

**GROUND WATER DISCHARGE PERMIT**  
**Rosa Mora, DP-1732**

**I. INTRODUCTION**

The New Mexico Environment Department (NMED) issues this Discharge Permit (Discharge Permit), DP-1732, to Cannon Industries, LLC (permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from Rosa Mora (facility) into ground and surface water, so as to protect ground and surface water for present and potential future use as domestic and agricultural water supply and other uses and protect public health. In issuing this Discharge Permit, NMED has determined that the requirements of Subsection C of 20.6.2.3109 NMAC have been met.

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

Up to 20,000 gallons per day (gpd) of sludge, septage and grease trap waste is discharged to six 2.75-acre surface disposal cells (one 2.75 acre cell designated exclusively for grease trap waste, one 2.75 acre cell designated exclusively for domestic sludge and four 2.75 acre cells designated exclusively for domestic septage). 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 on forty-acres one mile west of Highway 54 on Otero County Road B028, approximately 26 miles south of Carrizozo, in Section 33, Township 11S, Range 09E, Otero County. Ground water most likely to be affected is at a depth of approximately 240 feet and has a total dissolved solids concentration of approximately 1,796 milligrams per liter.

The permittee's application constitutes the Discharge Plan and consists of the materials submitted by Colin Cannon dated April 20, 2009 and additional information received on December 9, 2009. The discharge shall be managed in accordance with the Discharge Plan as conditioned by this Discharge Permit.

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

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

The following abbreviations may be used in this Discharge Permit:

| Abbreviation     | Explanation                       | Abbreviation       | Explanation                      |
|------------------|-----------------------------------|--------------------|----------------------------------|
| BOD <sub>5</sub> | biochemical oxygen demand (5-day) | NMSA               | New Mexico Statutes Annotated    |
| CFR              | Code of Federal Regulations       | NO <sub>3</sub> -N | nitrate-nitrogen                 |
| CFU              | colony forming units              | NTU                | nephelometric turbidity units    |
| Cl               | chloride                          | TDS                | total dissolved solids           |
| LADS             | land application data sheet(s)    | TKN                | total Kjeldahl nitrogen          |
| mg/L             | milligrams per liter              | TSS                | total suspended solids           |
| mL               | milliliters                       | total nitrogen     | TKN+NO <sub>3</sub> -N           |
| NMAC             | New Mexico Administrative Code    | WQCC               | Water Quality Control Commission |
| NMED             | New Mexico Environment Department |                    |                                  |

## II. FINDINGS

In issuing this Discharge Permit, NMED finds:

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

## III. CONDITIONS

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

### OPERATIONAL PLAN

| #  | Terms and Conditions   |
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| 1. | The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 1 and 2 NMAC. [20.6.2.3106.C NMAC, 20.6.2.3107 NMAC] |

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| 2.  | The permittee shall operate in a manner such that standards and requirements of Section 20.6.2.3103 NMAC including human health, other domestic water supply and irrigation standards are not violated. [20.6.2.3103 NMAC]   |
| 3.  | Prior to discharging from 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]   |
| 4.  | Prior to discharging from 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 maintained at all times. [20.6.2.3109 NMAC]   |
| 5.  | Prior to discharging from the facility, the permittee shall post signs at the facility entrance and every 500 feet along the boundary which states the following in both English and Spanish: "Notice – Domestic Septage, Sludge and Grease Waste Disposal Area-Keep Out." A sign with the name, phone number, emergency phone number, and location of facility including township, range, and section(s) will be posted at the entrance gate. All tanks shall be labeled with the name of their contents and tanks containing contaminated water should be labeled "Not Potable Water". Each cell shall have a waterproof placard to identify the cell number and waste type and to facilitate a rotational disposal schedule as required in conditions below. All signs shall remain visible and legible for the term of this Discharge Permit. Site security shall be the responsibility of the permittee. The permittee shall accept wastes only during established business hours. [20.6.2.3109 NMAC] |
| 6.  | Prior to discharging from the facility, the permittee shall install and maintain a 24-inch earthen berm surrounding the perimeter of the facility to prevent stormwater run-on and run-off. In addition, the permittee shall construct and maintain shallow (minimum depth of six inches) storm water diversion bar trenches parallel to and on each side of the site entrance gate. The berms shall be installed prior to discharging and inspected on a regular basis, and after any major rainfall event and repaired as necessary. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]  |
| 7.  | Domestic septage, domestic wastewater treatment plant sludge and mechanically separated grease trap waste shall be disposed of in separate pre-determined cells. [20.6.2.3109 NMAC]  |
| 8.  | The permittee shall inspect the site weekly and collect any residual solid waste that might otherwise be blown off-site. The collected materials shall be disposed of in a manner consistent with local, state and federal solid waste disposal regulations. [20.6.2.3109 NMAC]  |
| 9.  | The permittee shall not discharge liquid wastes during periods of precipitation, low evaporation, or when surface soils are frozen or saturated. The permittee may store wastes in tanker trucks during periods of precipitation, low evaporation, or when surface soils are frozen or saturated. [20.6.2.3109 NMAC]   |
| 10. | The permittee shall only discharge wastes as authorized by this Discharge Permit. Each driver and/or site attendant shall be educated on the types of waste that are allowed to be disposed, and shall accept only wastes authorized by this Discharge Permit. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]  |

