plan following approval by NMED. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
7.	<p>The permittee is not authorized to discharge wastewater to the wetland cell formerly utilized at this facility. The permittee shall continue to by-pass the wetland cell and shall remove or plug all lines leading to the wetland cell to ensure no discharge can occur. [20.6.2.3109 NMAC]</p>
8.	<p>Reclaimed wastewater discharged from the storage impoundment/impoundment #3 shall not exceed the following limitation:</p>

#	Terms and Conditions																
	<p style="text-align: center;">Total Nitrogen: 30 mg/L</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>																
9.	<p>Reclaimed wastewater discharged from the storage final impoundment shall not exceed the following limitations:</p> <table border="1" data-bbox="277 575 1219 877"> <thead> <tr> <th data-bbox="277 575 532 684"><u>Test</u></th> <th data-bbox="532 575 751 684"><u>30-day geometric mean</u></th> <th data-bbox="751 575 987 684"><u>30-day average</u></th> <th data-bbox="987 575 1219 684"><u>maximum</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="277 684 532 758">Fecal coliform bacteria:</td> <td data-bbox="532 684 751 758">1000 Org/100 mL</td> <td data-bbox="751 684 987 758">N/A</td> <td data-bbox="987 684 1219 758">5000 Org/100 mL</td> </tr> <tr> <td data-bbox="277 758 532 800">BOD₅:</td> <td data-bbox="532 758 751 800">N/A</td> <td data-bbox="751 758 987 800">30 mg/L</td> <td data-bbox="987 758 1219 800">45 mg/L</td> </tr> <tr> <td data-bbox="277 800 532 877">TSS OR Turbidity:</td> <td data-bbox="532 800 751 877">N/A</td> <td data-bbox="751 800 987 877">75 mg/L</td> <td data-bbox="987 800 1219 877">90 mg/L</td> </tr> </tbody> </table> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>	<u>Test</u>	<u>30-day geometric mean</u>	<u>30-day average</u>	<u>maximum</u>	Fecal coliform bacteria:	1000 Org/100 mL	N/A	5000 Org/100 mL	BOD ₅ :	N/A	30 mg/L	45 mg/L	TSS OR Turbidity:	N/A	75 mg/L	90 mg/L
<u>Test</u>	<u>30-day geometric mean</u>	<u>30-day average</u>	<u>maximum</u>														
Fecal coliform bacteria:	1000 Org/100 mL	N/A	5000 Org/100 mL														
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TSS OR Turbidity:	N/A	75 mg/L	90 mg/L														
10.	<p>The permittee shall apply reclaimed wastewater to the land application area such that the amount of total nitrogen applied does not exceed 200 pounds per acre in any 12-month period. Nitrogen content shall not be adjusted to account for volatilization or mineralization processes. Wastewater shall be distributed evenly throughout the entire re-use area. Excessive ponding shall be prevented.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>																
11.	<p>The permittee shall meet the following general requirements for above-ground use of reclaimed domestic wastewater:</p> <ol style="list-style-type: none"> a) The permittee shall maintain signs in English and Spanish at all re-use areas such that they are visible and legible for the term of this Discharge Permit. The signs shall be posted at the entrance to re-use areas and at other locations where public exposure to reclaimed wastewater may occur. The signs shall state: NOTICE: THIS AREA IS IRRIGATED WITH RECLAIMED WASTEWATER - DO NOT DRINK. AVISO: ESTA ÁREA ESTÁ REGADA CON AGUAS NEGRAS RECOBRADAS - NO TOMAR. Alternate wording and/or graphics may be submitted to NMED for approval. b) The reclaimed wastewater systems shall have no direct or indirect cross connections with public water systems or irrigation wells pursuant to the latest revision of the New Mexico Plumbing Code (14.8.2 NMAC) and New Mexico Mechanical Code (14.9.2 NAMC). c) Above-ground use of reclaimed wastewater shall not result in excessive ponding of wastewater, and shall not exceed the water consumptive needs of the crop. Re-use shall not be conducted at times when the re-use area is saturated or frozen. d) The discharge of reclaimed wastewater shall be confined to the re-use area. e) The discharge of reclaimed domestic wastewater to crops for human consumption is 																

