**GROUND WATER DISCHARGE PERMIT RENEWAL**
**Hagerman Wastewater Treatment Facility, DP- 760**

## I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal (Discharge Permit), DP- 760, to Town of Hagerman (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 Hagerman 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 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 65,000 gallons per day (gpd) of wastewater is authorized for discharge to an existing clay-lined lagoon system consisting of six cells, in series. The permittee is required by this Discharge Permit to rehabilitate the existing system or construct a new wastewater treatment system **designed** to receive, treat and dispose of at least 130,000 gpd. The discharge contains water contaminants or toxic pollutants which may be elevated above the standards of Section 20.6.2.3103 NMAC. The facility is located at 700 Navajo Road, Hagerman, in Section 2, Township 14S, Range 26E, Chaves County. Ground water most likely to be affected is at a depth of approximately 19 feet and has a total dissolved solids concentration of approximately 1,000 milligrams per liter.

The original Discharge Permit was issued on January 15, 1991 and subsequently renewed on September 5, 1997 and renewed/modified on March 12, 2004. The permittee's application consists of the materials submitted by Cassius Mason on behalf of the permittee dated March 12, 2009. The discharge shall be managed in accordance with all conditions and requirements of this Discharge Permit.

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

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

The following abbreviations may be used in this Discharge Permit:

| Abbreviation | Explanation | | Abbreviation | Explanation |
|---|---|---|---|---|
| $BOD_5$ | biochemical oxygen demand (5-day) | | NTU | nephelometric turbidity units |
| CFR | Code of Federal Regulations | | Org | organisms |
| Cl | chloride | | TDS | total dissolved solids |
| LADS | land application data sheet(s) | | TKN | total Kjeldahl nitrogen |
| mg/L | milligrams per liter | | total nitrogen | TKN+$NO_3$-N |
| mL | milliliters | | TRC | Total Residual Chlorine |
| NMAC | New Mexico Administrative Code | | TSS | total suspended solids |
| NMED | New Mexico Environment Department | | WQA | New Mexico Water Quality Act |
| NMSA | New Mexico Statutes Annotated | | WQCC | Water Quality Control Commission |
| $NO_3$-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 milligrams per liter or less of total dissolved solids within the meaning of Subsection A of 20.6.2.3101 NMAC.

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

## III. CONDITIONS

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

## OPERATIONAL PLAN

| # | Terms and Conditions |
|---|---|
| 1. | The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 1 and 2 NMAC. [20.6.2.3106.C NMAC, 20.6.2.3107 NMAC] |
| 2. | The permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated. [20.6.2.3101 NMAC, 20.6.2.3103 NMAC] |
| 3. | The permittee is authorized to discharge up to 65,000 gallons per day (gpd) of wastewater to the current clay-lined lagoon system consisting of six cells, in series for an interim period of time as defined by conditions under this Discharge Permit. [20.6.2.3104 NMAC, 20.6.2.3106 NMAC ] |
| 4. | The permittee is required by this Discharge Permit to rehabilitate the existing system or construct a new wastewater treatment system which will be **designed** to receive, treat and dispose of at least 130,000 gpd. The permittee will be required to submit an application for Discharge Permit Modification by the date that the new wastewater treatment system is advertised for construction bids. [20.6.2.3104 NMAC, 20.6.2.3106 NMAC, 20.6.2.3109 (E) NMAC] |
| 5. | The permittee shall maintain fences around the wastewater treatment facility to control public access. The fences shall be constructed in a manner which prevents access by the general public and animals such as dogs (e.g., chain link, field fencing or locking lids) and shall be maintained throughout the term of this Discharge Permit. . [20.6.2.3109 NMAC] |
| 6. | The permittee shall maintain signs at the facility entrance and other areas where public contact is possible indicating that the water is not potable. All signs shall remain visible and legible for the term of this Discharge Permit. [20.6.2.3109 NMAC] |
| 7. | The lagoon liners shall be maintained in such a manner as to minimize future damage to the structural integrity of the lagoons and/or lagoon liners. The permittee shall visually inspect the lagoons and surrounding berms on a monthly basis to ensure proper maintenance. Vegetation growing around the lagoons shall be routinely controlled by mechanical removal in a manner that is protective of the lagoon liner. Any evidence of additional undocumented damage to the lagoon berms or liners shall be reported to NMED immediately upon discovery. [20.6.2.3107 NMAC] |
| 8. | The permittee shall monitor the freeboard between the liquid level in the lagoons and the top elevation of the lagoon liners. In the event that one foot of freeboard can not be maintained, the permittee shall notify NMED within 24 hours of becoming aware of the problem and propose appropriate corrective actions. The corrective actions shall be implemented upon NMED approval. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC] |
| 9. | The permittee shall utilize operators, certified by the State of New Mexico at the appropriate level, to operate the wastewater collection, treatment and disposal systems. All 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. [20.7.4 NMAC] |