***Domestic Septage (including Portable Toilet Waste)***

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| 11. | The permittee is authorized to discharge up to 15,000 gpd of domestic septage to four 2.75-acre disposal cells (identified as C3-DST, C4-DST, C5-DST and C6-DST) on a rotational basis. Treatment, storage and disposal of domestic septage shall be in accordance with requirements set forth in 40 CFR Part 503. [20.6.2.3109 NMAC, 74-6-5 WQA] |
| 12. | Domestic septage shall be distributed evenly over the entire surface disposal area in a manner that will not cause ponding. [20.6.2.3109 NMAC]  |
| 13. | All surface disposal discharges of domestic septage shall be incorporated into the soil by disking or plowing within six hours of adding to disposal cell. [20.6.2.3109 NMAC]   |
| 14. | The permittee shall screen the domestic septage through a ¾-inch or smaller mesh screen prior to discharge to the disposal area. Debris retained by the screen shall be placed in an onsite container to be disposed of in accordance with all local, state, and federal regulations. [20.6.2.3109 NMAC]  |

***Domestic Wastewater Treatment Plant Sludge***

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| 15. | The permittee is authorized to discharge up to 4,000 gpd of treated municipal sludge to one 2.75-acre disposal cell, identified as C2-SLG. Treatment, storage and disposal of sludge shall be in accordance with requirements set forth in 40 CFR Part 503. [20.6.2.3104 NMAC] |
| 16. | Treated municipal sludge shall be distributed evenly over the entire surface disposal area in a manner that will not cause ponding. [20.6.2.3109 NMAC]   |

***Grease Trap Waste***

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| 17. | The permittee is authorized to discharge up to 1,000 gpd of the aqueous portion of grease trap waste to one 2.75-acre disposal cell (identified as C1-GTW). The discharged wastes shall be applied evenly in a manner that will not cause the wastewater to pool or pond and shall be incorporated into the soil by disking or plowing at the end of each operating day. The non-aqueous portions of the grease trap waste shall be disposed of in a manner consistent with local, state and federal solid waste disposal regulations. [20.6.2.3109 NMAC] |
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**MONITORING, REPORTING, AND OTHER REQUIREMENTS**

| #   | Terms and Conditions   |
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| 18. | The permittee shall conduct the monitoring, reporting, and other requirements listed below. [20.6.2.3107 NMAC]   |
| 19. | 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:<br>a) American Public Health Association, Standard Methods for the Examination of Water |