#	Terms and Conditions
	<p>prohibited.</p> <p>f) Water supply wells within 200 feet of a re-use area shall have adequate wellhead construction pursuant to 19.27.4 NMAC. Re-use shall be managed to ensure protection of ground water quality.</p> <p>g) Existing and accessible portions of the reclaimed wastewater distribution system (with the exception of application equipment such as sprinklers or pivots) shall be colored purple or clearly labeled as being part of a reclaimed wastewater distribution system. Piping, valves and outlets that are installed during the term of this Discharge Permit shall be colored purple pursuant to the latest revision of the New Mexico Plumbing Code (14.8.2 NMAC) and New Mexico Mechanical Code (14.9.2 NMAC) to differentiate piping or fixtures used to convey reclaimed wastewater from those intended for potable or other uses. Valves, outlets, and sprinkler heads used in reclaimed wastewater systems shall be accessible only to authorized personnel. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
12.	<p>The permittee shall meet the following setbacks and access restrictions for flood irrigation using Class 3 reclaimed domestic wastewater:</p> <p>a) A minimum 100-foot setback shall be maintained between any dwellings or occupied establishments and the edge of the re-use area.</p> <p>b) The permittee shall manage the flood and drip irrigation of Class 3 reclaimed domestic wastewater in a manner that minimizes public contact.</p> <p>c) Public access to the re-use area shall be restricted by perimeter fencing using four-strand barbed wire and a locking gate, or other access controls approved by NMED.</p> <p>d) Fodder, fiber and seed crops for milk producing animals shall not be irrigated with Class 3 reclaimed wastewater. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
13.	<p>In the event that a cross-connection with fresh water exists, the permittee shall institute a backflow prevention method to protect wells and public water supply systems from contamination by reclaimed wastewater prior to discharging to the re-use area. Backflow prevention shall be achieved by a total disconnect (physical air gap separation between the discharge pipe and the liquid surface at least twice the diameter of the discharge pipe), or by a reduced pressure principal backflow prevention assembly (RP) installed on the line between the fresh water supply wells or public water supply and the reclaimed wastewater delivery system. Backflow prevention shall be maintained at all times.</p> <p>RP devices shall be inspected and tested by a certified backflow prevention assembly tester at the time of installation, repair or relocation and at least on an annual basis thereafter. The backflow prevention assembly tester shall have successfully completed a 40-hour backflow prevention course based on the University of Southern California's Backflow Prevention Standards and Test Procedures, and obtained certification demonstrating completion. A malfunctioning RP device shall be repaired or replaced within 30 days of discovery, and use of all supply lines associated with the RP device</p>

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	<p>shall cease until repair or replacement has been completed. Copies of the inspection and maintenance records and test results for each RP device associated with the backflow prevention program shall be maintained at a location available for inspection by NMED. [Subsection C of 20.6.2.3109 NMAC]</p>
14.	<p>The permittee shall maintain 18 to 24-inch berms around the re-use areas to prevent surface water run-on and run-off. The berms shall be inspected on a regular basis and after any major precipitation event, and repaired as necessary. [Subsection C of 20.6.2.3109 NMAC]</p>
15.	<p>The permittee shall maintain signs indicating that the wastewater at the facility is not potable. Signs shall be posted at the facility entrance and other areas where there is potential for public contact with wastewater. All signs shall be printed in English and Spanish remain visible and legible for the term of this Discharge Permit. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
16.	<p>The permittee shall maintain the impoundment liner(s) in such a manner as to avoid conditions which could affect the structural integrity of the impoundment(s) and/or impoundment liner(s). Such conditions include or may be characterized by the following:</p> <ul style="list-style-type: none"> • erosion damage; • animal burrows or other damage; • the presence of vegetation including aquatic plants, weeds, woody shrubs or trees growing within five feet of the top inside edge of a sub-grade impoundment, within five feet of the toe of the outside berm of an above-grade impoundment, or within the impoundment itself; • the presence of large debris or large quantities of debris in the impoundment; • evidence of seepage; and • evidence of berm subsidence. <p>Vegetation growing around the impoundment shall be routinely controlled by mechanical removal in a manner that is protective of the impoundment liner.</p> <p>The permittee shall visually inspect the impoundment(s) and surrounding berms on a monthly basis to ensure proper maintenance. In the event that inspection reveals any evidence of damage that threatens the structural integrity of an impoundment berm or liner, or that may result in an unauthorized discharge, the permittee shall enact the contingency plan set forth in this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
17.	<p>The permittee shall preserve a minimum of two feet of freeboard between the liquid level in the impoundment(s) and the elevation of the top of the impoundment liner. In the event that the permittee determines that two feet of freeboard cannot be preserved in the impoundment, the permittee shall enact the contingency plan set forth in this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