## REQUIRED ACTIONS

| # | **Terms and Conditions** |
|---|---|
| 10. | The permittee shall submit a Preliminary Engineering Report (PER) within one year of the effective date of this Discharge Permit (by DATE) for NMED approval. The report shall address the facility's entire system for collection, treatment, storage, disinfection and disposal/reuse of wastewater. The report shall identify options and make recommendations for upgrading the treatment facility or replacing it in order to ensure compliance with the WQCC Regulations and the WQA. [20.6.2.3109 NMAC] |
| 11. | Within two years of the effective date of this Discharge Permit (by DATE), the permittee shall submit construction plans and specifications, to improve the current treatment system or for a new treatment system, certified by a licensed New Mexico professional engineer for NMED approval. At minimum, the plans and specifications shall address the following (as applicable):<br>1. A scaled facility site plan map;<br>2. Plans showing topography and elevations;<br>3. Plans which show relevant existing facilities;<br>4. Grading and drainage plan;<br>5. Suitable flow measurements identified;<br>6. Mechanisms to show how flows will be calculated and calibrated in the field;<br>7. If flumes are utilized, specifications addressing proper inflow and outflow hydraulics;<br>8. Design to incorporate wet weather flows (inflow/infiltration);<br>9. Design flow calculations to include the average, maximum and peak hourly flows while maintaining adequate storage and treatment capacity;<br>10. Loading calculations for BOD and nitrogen for average, maximum and peak hourly flows;<br>11. Data for existing waste flow streams;<br>12. Design to include variances in operating conditions such as temperature, altitude and seasonality;<br>13. Wastestream characteristics and sources (ie. septage, special wastes);<br>14. Design and calculations addressing retention times, evaporation, precipitation, stormwater runoff and flooding;<br>15. Design and calculations;<br>16. Profile views with invert and surface elevations;<br>17. Schematic layout or process flow diagram;<br>18. Project components;<br>19. Manufacturers specification or a reference to them;<br>20. Section to address handling existing waste streams during construction;<br>21. Quality control requirements for testing (i.e. soil tesing, field density tests, concrete strength tests, leakage tests, mandrel tests, pressure tests and flexible liner destructive and non-destructive testing) and the contractors responsibilities for meeting quality control requirements along with a summary of the required inspections and tests;<br>22. Section for project record documents;<br>23. All plans and specifications shall address the design and calculations for subgrade preparation, anchor trenching, flexible liner materials and installation, |