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|     | <p>and Wastewater (18<sup>th</sup>, 19<sup>th</sup> or current);</p> <p>b) U.S. Environmental Protection Agency, Methods for Chemical Analysis of Water and Waste;</p> <p>c) U.S. Geological Survey, Techniques for Water Resources Investigations of the U.S. Geological Survey;</p> <p>d) American Society for Testing and Materials, Annual Book of ASTM Standards, Part 31. Water;</p> <p>e) U.S. Geological Survey, et al., National Handbook of Recommended Methods for Water Data Acquisition; or</p> <p>f) Methods of Soil Analysis: Part 1. Physical and Mineralogical Methods and Part 2. Chemical and Microbiological Properties, American Society of Agronomy.</p> <p>[20.6.2.3107.B NMAC]</p>  |
| 20. | <p>The permittee shall submit semi-annual monitoring reports to NMED by the 1<sup>st</sup> 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"> <li>• January 1<sup>st</sup> through June 30<sup>th</sup> (first half) – <b>report due by August 1<sup>st</sup></b>; and</li> <li>• July 1<sup>st</sup> through December 31<sup>st</sup> (second half) – <b>report due by February 1<sup>st</sup></b>.</li> </ul> <p>Monitoring requirements detailed in this Discharge Permit are summarized on the sheet titled <i>Summary of Required Actions, Monitoring and Reporting</i>. [20.6.2.3107 NMAC]</p>   |
| 21. | <p>The permittee shall create a manifest for each waste pick-up/disposal recording the following information:</p> <ul style="list-style-type: none"> <li>• name of the hauling company;</li> <li>• date of pick-up and disposal;</li> <li>• name and address of the waste origin;</li> <li>• type of waste/description of contamination;</li> <li>• volume of waste;</li> <li>• confirmation of inspection for acceptable waste type;</li> <li>• signature of person conducting the inspection; and</li> <li>• disposal location (cell identification and location within the cell).</li> </ul> <p>A log of the manifest records listing the date of pick-up, hauling company, the volume of waste, and the disposal location (cell identification) shall be submitted with the semi-annual monitoring reports. [20.6.2.3107 NMAC]</p>  |
| 22. | <p>Prior to discharging from the facility, the permittee shall install three new monitoring wells. The permittee shall install:</p> <ul style="list-style-type: none"> <li>• One monitoring well (MW-01) hydrologically upgradient of the surface disposal area;</li> <li>• One monitoring well (MW-02) located 20 to 50 feet hydrologically downgradient of a cell(s) that is authorized by this Discharge Permit to receive domestic septage; and</li> <li>• One monitoring well (MW-03) located 20 to 50 feet hydrologically downgradient of the domestic wastewater treatment plant sludge disposal area.</li> </ul> <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 1.0, July</p> |

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|            | <p>2008. Construction and lithologic logs shall be submitted to NMED within 30 days of well completion. [20.6.2.3107 NMAC]</p>   |
| <p>23.</p> | <p>Prior to discharging from the facility, following well development and no more than five days after installation of the new monitoring well(s) required by this Discharge Permit, the permittee shall sample ground water in the new well(s) and analyze the samples for NO<sub>3</sub>-N, TKN, Cl, and TDS. The permittee shall sample:</p> <ul style="list-style-type: none"> <li>• MW-01, intended to be located hydrologically upgradient of the facility;</li> <li>• MW-02, intended to be located hydrologically downgradient of a cell(s) that is authorized by this Discharge Permit to receive domestic septage; and</li> <li>• MW-03, intended to be located hydrologically downgradient of the domestic wastewater treatment plant sludge disposal area.</li> </ul> <p>Ground water sample collection, preservation, transport and analysis shall be performed according to the following procedure:</p> <ol style="list-style-type: none"> <li>a) measure the depth-to-ground water from the top of well casing to the nearest hundredth of a foot;</li> <li>b) purge three well volumes of water from the well prior to sample collection;</li> <li>c) obtain samples from the well for analysis;</li> <li>d) properly prepare, preserve and transport samples; and</li> <li>e) analyze samples in accordance with the methods authorized in this Discharge Permit.</li> </ol> <p>Depth-to-water measurements, analytical results, including the laboratory QA/QC summary report, and a facility layout map showing the location and number of each well shall be submitted to NMED within 45 days of the installation of the monitoring wells. [20.6.2.3107 NMAC]</p> |
| <p>24.</p> | <p>Prior to discharging from the facility, the permittee shall survey all wells approved by NMED for Discharge Permit monitoring purposes 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 direction at the facility shall be submitted to NMED within 30 days of survey completion. [20.6.2.3107 NMAC]</p>  |
| <p>25.</p> | <p>The permittee shall perform semi-annual ground water sampling in three monitoring wells and analyze the samples for NO<sub>3</sub>-N, TKN, Cl, and TDS. The permittee shall sample:</p> <ul style="list-style-type: none"> <li>• MW-01, intended to be located hydrologically upgradient of the facility;</li> <li>• MW-02, intended to be located hydrologically downgradient of a cell(s) that is authorized by this Discharge Permit to receive domestic septage; and</li> <li>• MW-03, intended to be located hydrologically downgradient of the domestic wastewater treatment plant sludge disposal area.</li> </ul>   |