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18.	<p>The permittee shall inspect the lift station(s) on a quarterly basis, and clean as needed to prevent pump failure. The permittee shall maintain a record of lift station inspections, repairs and cleanings. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

Part C. Applicable to Discharges of Domestic WWTF Sludge to the Surface Disposal Area

#	Terms and Conditions
19.	<p>Within three years of the effective date of this permit, (by DATE), the permittee shall complete surface disposal of up to 4,050 cubic yards of domestic wastewater treatment facility sludge being stored in the former wetland cell to the 19-acre land application area. Disposal of sludge shall be in accordance with requirements set forth in 40 CFR Part 503. [20.6.2.3104 NMAC]</p>
20.	<p>Discharge of the domestic wastewater treatment facility sludge to the 19-acre surface disposal site shall not commence until the permittee has obtained written approval from NMED. Approval shall be contingent upon completion of the following tasks:</p> <p>Prior to discharging to the 19-acre surface disposal site, the permittee shall prepare the site to receive sludge by completing the following:</p> <ol style="list-style-type: none"> a) The site shall be grubbed, leveled and contoured to facilitate access by the sludge spreading/injection equipment necessary to ensure even distribution throughout the disposal site. The finished site shall not restrict the flow of a base flood as defined in <u>40 CFR 503, Subpart C – Surface Disposal, § 503.9 General Definitions, section (b)</u>. b) Storm water controls shall be installed at the site to prevent storm water run-on and run-off from the site during a 25-year, 24-hour storm event. At a minimum, 18 - 24-inch earthen berms surrounding the perimeter of the 19-acre disposal site shall be installed. Additional storm water controls shall be installed as necessary. c) Fences (minimum three-strand barbed wire) around the perimeter of the 19-acre surface disposal site and locking gates (as appropriate) shall be installed to prevent access by the public. d) Install weatherproof signs in English and Spanish that state: "Notice: Waste Disposal Area - KEEP OUT", "Aviso: Área de Disposición - NO ENTAR" at the facility entrance and every 500 feet along the boundary of the 19-acre surface disposal site. e) 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. <p>Prior to discharging to the 19-acre surface disposal site, the permittee shall submit the</p>

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	<p>following items to NMED:</p> <ul style="list-style-type: none"> f) A demonstration that the 19-acre surface disposal site will not restrict the flow of a base flood as set forth in <u>40 CFR 503, Subpart C – Surface Disposal, § 503.24 Management practices, section (b)</u>. The demonstration shall bear the seal and signature of a licensed New Mexico professional engineer (pursuant to New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority) and supporting design calculations, and shall be submitted for review by NMED. g) A demonstration that the storm water controls installed at the 19-acre surface disposal site are designed to manage a 25-year, 24-hour storm event as set forth in <u>40 CFR 503, Subpart C – Surface Disposal, § 503.24 Management practices, section (g) (1) & (2)</u>. The demonstration shall bear the seal and signature of a licensed New Mexico professional engineer (pursuant to New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority) and supporting design calculations, and shall be submitted for review by NMED. h) A proposed method for measuring the volume of sludge land applied. i) A proposed method for transferring and distributing sludge to the surface disposal area. j) The anticipated hydraulic and nitrogenous application rates for the surface disposal area. k) An up-to-date map(s) of the entire 19-acre surface disposal facility. The map(s) shall be drawn to a scale such that all necessary information is plainly shown and labeled. The map shall include the following elements: <ul style="list-style-type: none"> l) An approximate graphic scale, north arrow and effective date of the map. m) The approximate location of all signs required by this Discharge Permit. n) All storm water control structures. o) All domestic and public water supply wells within 1,000 feet of the boundary of the 19-acre surface disposal facility. p) The approximate location of all fences and locking gates at the 24.5-acre surface disposal facility. <p>Upon receipt and approval of the information listed above, NMED will grant written authorization to the permittee to commence land application of the domestic wastewater treatment facility sludge stored in the former wetland cell to the 19-acre surface disposal area. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>
21.	<p>Domestic wastewater treatment facility 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>