| | |
|---|---|
| | concrete materials and methods, cast-in-place or precast concrete products and installation, grout, adhesives and joint sealants, trenching, backfilling and compacting, pipe materials and installation, valves, pump products and installation, treatment facility products and installation,<br>24. A summary of work to include the project description and a construction sequence and schedule;<br>25. All applicable regulatory requirements for the implementation of the project and how these requirements will be met;<br>26. The general requirements for the delivery, storage and handling of products to be implemented in the project along with the general requirements for performance, quality and completeness;<br>27. The requirements for the application, erection, and installation of the project including preparation, cleaning, adjusting and protection of the completed work;<br>28. Contract close out procedures;<br>29. Operation and maintenance data;<br>30. Product warranties and guarantees;<br>[20.6.2.3109 NMAC] |
| 12. | Within three years from the effective date of this Discharge Permit (by DATE), the permittee shall construct the improvements to the existing treatment system or new treatment system according to the approved construction plans and specifications required by this Discharge Permit. The permittee shall notify NMED at the commencement of construction to allow NMED personnel to be onsite for inspection during the construction phase. Record drawings and final specifications of the completed wastewater treatment system shall be submitted to NMED within 30 days of completion. A licensed New Mexico professional engineer shall certify all record drawings and the final specifications of the wastewater treatment system. [20.6.2.3109 NMAC] |
| 13. | Within three years from the effective date of this Discharge Permit (by DATE), the permittee shall begin discharging exclusively to the improved or new treatment system. [20.6.2.3109 NMAC] |

## MONITORING, REPORTING, AND OTHER REQUIREMENTS

| # | **Terms and Conditions** |
|---|---|
| 14. | Until the facility is improved or replaced and these monitoring requirements are modified or amended by NMED, the following monitoring, reporting and other requirements list below shall be conducted. [20.6.2.3107 NMAC] |
| 15. | 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 and Wastewater (18th, 19th or current);<br>b) U.S. Environmental Protection Agency, Methods for Chemical Analysis of Water and Waste;<br>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;<br>e) U.S. Geological Survey, et al., National Handbook of Recommended Methods for Water Data Acquisition; or<br>f) Methods of Soil Analysis: Part 1. Physical and Mineralogical Methods and Part 2. Chemical and Microbiological Properties, American Society of Agronomy.<br>[20.6.2.3107.B NMAC] |
| 16. | 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.<br><br>Quarterly monitoring shall be performed during the following periods:<br>• January 1st through March 31st (first quarter) – **due by May 1st**;<br>• April 1st through June 30th (second quarter) – **due by August 1st**;<br>• July 1st through September 30th (third quarter) – **due by November 1st**; and<br>• October 1st through December 31st (fourth quarter) – **due by February 1st**.<br><br>Monitoring requirements detailed in this Discharge Permit are summarized on the sheet titled *Summary of Required Actions, Monitoring and Reporting*. [20.6.2.3107 NMAC] |
| 17. | The permittee shall estimate the monthly volume of wastewater discharged to the treatment facility by multiplying the total monthly operating time of the influent pump(s) by the pumping rate. The record of the monthly operating time for the pump(s) and estimated monthly discharge volumes shall be submitted to NMED in the quarterly monitoring reports. The equipment hours meter(s) used to track the operating time of the pump(s) shall be kept functional at all times. [20.6.2.3107 NMAC] |
| 18. | The permittee shall perform quarterly ground water sampling in six monitoring wells and analyze the samples for $NO_3$-N, TKN, Cl, and TDS. The permittee shall sample:<br>• MW-01, intended to be located southwest of the lagoon #1;<br>• MW-02, intended to be located southwest of lagoon #2 and northwest of lagoon #1;<br>• MW-03, intended to be located northeast of lagoon #2 and northwest of lagoon #3;<br>• MW-04, intended to be located northeast of lagoon #3;<br>• MW-05, intended to be located southeast of lagoon #3 and northeast of lagoon #4;<br>• MW-06, intended to be located southeast of lagoon #4 and northeast of lagoon #6.<br><br>Ground water sample collection, preservation, transport and analysis shall be performed according to the following procedure:<br>a) measure the depth-to-ground water from the top of well casing to the nearest hundredth of a foot;<br>b) purge three well volumes of water from the well prior to sample collection;<br>c) obtain samples from the well for analysis;<br>d) properly prepare, preserve and transport samples; and<br>e) analyze samples in accordance with the methods authorized in this Discharge Permit.<br><br>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 in the quarterly monitoring reports. [20.6.2.3107 NMAC] |
| 19. | The permittee shall develop a ground water elevation contour map on a quarterly basis using the monitoring well survey data and quarterly depth-to-water measurements required by this Discharge Permit. The ground water elevation contour map shall depict the ground water flow direction based on the ground water elevation contours. The data and ground water elevation contour maps shall be submitted to NMED in the quarterly monitoring reports. [20.6.2.3107 NMAC] |
| 20. | The permittee shall sample wastewater from lagoon #2 on a quarterly basis and analyze the samples for TKN, $NO_3$-N, TDS and Cl. 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. [20.6.2.3107 NMAC] |
| 21. | The permittee shall inspect the lift stations on a quarterly basis, and clean as needed. The inspection and cleaning records shall be submitted to NMED in the quarterly monitoring reports. [20.6.2.3107 NMAC] |