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|  | <p>Ground water sample collection, preservation, transport and analysis shall be performed according to the following procedure:</p> <ol style="list-style-type: none"> <li>a) measure the depth-to-ground water from the top of well casing to the nearest hundredth of a foot;</li> <li>b) purge three well volumes of water from the well prior to sample collection;</li> <li>c) obtain samples from the well for analysis;</li> <li>d) properly prepare, preserve and transport samples; and</li> <li>e) analyze samples in accordance with the methods authorized in this Discharge Permit.</li> </ol> <p>Depth-to-water measurements, analytical results, including laboratory QA/QC summary report, and a facility layout map showing the location and number of each well shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC]</p> |
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***Domestic Septage (including Portable Toilet Waste)***

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| 26. | <p>The permittee shall maintain additional manifest information for each load of domestic septage to document vector attraction reduction requirements. The manifest shall include the time of disposal of wastes onto the disposal cell, the disposal cell identification, and the time of incorporation into the soil. All manifests for the disposal of domestic septage shall be signed by the permittee and contain the following language:</p> <p style="text-align: center;"><b><i>“I certify, under penalty of law, that the prescribed ground water protection, vector attraction reduction and pathogen reduction requirements have been met. This determination has been made under my direction and supervision in accordance with the prescribed procedures. I am aware that there are significant penalties for false certification including the possibility of fines and imprisonment.”</i></b></p> <p>Such manifests shall be submitted with the semi-annual monitoring reports. [20.6.2.3107 NMAC, 74-6-5 WQA]</p>  |
| 27. | <p>The permittee shall complete LADS semi-annually for the periods January 1<sup>st</sup> through June 30<sup>th</sup> and July 1<sup>st</sup> through December 31<sup>st</sup> of each year to document the amount of nitrogen applied to the domestic septage land disposal cells. The LADS (copy enclosed) shall reflect the volume of waste discharged to the land disposal cells and the total nitrogen load determined from either of the following methods: (1) an assumed total nitrogen concentration of 600 milligrams per liter based on average characteristics of septage (Guide to Septage Treatment and Disposal, EPA/625/R-94-002); or (2) a total nitrogen value derived from the laboratory analysis of a composite sample from a minimum of six waste loads using a sampling protocol pre-approved by NMED. Nitrogen content shall not be adjusted to account for volatilization or mineralization processes. The LADS or a statement that no land application occurred shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3109 NMAC]</p> |

***Domestic Wastewater Treatment Plant Sludge***

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| 28. | <p>The permittee shall measure and record the volume and dry weight of liquid sludge and volume, weight, and density of solid sludge discharged monthly to the surface disposal</p> |
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|     | cells by tracking the number of loads transported from the WWTP and either the average percent total solids of the liquid sludge or the density of the solid sludge as determined by representative sampling of each source of sludge. Records of the volume and dry weight of the liquid sludge and the volume, weight, and density of dry sludge discharged shall be submitted to NMED in the semi-annual monitoring report(s). [20.6.2.3107 NMAC]  |
| 29. | The permittee shall sample sludge transported to the surface disposal facility from each source on an annual basis for TKN and NO <sub>3</sub> -N. Analytical results, reported as mg/kg TKN and NO <sub>3</sub> -N (dry weight basis), shall be submitted to NMED in the semi-annual monitoring report(s). [20.6.2.3107 NMAC]  |
| 30. | The permittee shall complete the Discharge Monitoring Report (DMR) as required under 40 CFR Part 503. Copies of the completed reports shall be submitted to NMED in the monitoring report due by August 1 <sup>st</sup> each year. [40.503(17) CFR, 74-6-5(E)(1) WQA, 74-6-5(K) WQA]  |
| 31. | The permittee shall complete land application data sheets (LADS) semi-annually for the periods January 1 <sup>st</sup> through June 30 <sup>th</sup> and July 1 <sup>st</sup> through December 31 <sup>st</sup> of each year to document the amount of nitrogen applied to the treated municipal sludge surface disposal cells. The LADS shall reflect the nitrogen concentration from the most recent sludge analysis and the total number of dry tons discharged each month (determined using the representative total solids concentration or density of the sludge and volume measurement of each truck load of sludge transported to the surface disposal facility). Nitrogen content shall not be adjusted to account for volatilization or mineralization processes. The LADS shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC] |