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22.	<p>The permittee shall apply the domestic wastewater treatment facility sludge stored in the former wetland cell to the 19-acre surface disposal area such that the amount of total nitrogen applied, including any total nitrogen from reclaimed effluent, does not exceed 200 pounds per acre in any 12-month period. Nitrogen content shall not be adjusted to account for volatilization or mineralization processes. The sludge shall be distributed evenly throughout the entire surface disposal area. [Subsection C of 20.6.2.3109 NMAC]</p>
23.	<p>The permittee shall maintain fences around the entire surface disposal area 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]</p>

MONITORING AND REPORTING

Part A. Applicable to All Parts

#	Terms and Conditions
24.	<p>The permittee shall conduct the following monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
25.	<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) Federal Register, latest methods published for monitoring pursuant to Resource Conservation and Recovery Act regulations g) Methods of Soil Analysis: Part 1. Physical and Mineralogical Methods; Part 2. Microbiological and Biochemical Properties; Part 3. Chemical Methods, American Society of Agronomy <p>[Subsection B of 20.6.2.3107 NMAC]</p>

#	Terms and Conditions
26.	<p>The permittee shall submit quarterly monitoring reports to NMED for the most recently completed quarterly period by the 1st of February, May, August and November each year.</p> <p>Quarterly monitoring shall be performed during the following periods and submitted as follows:</p> <ul style="list-style-type: none"> • January 1st through March 31st (first quarter) – due by May 1st • April 1st through June 30th (second quarter) – due by August 1st • July 1st through September 30th (third quarter) – due by November 1st • October 1st through December 31st (fourth quarter) – due by February 1st <p>[Subsection A of 20.6.2.3107 NMAC]</p>

Part B. Applicable to Wastewater Treatment/Storage Facilities and Discharges of Reclaimed Wastewater to Land Application Sites

#	Terms and Conditions
27.	<p>The permittee shall estimate the monthly volume of reclaimed wastewater discharged from the final impoundment to the land application area. The pumping rate of the effluent pump(s) located in the final lift shall be obtained from the manufacturer specifications or by documented field assessment. The total run time for each pump(s) shall be logged on an hours recorder. The permittee shall record the pump run hours on a monthly basis (pump operating time) and multiply the time by the pumping rate to calculate the estimated monthly discharge volume by the formula below.</p> <p style="text-align: center;">(pumping rate) x (monthly pump operating time) = estimated monthly discharge volume</p> <p>The estimated monthly discharge volume shall be used to calculate the average daily discharge volume by the formula below.</p> <p style="text-align: center;">estimated monthly discharge volume ÷ # of days between readings = average daily discharge volume</p> <p>The record of the monthly operating time for the pump(s), pumping rate and estimated monthly and average daily discharge volume shall be submitted to NMED in the quarterly monitoring reports. The hours recorder shall be kept functional at all times.</p> <p>* Should more than one pump/hours recorder assembly exist at the facility, the permittee shall calculate the estimated monthly discharge volume for the facility by adding the estimated monthly discharge volume determined for each pump/hours recorder assembly. This summation should be completed prior to calculating the average daily discharge volume for the facility.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
28.	<p>The permittee shall collect samples of reclaimed wastewater from the discharge of the final lift station on a quarterly basis and analyze the samples for TKN, NO₃-N, TDS and Cl.</p>

#	Terms and Conditions
	<p>In the event that discharge does not occur for an entire quarterly period, the permittee shall collect a composite wastewater sample from a representative location within the final impoundment and analyze the sample for TKN, NO₃-N, TDS and Cl. The composite sample shall consist of a minimum of six equal aliquots collected around the entire perimeter of the impoundment and thoroughly mixed.</p> <p>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 quarterly monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
29.	<p>During any month that the discharge of reclaimed wastewater occurs, the permittee shall perform the following analyses on reclaimed wastewater samples collected from the flood irrigation hose using the following sampling method and frequency:</p> <ul style="list-style-type: none"> • Fecal coliform bacteria: grab sample once per month. • BOD₅: grab sample once per month. • TSS: grab sample once per month. <p>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 quarterly monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections B, C and H of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
30.	<p>The permittee shall complete LADS (copy enclosed) on a monthly basis that document the amount of nitrogen applied to <u>each</u> land application area during the most recent 12 months. The LADS shall reflect the total nitrogen concentration from the most recent wastewater analysis and the estimated discharge volumes to each land application area for each month. The LADS shall be completed with information above or shall include a statement that application of wastewater did not occur. The LADS shall be submitted to NMED in the quarterly monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