## CONTINGENCY PLAN

| # | **Terms and Conditions** |
|---|---|
| 22. | In the event that monitoring indicates previously undetected violations of ground water standards 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 though 20.6.2.4115 NMAC, if the corrective action plan will not result in compliance with the standards and requirements set forth in Section 20.6.2.4103 NMAC within 180 days of confirmation of ground water contamination. [20.6.2.1203 NMAC, 20.6.2.4105.A(8) NMAC] |
| 23. | In the event of a spill or release that is not authorized under this Discharge Permit, the permittee shall initiate the notifications and corrective actions as required in Section 20.6.2.1203 NMAC. The permittee shall take immediate corrective action to contain and remove or mitigate the damage caused by the discharge. Within 24 hours after discovery of the discharge, the permittee shall verbally notify NMED and provide the information required by Paragraph (1) of Subsection A of 20.6.2.1203 NMAC. Within 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] |
| 24. | In the event NMED or the permittee identifies any other failures of the Discharge Permit or system not specifically noted herein, NMED may require the permittee to develop for NMED approval contingency plans and schedules to cope with the failures. [20.6.2.3107.A(10) NMAC] |

| | |
|---|---|
| 25. | In the event that a minimum of one foot of freeboard cannot be maintained in the lagoons at all times, the permittee shall submit a corrective action plan for NMED approval within 30 days of the date when the two feet of freeboard limit was initially exceeded. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC] |
| 26. | In the event that inspection findings reveal previously unknown and significant damage likely to affect the ability of the lined lagoons to contain contaminants, the permittee shall submit a corrective action plan for the repair or replacement of the lagoon liners to NMED for approval within 30 days of discovery by the permitee or following notification from NMED that significant liner damage is evident. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC] |

## CLOSURE PLAN

| # | Terms and Conditions |
|---|---|
| 27. | Within 365 days of any part of closure of the existing wastewater treatment and disposal system, the permittee shall perform the following closure measures (as applicable):<br>a) Remove or plug all lines leading to the closed treatment unit so that a discharge can no longer occur.<br>b) Drain and/or evaporate all liquids from the closed treatment unit and dispose of all sludge in accordance with all local, state, and federal (40 CFR Part 503) regulations.<br>c) Backfill the closed treatment units with clean fill or sand or remove from the site.<br>d) Perforate or remove the lagoon liner(s) from closed units and re-grade the lagoons with clean fill to blend with surface topography and prevent ponding.<br>A closure report shall be submitted to NMED within 30 days of closure.<br>[20.6.2.3107.A(11) NMAC] |

## GENERAL TERMS AND CONDITIONS

| # | Terms and Conditions |
|---|---|
| 28. | RECORD KEEPING - The permittee shall maintain at its facility a written record of all data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit. The following information shall be recorded and shall be made available to NMED upon request:<br>a) The dates, exact place and times of sampling or field measurements;<br>b) The name and job title of the individuals who performed each sample collection or field measurement;<br>c) The date of the analysis of each sample;<br>d) The name and address of the laboratory and the name and job title of the person that performed the analysis of each sample;<br>e) The analytical technique or method used to analyze each sample or take each field measurement;<br>f) The results of each analysis or field measurement, including raw data;<br>g) The results of any split sampling, spikes or repeat sampling; and<br>h) A description of the quality assurance and quality control procedures used.<br>[20.6.2.3107.A NMAC] |
| 29. | RECORD KEEPING - The permittee shall maintain a written record of any spills, seeps, |