### *Grease Trap Waste*

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| 32. | The permittee shall sample one out of every 100 waste loads transported to the surface disposal facility for TKN, NO <sub>3</sub> -N, total solids (TS), total volatile solids (TVS), and fats, oil, and grease (FOG) using a sampling protocol (describing how a representative sample will be collected and how the sampling requirements of the analytical laboratory will be met) provided to and pre-approved by NMED. The proposed sampling protocol shall be submitted to NMED within 90 days of the effective date of this discharge permit (by <b>DATE</b> ). Analytical results, reported in mg/L for TKN, NO <sub>3</sub> -N, and FOG and weight percent of total sample for TS and TVS, shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC] |
| 33. | The permittee shall complete LADS semi-annually for the periods January 1 <sup>st</sup> through June 30 <sup>th</sup> and July 1 <sup>st</sup> through December 31 <sup>st</sup> of each year to document the amount of nitrogen, TVS, and FOG, applied to the aqueous grease trap waste surface disposal cells. The LADS shall reflect the volume of waste, total nitrogen, TVS, and FOG, discharged to each land disposal cell. Use the average total-nitrogen, TVS, and FOG calculated for all the waste sampling data provided in the semi-annual monitoring reports. The LADS or a statement that no land application occurred shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]   |
| 34. | Prior to opening a new disposal cell, the permittee shall take a minimum of one composite background soil sample consisting of 15 spatially discrete subsamples taken from at least six inches below the original ground surface from each 2.75 acre disposal cell to establish  |

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|     | background concentrations of TKN, NO <sub>3</sub> -N, Cl, TVS, and FOG. Analytical results and a map outlining the sampling locations shall be submitted to NMED in the semi-annual monitoring report prior to discharging to the disposal cell. [20.6.2.3107 NMAC]   |
| 35. | <p>The permittee shall perform surface (one foot deep) and sub-surface (three foot deep) soil sampling annually for each 2.75-acre surface disposal cell to which the aqueous portion of grease trap waste has been discharged within the previous four quarters.</p> <p>Composite soil samples shall be collected accordingly:</p> <ul style="list-style-type: none"> <li>• Each surface sample shall consist of fifteen spatially discrete subsamples, combined to form a single sample, collected from a depth of 0 to 12 inches evenly spaced throughout the entire surface disposal cell.</li> <li>• Each sub-surface soil sample shall consist of six spatially discrete subsamples, combined to form a single sample, collected from a depth of 24 to 36 inches evenly spaced throughout the entire surface disposal cell.</li> </ul> <p>Soil samples shall be analyzed for TKN, NO<sub>3</sub>-N, Cl, TVS, and FOG. Analytical results and a map outlining the sampling locations shall be submitted to NMED in the monitoring report due August 1<sup>st</sup> each year. [20.6.2.3107 NMAC]</p> |

### CONTINGENCY PLAN

| #   | Terms and Conditions   |
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| 36. | 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 to NMED a corrective action plan that proposes measures to mitigate damage from the discharge including, at a minimum, source control measures and an implementation schedule. The permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 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] |
| 37. | In the event of a spill or release that is not authorized under this Discharge Permit, the permittee shall initiate the notifications and corrective actions as required in Section 20.6.2.1203 NMAC. The permittee shall take immediate corrective action to contain and remove or mitigate the damage caused by the discharge. Within 24 hours after discovery of the discharge, the permittee shall verbally notify NMED and provide the information required by Paragraph (1) of Subsection A of 20.6.2.1203 NMAC. Within 7 days of discovering the discharge, the permittee shall submit a written report to NMED verifying the oral notification and providing any additional information or changes. The permittee shall submit a corrective action report within 15 days after discovery of the discharge. [20.6.2.1203 NMAC]  |
| 38. | 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.   |

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|     | [20.6.2.3107.A(10) NMAC]  |
| 39. | <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 1.0, July 2008. 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 1.0, July 2008, 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> |
| 40. | <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 1.0, July 2008. Construction and lithologic logs shall be submitted to NMED within 30 days of well completion. [20.6.2.3107 NMAC]</p>   |