Part C. Applicable to Discharges of Domestic WWTF Sludge to the Surface Disposal Area

#	Terms and Conditions
31.	<p>Prior to the discharge of sludge from the former wetland cell, the permittee shall collect a composite sludge sample. 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 the former wetland cell shall be divided into nine equal sub-areas. b) An aliquot shall be obtained from each sub-area. c) The composite sample shall consist of nine equal aliquots collected from the sub-

#	Terms and Conditions
	<p>areas.</p> <p>d) The composite sample shall be analyzed for arsenic, chromium, nickel, TKN, NO₃-N, and percent total solids.</p> <p>The composite sample 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 quarterly monitoring report following the completion of the surface disposal. [20.6.2.3107 NMAC]</p>
32.	<p>The permittee shall record the total volume of sludge discharged from the former wetland cell to the 19-acre land application area. The total discharge volume shall be reported to NMED in the quarterly monitoring report following the completion of the surface disposal of sludge from the former wetland cell. [20.6.2.3107 NMAC]</p>
33.	<p>The permittee shall complete a SDDS (copy enclosed) to document the amount of nitrogen applied to the 19-acre land application area. A SDDS shall reflect the nitrogen concentration from the sludge composite sample and the total number of dry tons discharged from the former wetland cell. Nitrogen content shall not be adjusted to account for volatilization or mineralization processes. The SDDS shall be submitted to NMED in the quarterly monitoring report following the completion of the surface disposal. [20.6.2.3107 NMAC]</p>
34.	<p>The permittee shall maintain copies of the records required to be kept to demonstrate compliance with 40 CFR Part 503 in a location available for review by NMED during facility inspections. [40.503(17) CFR, 74-6-5(E)(1) WQA, 74-6-5(K) WQA]</p>

CONTINGENCY PLAN

Part A. Applicable to All Parts

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

#	Terms and Conditions
36.	<p>In the event that a release (commonly known as a “spill”) occurs that is not authorized under this Discharge Permit, the permittee shall initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below.</p> <p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the permittee shall verbally notify NMED and provide the following information:</p> <ol style="list-style-type: none"> a) The name, address, and telephone number of the person or persons in charge of the facility, as well as of the owner and/or operator of the facility. b) The name and address of the facility. c) The date, time, location, and duration of the unauthorized discharge. d) The source and cause of unauthorized discharge. e) A description of the unauthorized discharge, including its estimated chemical composition. f) The estimated volume of the unauthorized discharge. g) Any actions taken to mitigate immediate damage from the unauthorized discharge. <p>Within <u>one week</u> following discovery of the unauthorized discharge, the permittee shall submit written notification to NMED with the information requested above.</p> <p>Within <u>15 days</u> following discovery of the unauthorized discharge, the permittee shall submit a corrective action plan to NMED describing any corrective actions taken and/or to be taken relative to the unauthorized discharge that includes the following:</p> <ol style="list-style-type: none"> a) A description of proposed actions to mitigate damage from the unauthorized discharge. b) A description of proposed actions to prevent future unauthorized discharges of this nature. c) A schedule for completion of proposed actions. <p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, the permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p> <p>Nothing in this condition shall be construed as relieving the permittee of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC. [NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, 20.6.2.1203 NMAC]</p>
37.	<p>In the event that NMED or the permittee identifies any failures of the discharge plan or this Discharge Permit not specifically noted herein, NMED may require the permittee to submit a corrective action plan and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a Discharge Permit modification to achieve compliance with 20.6.2 NMAC.</p>

#	Terms and Conditions
	[NMSA 1978, § 74-6-5.D, Subsections B and E of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107NMAC]

Part B. Applicable to Wastewater Treatment/Storage Facilities and Discharges of Reclaimed Wastewater to Land Application Sites