| | |
|---|---|
| | and/or leaks of effluent, and of leachate and/or process fluids not authorized by this Discharge Permit. [20.6.2.3107.A NMAC] |
| 30. | RECORD KEEPING - The permittee shall maintain a written record of the operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater; to measure flow rates, to monitor water quality, or to collect other data required by this Discharge Permit. This record shall include repair, replacement or calibration of any monitoring equipment and repair or replacement of any equipment used in the permittee's waste or wastewater treatment and disposal system. [20.6.2.3107.A NMAC] |
| 31. | RECORD KEEPING - The permittee shall maintain a written record of the amount of wastewater, effluent, leachate or other wastes discharged pursuant to this Discharge Permit. [20.6.2.3107.A NMAC] |
| 32. | RECORD KEEPING - The permittee shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this Discharge Permit, and records of all data used to complete the application for this Discharge Permit for a period of at least five years from the date of the sample collection, measurement, report or application. This period may be extended by request of the Secretary at any time. [20.6.2.3107.A NMAC] |
| 33. | INSPECTION and ENTRY - The permittee shall allow the Secretary or an authorized representative, upon the presentation of credentials, to:<br>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.<br>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.<br>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.<br>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.<br>[20.6.2.3107.D NMAC, 74-6-9(B) & (E) WQA] |
| 34. | INSPECTION and ENTRY - Nothing in this Discharge Permit shall be construed as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other applicable law or regulation. [20.6.2.3107 NMAC, 74-6-9(B) & (E) WQA] |
| 35. | DUTY to PROVIDE INFORMATION - The permittee shall furnish to NMED, within a reasonable time, any documents or other information which it may request to determine whether cause exists for modifying, terminating and/or renewing this Discharge Permit or to determine compliance with this Discharge Permit. The permittee shall also furnish to NMED, upon request, copies of documents required to be kept by this Discharge Permit. [20.6.2.3107.D NMAC, 74-6-9(B) & (E) WQA] |
| 36. | 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] |
| 37. | 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] |
| 38. | PLANS and SPECIFICATIONS - The permittee shall file plans and specifications with NMED for the construction of a wastewater system and for proposed changes that will change substantially the quantity or quality of the discharge from the system. The permittee shall file plans and specifications prior to the commencement of construction. Changes to the wastewater system having a minor effect on the character of the discharge shall be reported as of January 1 and June 30 of each year to NMED. [20.6.2.1202 NMAC] |
| 39. | CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to $15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to $10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit. [74-6-10 WQA, 74-6-10.1 WQA] |
| 40. | CRIMINAL PENALTIES – Any person who knowingly violates or knowingly causes or allows another person to:<br>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;<br>2) falsify, tamper with or render inaccurate any monitoring device, method or record required to be maintained under the WQA; or<br>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.<br>[74-6-10.2(A-F) WQA] |

| | |
|---|---|
| 41. | COMPLIANCE WITH OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the permittee of the obligation to comply with all applicable federal, state, and local laws, regulations, permits or orders. [20.6.2 NMAC] |
| 42. | RIGHT to APPEAL - The permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty (30) days of the receipt of this Discharge Permit. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review. [74-6-5(O) WQA] |
| 43. | TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this permitted facility or any portion thereof, the permittee shall notify the proposed transferee in writing of the existence of this Discharge Permit and include a copy of this Discharge Permit with the notice. The permittee shall deliver or send by certified mail to NMED a copy of the notification and proof that such notification has been received by the proposed transferee. [20.6.2.3111 NMAC] |
| 44. | TERM - Pursuant to WQA 74-6-5(I) and Subsection H of 20.6.2.3109 NMAC, the term of this Discharge Permit is five years from its effective date. To renew this Discharge Permit, the permittee must submit an application for renewal at least 180 days before the termination date. [20.6.2.3109.H NMAC, 74-6-5(I) WQA] |
| 45. | 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