### CLOSURE PLAN

| #   | Terms and Conditions  |
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| 41. | <p>Upon closure of the facility, the permittee shall perform the following closure measures for the land disposal area:</p> <ol style="list-style-type: none"> <li>a. Complete the installation of all monitoring wells as required by this Discharge Permit.</li> <li>b. Allow any retention ponds that collect disposal site runoff to dry and then regrade the ponds with clean fill to blend with the surface topography.</li> <li>c. Re-grade the area to match surrounding landscape contours;</li> <li>d. Re-seed the land disposal area with native grasses; and</li> <li>e. Following final grading and re-seeding of the site, the permittee shall maintain the perimeter fencing and security gate for a minimum of three years to prevent unauthorized access.</li> <li>f. Continue ground water monitoring as required by this Discharge Permit for two years after closure to confirm the absence of ground water contamination. If monitoring results show that the ground water standards in Section 20.6.2.3103</li> </ol> |

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|  | <p>NMAC are being violated, the permittee shall implement the contingency plan required by this Discharge Permit.</p> <p>g. 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 1.0, July 2008.</p> <p>When all post-closure requirements have been met, the permittee may request to terminate the Discharge Permit. [20.6.2.3109 NMAC, 20.6.2.3107. NMAC]</p> |
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**GENERAL TERMS AND CONDITIONS**

| #   | Terms and Conditions   |
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| 42. | <p><b>RECORD KEEPING</b> - The permittee shall maintain at its facility a written record of all data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit. The following information shall be recorded and shall be made available to NMED upon request:</p> <ul style="list-style-type: none"> <li>a) The dates, exact place and times of sampling or field measurements;</li> <li>b) The name and job title of the individuals who performed each sample collection or field measurement;</li> <li>c) The date of the analysis of each sample;</li> <li>d) The name and address of the laboratory and the name and job title of the person that performed the analysis of each sample;</li> <li>e) The analytical technique or method used to analyze each sample or take each field measurement;</li> <li>f) The results of each analysis or field measurement, including raw data;</li> <li>g) The results of any split sampling, spikes or repeat sampling; and</li> <li>h) A description of the quality assurance and quality control procedures used.</li> </ul> <p>[20.6.2.3107.A NMAC]</p> |
| 43. | <p><b>RECORD KEEPING</b> - The permittee shall maintain a written record of any spills, seeps, and/or leaks of effluent, and of leachate and/or process fluids not authorized by this Discharge Permit. [20.6.2.3107.A NMAC]</p>   |
| 44. | <p><b>RECORD KEEPING</b> - The permittee shall maintain a written record of the operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater; to measure flow rates, to monitor water quality, or to collect other data required by this Discharge Permit. This record shall include repair, replacement or calibration of any monitoring equipment and repair or replacement of any equipment used in the permittee's waste or wastewater treatment and disposal system. [20.6.2.3107.A NMAC]</p>   |
| 45. | <p><b>RECORD KEEPING</b> - The permittee shall maintain a written record of the amount of wastewater, effluent, leachate or other wastes discharged pursuant to this Discharge Permit. [20.6.2.3107.A NMAC]</p>  |
| 46. | <p><b>RECORD KEEPING</b> - The permittee shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this Discharge Permit, and records of all data used to complete the application for this Discharge Permit for a period of at least five years from the date of the sample collection,</p>  |