38.	<p>In the event that analytical results of a quarterly reclaimed wastewater sample indicate an exceedance of the total nitrogen limitation set in this Discharge Permit, the permittee shall collect and analyze a second sample within 30 days of the first sample analysis date. In the event the second sample results indicate that the limitation is continuing to be exceeded, the following contingency plan shall be enacted:</p> <ul style="list-style-type: none"> a) Within 15 days of the second sample analysis date indicating that the limitation is continuing to be exceeded, the permittee shall <ul style="list-style-type: none"> i) notify NMED that the contingency plan is being enacted; and ii) submit a copy of the first and second analytical results indicating an exceedance to NMED. b) The permittee shall increase the frequency of reclaimed wastewater total nitrogen sampling and analysis to once per month. c) The permittee shall examine the operation and maintenance log, required by the Record Keeping conditions of this Discharge Permit, for improper operational procedures. d) The permittee shall conduct a physical inspection of the treatment system to detect abnormalities. Any abnormalities discovered shall be corrected. A report detailing the corrections made shall be submitted to NMED within 30 days of correction. e) In the event that any analytical results from monthly wastewater sampling indicate an exceedance of the total nitrogen limitation, the permittee shall propose to modify operational procedures and/or upgrade the treatment process to achieve the total nitrogen limit by submitting a corrective action plan to NMED for approval. The plan shall include a schedule for completion of corrective actions and shall be submitted within 90 days of the second sample analysis date indicating that the limitation was being exceeded. The permittee shall initiate implementation of the plan following approval by NMED. <p>When analytical results from three consecutive months of wastewater sampling do not exceed the limitation, the permittee is authorized to return to a quarterly monitoring frequency.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>
39.	<p>In the event that analytical results of a reclaimed domestic wastewater sample indicates an exceedance of any of the maximum limitations for BOD₅, TSS, or fecal coliform bacteria set by this Discharge Permit, the permittee shall collect and analyze a second sample within 24 hours after becoming aware of the exceedance. In the event the second sample results indicate that any maximum limitation is continuing to be exceeded (i.e., confirmed exceedance), the contingency plan below shall be enacted.</p>

	<p style="text-align: center;">AND / OR</p> <p>In the event that analytical results of a reclaimed domestic wastewater sample indicates an exceedance of any of the 30-day average limitations for BOD₅, TSS, or fecal coliform bacteria set by this Discharge Permit (i.e., confirmed exceedance), the contingency plan below shall be enacted.</p> <p><u>Contingency Plan</u></p> <p>a) Within 48 hours of becoming aware of a confirmed exceedance (as identified above), the permittee shall:</p> <ul style="list-style-type: none"> i) notify NMED that the contingency plan is being enacted; and ii) submit copies of the recent analytical results indicating an exceedance to NMED. <p>b) The permittee shall examine the operation and maintenance log, required by the Record Keeping conditions of this Discharge Permit, for improper operational procedures.</p> <p>c) The permittee shall conduct a physical inspection of the treatment system to detect abnormalities. Any abnormalities discovered shall be corrected. A report detailing the corrections made shall be submitted to NMED within 30 days following correction.</p> <p>If a facility is required to enact the contingency plan more than two times in a 12-month period, the permittee shall propose to modify operational procedures and/or upgrade the treatment process to achieve consistent compliance with the maximum and 30-day average limitations by submitting a corrective action plan for NMED approval. The plan shall include a schedule for completion of corrective actions and shall be submitted within 60 days following the second sample analysis date. The permittee shall initiate implementation of the plan following approval by NMED. Additional sampling of any stored reclaimed wastewater may be required by NMED in response to the submitted corrective action plan.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
40.	<p>In the event that the LADS show that the amount of nitrogen in wastewater applied in any 12-month period exceeds 200 pounds per acre, the permittee shall propose the reduction of nitrogen loading to the land application area by submitting a corrective action plan to NMED for approval. The plan shall include a schedule for completion of corrective actions and shall be submitted within 90 days following the end of the monitoring period in which the exceedance occurred. The permittee shall initiate implementation of the plan following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
41.	<p>In the event that inspection findings reveal significant damage likely to affect the structural integrity of the lined impoundment(s) or its ability to contain contaminants, the permittee shall propose the repair or replacement of the impoundment liner(s) by submitting a corrective action plan to NMED for approval. The plan shall be submitted to NMED within 30 days after discovery by the permittee or following notification from NMED that significant liner damage is evident. The corrective action plan shall include a</p>

	<p>schedule for completion of corrective actions and the permittee shall initiate implementation of the plan following approval by NMED. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
42.	<p>In the event that a minimum of two feet of freeboard cannot be preserved in an impoundment, the permittee shall take actions authorized by this Discharge Permit and all applicable local, state, and federal regulations to restore the required freeboard.</p> <p>In the event that two feet of freeboard cannot be restored within a period of 72 hours following discovery, the permittee shall propose actions to be immediately implemented to restore two feet of freeboard by submitting a short-term corrective action plan to NMED for approval. Examples of short-term corrective actions include: removing excess wastewater from the impoundment through pumping and hauling; or reducing the volume of wastewater discharged to the impoundments. The plan shall include a schedule for completion of corrective actions and shall be submitted within 15 days following the date when the two feet of freeboard limit was initially discovered. The permittee shall initiate implementation of the plan following approval by NMED.</p> <p>In the event that the short-term corrective actions fail to restore two feet of freeboard, the permittee shall propose permanent corrective actions in a long-term corrective action plan submitted to NMED within 90 days following failure of the short-term corrective action plan. Examples include: the installation of an additional storage impoundment, or a significant/permanent reduction in the volume of wastewater discharged to the impoundment. The plan shall include a schedule for completion of corrective actions and implementation of the plan shall be initiated following approval by NMED. [NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>

Part C. Applicable to Discharges of Domestic WWTF Sludge to the Surface Disposal Area

43.	<p>In the event that the sludge surface disposal area is saturated, frozen or covered with snow, sludge shall not be discharged to the surface disposal area. Should the adverse conditions persist beyond the sludge storage capacity of the wastewater treatment facility, the permittee shall obtain NMED approval for a temporary alternative. [20.6.2.3107.A(10) NMAC]</p>
44.	<p>In the event that the LADS show that the amount of nitrogen in the domestic wastewater treatment facility sludge and/or reclaimed effluent applied to the 19-acre surface disposal area exceeds 200 lbs/acre/year, the permittee shall cease discharge of the domestic wastewater treatment facility sludge and/or reclaimed effluent until application rates are less than 200 lbs/acre/year.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

CLOSURE PLAN

Part B. Applicable to Wastewater Treatment/Storage Facilities and Discharges of Reclaimed Wastewater to Land Application Sites

#	Terms and Conditions
45.	<p>In the event the facility, or a component of the facility, is proposed to be permanently closed, upon ceasing discharge, the permittee shall perform the following closure measures:</p> <p>Within <u>60 days</u> of ceasing discharge to the impoundment(s), the line leading to the impoundment shall be plugged so that a discharge can no longer occur.</p> <p>Within <u>60 days</u> of ceasing discharge to the impoundment(s), wastewater shall be discharged from the impoundment and any other wastewater system components to the re-use area, as authorized by this Discharge Permit. The discharge of accumulated solids (sludge) from the impoundment to the re-use area is prohibited.</p> <p>Within <u>90 days</u> of ceasing discharge to the impoundment(s), the permittee shall submit a sludge removal and disposal plan to NMED for approval. The permittee shall initiate implementation of the plan within 30 days following approval by NMED. The sludge removal and disposal plan shall include the following:</p> <ol style="list-style-type: none"> a) The estimated volume and dry weight of sludge to be removed and disposed, including measurements and calculations. b) Analytical results for samples of the sludge taken from the impoundment for TKN, NO₃-N, percent total solids, and any other parameters tested (reported in mg/kg, dry weight basis). c) The method(s) of sludge <i>removal</i> from the impoundment(s). d) The method(s) of <i>disposal</i> for all of the sludge (and its contents) removed from the impoundment(s). The method(s) shall comply with all local, state and federal regulations, including 40 CFR Part 503. <i>Note: A proposal that includes the surface disposal of sludge may be subject to Ground Water Discharge Permitting requirements pursuant to 20.6.2.3104 NMAC that are separate from the requirements of this Discharge Permit.</i> e) A schedule for completion of sludge removal and disposal not to exceed two years from the date discharge to the impoundment(s) ceased. <p>Within <u>one year</u> following completion of the sludge removal and disposal, the permittee shall complete the following closure measures:</p> <ol style="list-style-type: none"> a) Remove all lines leading to and from the impoundment(s), or permanently plug and abandon them in place. b) Remove or demolish any other wastewater system components and re-grade area with suitable fill to blend with surface topography, promote positive drainage and prevent ponding. c) Perforate or remove the impoundment liner(s). d) Fill the impoundment(s) with suitable fill.