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|     | measurement, report or application. This period may be extended by request of the Secretary at any time. [20.6.2.3107.A NMAC]   |
| 47. | <p>INSPECTION and ENTRY - The permittee shall allow the Secretary or an authorized representative, upon the presentation of credentials, to:</p> <ul style="list-style-type: none"> <li>a) Enter at regular business hours or at other reasonable times upon the permittee's premises or other location where records must be kept under the conditions of this Discharge Permit, or under any federal or WQCC regulation.</li> <li>b) Inspect and copy, during regular business hours or at other reasonable times, any records required to be kept under the conditions of this Discharge Permit, or under any federal or WQCC regulation.</li> <li>c) Inspect, at regular business hours or at other reasonable times, any facility, equipment (including monitoring and control equipment or treatment works), practices or operations regulated or required under this Discharge Permit, or under any federal or WQCC regulation.</li> <li>d) Sample or monitor, at reasonable times for the purpose of assuring compliance with this Discharge Permit or as otherwise authorized by the WQA, any effluent, water contaminant, or receiving water at any location before or after discharge.</li> </ul> <p>[20.6.2.3107.D NMAC, 74-6-9(B) &amp; (E) WQA]</p> |
| 48. | <p>INSPECTION and ENTRY - Nothing in this Discharge Permit shall be construed as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other applicable law or regulation. [20.6.2.3107 NMAC, 74-6-9(B) &amp; (E) WQA]</p>   |
| 49. | <p>DUTY to PROVIDE INFORMATION - The permittee shall furnish to NMED, within a reasonable time, any documents or other information which it may request to determine whether cause exists for modifying, terminating and/or renewing this Discharge Permit or to determine compliance with this Discharge Permit. The permittee shall also furnish to NMED, upon request, copies of documents required to be kept by this Discharge Permit. [20.6.2.3107.D NMAC, 74-6-9(B) &amp; (E) WQA]</p>   |
| 50. | <p>SPILLS, LEAKS, and OTHER UNAUTHORIZED DISCHARGES - This Discharge Permit authorizes only those discharges specified herein. Any unauthorized discharges violate Section 20.6.2.3104 NMAC and must be reported to NMED and remediated as required by Section 20.6.2.1203 NMAC. [20.6.2.1203 NMAC]</p>   |
| 51. | <p>MODIFICATIONS and/or AMENDMENTS - The permittee shall notify NMED of any changes to the permittee's wastewater treatment and disposal system, including any changes in the wastewater flow rate or the volume of wastewater storage, or of any other changes to operations or processes that would result in any significant change in the discharge of water contaminants. The permittee shall obtain NMED's approval, as a modification to this Discharge Permit pursuant to Subsections E, F, or G of 20.6.2.3109 NMAC, prior to any increase in the quantity discharged, or any increase in the concentration of water contaminants discharged, above those levels approved in this Discharge Permit. [20.6.2.3107.C NMAC]</p>   |
| 52. | <p>PLANS and SPECIFICATIONS - The permittee shall file plans and specifications with NMED for the construction of a wastewater system and for proposed changes that will change substantially the quantity or quality of the discharge from the system. The permittee shall file plans and specifications prior to the commencement of construction.</p>  |

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|     | Changes to the wastewater system having a minor effect on the character of the discharge shall be reported as of January 1 and June 30 of each year to NMED. [20.6.2.1202 NMAC]  |
| 53. | <b>CIVIL PENALTIES</b> – Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit. [74-6-10 WQA, 74-6-10.1 WQA] |
| 54. | <b>CRIMINAL PENALTIES</b> – Any person who knowingly violates or knowingly causes or allows another person to: <ol style="list-style-type: none"> <li>1) make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or required to be maintained under the WQA;</li> <li>2) falsify, tamper with or render inaccurate any monitoring device, method or record required to be maintained under the WQA; or</li> <li>3) fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation, is subject to felony charges and shall be sentenced in accordance with the provisions of Section 31-18-15 NMSA 1978.</li> </ol> [74-6-10.2(A-F) WQA]  |
| 55. | <b>COMPLIANCE WITH OTHER LAWS</b> - 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]  |
| 56. | <b>RIGHT to APPEAL</b> - The permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty (30) days of the receipt of this Discharge Permit. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review. [74-6-5(O) WQA]  |
| 57. | <b>TRANSFER of DISCHARGE PERMIT</b> - Prior to the transfer of any ownership, control, or possession of this permitted facility or any portion thereof, the permittee shall notify the proposed transferee in writing of the existence of this Discharge Permit and include a copy of this Discharge Permit with the notice. The permittee shall deliver or send by certified mail to NMED a copy of the notification and proof that such notification has been received by the proposed transferee. [20.6.2.3111 NMAC]  |
| 58. | <b>TERM</b> - Pursuant to WQA 74-6-5(I) and Subsection H of 20.6.2.3109 NMAC, the term of this Discharge Permit is seven years from its effective date or five years from the date the discharge commences, whichever occurs first. To renew this Discharge Permit, the  |

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|     | permittee must submit an application for renewal at least 180 days before the termination date. [20.6.2.3109.H NMAC, 74-6-5(I) WQA]   |
| 59. | Payment of permit fees is due at the time of Discharge Permit approval. Permit fees shall be paid in a single payment or shall be paid in equal installments on a yearly basis over the term of the Discharge Permit. Single payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date. Initial installment payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date; subsequent installment payments shall be remitted to NMED no later than the anniversary of the Discharge Permit effective date. An approved Discharge Permit shall be suspended or terminated if the facility fails to remit an installment payment by its due date. [20.6.2.3114.F NMAC, 74-6-5(K) WQA] |

EFFECTIVE DATE:     **effective date**  
EXPIRATION DATE:   **expiration date**

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

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