	<p>e) Re-grade the impoundment site to blend with surface topography, promote positive drainage and prevent ponding.</p> <p>When all closure and post-closure requirements have been met, the permittee may submit a written request for termination of the Discharge Permit to NMED. [Subsection A of 20.6.2.3107 NMAC, 40 CFR Part 503]</p>
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Part C. Applicable To Discharges of Domestic WWTF Sludge to the Surface Disposal Area

46.	<p>Upon closure of the sludge surface disposal site and/or sludge storage impoundment, the permittee shall perform the following closure measures:</p> <ol style="list-style-type: none"> a) Backfill the sludge surface disposal site with clean fill (as necessary) and contour to provide for positive stormwater drainage. b) Re-vegetate the sludge surface disposal site 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 permittee shall maintain the vegetative cover through two consecutive growing seasons. c) 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. d) Submit proof to NMED that all closure activities set forth for the facility under 40 CFR 503 have been completed. <p>When all closure and post-closure requirements have been met, the permittee may request to remove the approval for the discharge of domestic wastewater treatment sludge from this Discharge Permit or terminate this Discharge Permit (as appropriate). [20.6.2.3107.A(11) NMAC]</p>
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GENERAL TERMS AND CONDITIONS

#	Terms and Conditions
47.	<p>RECORD KEEPING - The permittee shall maintain a written record of the following information:</p> <ol style="list-style-type: none"> a) Information and data used to complete the application for this Discharge Permit. b) Records of any releases (commonly known as “spills”) not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC. c) Records of the operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater. d) Facility record drawings (plans and specifications) showing the actual construction of the facility and bear the seal and signature of a licensed New Mexico professional engineer. e) Copies of monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit. f) The volume of wastewater or other wastes discharged pursuant to this Discharge

#	Terms and Conditions
	<p>Permit.</p> <ul style="list-style-type: none"> g) Ground water quality and wastewater quality data collected pursuant to this Discharge Permit. h) Copies of construction records (well log) for all ground water monitoring wells required to be sampled pursuant to this Discharge Permit. i) Records of the maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit. j) Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit. The following information shall be recorded and shall be made available to NMED upon request: <ul style="list-style-type: none"> i) The dates, location and times of sampling or field measurements; ii) The name and job title of the individuals who performed each sample collection or field measurement; iii) The sample analysis date of each sample; iv) The name and address of the laboratory, and the name of the signatory authority for the laboratory analysis; v) The analytical technique or method used to analyze each sample or collect each 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. [Subsections A and D of 20.6.2.3107 NMAC]</p>
48.	<p>INSPECTION and ENTRY – The permittee shall allow inspection by NMED of the facility and its operations which are subject to this Discharge Permit and the WQCC regulations. NMED may upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which are located any records required to be maintained by regulations of the federal government or the WQCC.</p> <p>The permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling or monitoring during an inspection for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations.</p> <p>Nothing in this Discharge Permit shall be construed as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state or federal regulations.</p> <p>[Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>

#	Terms and Conditions
49.	<p>DUTY to PROVIDE INFORMATION - The permittee shall, upon NMED's request, allow for NMED's inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records. [Subsection D of 20.6.2.3107 NMAC]</p>
50.	<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. [Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]</p>
51.	<p>PLANS and SPECIFICATIONS – In the event the permittee is proposing to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the permittee shall submit construction plans and specifications to NMED for the proposed system or process unit prior to the commencement of construction. In the event the permittee implements changes to the wastewater system authorized by this Discharge Permit which result in only a minor effect on the character of the discharge, the permittee shall report such changes (including the submission of record drawings, where applicable) as of January 1 and June 30 of each year to NMED. [Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
52.	<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. [20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]</p>
53.	<p>CRIMINAL PENALTIES – No person shall: 1) make any false material statement, representation, certification or omission of</p>

#	Terms and Conditions
	<p>material fact in an application, record, report, plan or other document filed, submitted or required to be maintained under the WQA;</p> <p>2) falsify, tamper with or render inaccurate any monitoring device, method or record required to be maintained under the WQA; or</p> <p>3) fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation.</p> <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
54.	<p>COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the permittee of the obligation to comply with all applicable federal, state, and local laws, regulations, permits or orders.</p> <p>[NMSA 1978, § 74-6-5.L]</p>
55.	<p>RIGHT to APPEAL - The permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues to be raised and the relief sought. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review.</p> <p>[20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]</p>
56.	<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>

#	Terms and Conditions
57.	<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. [Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]</p>

V. PERMIT TERM & SIGNATURE

EFFECTIVE DATE: [effective date]

TERM ENDS: [expiration date]

[Subsection H of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.I]

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