

**GROUND WATER DISCHARGE PERMIT RENEWAL**  
**Caja del Rio Landfill, DP-1120**

**I. INTRODUCTION**

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal (Discharge Permit), DP-1120, to the Santa Fe Solid Waste Management Agency (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 Caja del Rio Landfill (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 750 gallons per day (gpd) of domestic wastewater, equipment wash wastewater, and shop wash wastewater is discharged to two septic tank/leachfield systems, to a synthetically lined impoundment for disposal by evaporation, and to a holding tank preceded by a sump, respectively. Additionally, up to 500,000 gpd of reclaimed wastewater from the Santa Fe Wastewater Treatment Facility (WWTF) is transferred to a synthetically lined holding impoundment at the Caja del Rio Landfill. Reclaimed wastewater from the holding impoundment is transported by tanker truck and discharged for dust control, cell construction, composting, landscape irrigation, rock crushing, and equipment washing on landfill property. The transfer of reclaimed wastewater from the City of Santa Fe WWTF is separately authorized in the City's Discharge Permit (DP-289).

The discharge contains water contaminants which may be elevated above the standards of Section 20.6.2.3103 NMAC and/or the presence of toxic pollutants as defined in Subsection WW of 20.6.2.7 NMAC. The facility is located at 149 Wildlife Way, Santa Fe, in Sections 21, 22, 27, and 28, T17N, R08E, Santa Fe County. Ground water most likely to be affected is at a depth of approximately 306 feet and has a total dissolved solids concentration of approximately 215 milligrams per liter.

The original Discharge Permit was issued on December 2, 1996, and subsequently modified on September 19, 1997, and April 30, 1999, renewed on January 25, 2002, and renewed and modified on July 16, 2007. The application (i.e., discharge plan) consists of the materials submitted by Blue Water Environmental Consulting on behalf of the permittee dated January 17, 2012, and materials contained in the administrative record prior to issuance of this Discharge

Permit. The discharge shall be managed in accordance with all conditions and requirements of this Discharge Permit.

Pursuant to Section 20.6.2.3109 NMAC, NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the requirements of 20.6.2 NMAC are being or may be violated or the standards of Section 20.6.2.3103 NMAC are being or may be violated. This may include a determination that structural controls and/or management practices approved under this Discharge Permit are not protective of ground water quality, and that more stringent requirements to protect 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 <sub>5</sub>	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 <sub>3</sub> -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 <sub>3</sub> -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 discharge up to 750 gpd of domestic wastewater, equipment wash wastewater, and shop wash wastewater to two septic tank/leachfield systems, to a synthetically lined impoundment for disposal by evaporation, and to a holding tank preceded by a sump, respectively. Additionally, the permittee is authorized to receive up to 500,000 gpd of reclaimed wastewater from the Santa Fe WWTF to a synthetically lined holding impoundment at the Caja del Rio Landfill. Reclaimed wastewater from the holding impoundment is transported by tanker truck and discharged for dust control, cell construction, composting, landscape irrigation, rock crushing, and equipment washing on landfill property. The transfer of reclaimed wastewater from the City of Santa Fe WWTF is separately authorized by the City's Discharge Permit (DP-289). [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:

#### **A. OPERATIONAL PLAN**

<b>#</b>	<b>Terms and Conditions</b>
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]

**Operational Actions with Implementation Deadlines**

#	Terms and Conditions
3.	<p>Within 180 days following the date the term of this Discharge Permit begins (by DATE), the permittee shall submit a copy of a written agreement between the permittee and the United States (US) Forest Service to NMED. The agreement shall include a condition that the US Forest Service post and maintain signs where reclaimed wastewater is used, stating that water is non-potable.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

**Operating Conditions**

#	Terms and Conditions																								
4.	<p>Reclaimed wastewater received from the City of Santa Fe has the following limitation for reuse at Caja del Rio Landfill:</p> <p><b>Total Nitrogen: 10 mg/L</b></p> <p>Should this limitation be exceeded, the permittee shall refer to the contingency set forth in this Discharge Permit.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>																								
5.	<p>Reclaimed wastewater received from the City of Santa Fe has the following limitations for reuse at Caja del Rio Landfill:</p> <table border="1"> <thead> <tr> <th>Test</th> <th>30-day geometric mean</th> <th>30-day average</th> <th>maximum</th> </tr> </thead> <tbody> <tr> <td>Fecal coliform bacteria:</td> <td><b>100 Org/100 mL</b></td> <td>N/A</td> <td><b>200 Org/100 mL</b></td> </tr> <tr> <td>BOD<sub>5</sub>:</td> <td>N/A</td> <td><b>30 mg/L</b></td> <td><b>45 mg/L</b></td> </tr> <tr> <td>TSS:</td> <td>N/A</td> <td><b>30 mg/L</b></td> <td><b>45 mg/L</b></td> </tr> <tr> <td>Turbidity:</td> <td>N/A</td> <td><b>Monitor Only</b></td> <td><b>Monitor Only</b></td> </tr> <tr> <td>UV Transmissivity:</td> <td>N/A</td> <td><b>Monitor Only</b></td> <td><b>Monitor Only</b></td> </tr> </tbody> </table> <p>Should this limitation be exceeded, the permittee shall refer to the contingency set forth in this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>	Test	30-day geometric mean	30-day average	maximum	Fecal coliform bacteria:	<b>100 Org/100 mL</b>	N/A	<b>200 Org/100 mL</b>	BOD <sub>5</sub> :	N/A	<b>30 mg/L</b>	<b>45 mg/L</b>	TSS:	N/A	<b>30 mg/L</b>	<b>45 mg/L</b>	Turbidity:	N/A	<b>Monitor Only</b>	<b>Monitor Only</b>	UV Transmissivity:	N/A	<b>Monitor Only</b>	<b>Monitor Only</b>
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6.	<p>The permittee shall meet the following general requirements for above-ground use of reclaimed domestic wastewater:</p>																								

#	Terms and Conditions
	<p>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: <b>NOTICE: THIS AREA IS IRRIGATED WITH RECLAIMED WASTEWATER - DO NOT DRINK. AVISO: ESTA ÁREA ESTÁ REGADA CON AGUAS NEGRAS RECOBRADAS - NO TOMAR.</b> Alternate wording and/or graphics may be submitted to NMED for approval.</p> <p>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).</p> <p>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.</p> <p>d) The discharge of reclaimed wastewater shall be confined to the re-use area.</p> <p>e) The discharge of reclaimed domestic wastewater to crops for human consumption is 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 NAMC) 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.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
7.	<p>The permittee shall meet the following setbacks, access restrictions and equipment requirements for spray irrigation using Class 1B 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) Irrigation using reclaimed wastewater shall be postponed at times when windy conditions may result in drift of reclaimed wastewater outside the re-use area.</p> <p>c) Reclaimed wastewater shall be applied at times and in a manner that minimizes public contact.</p> <p>d) The spray irrigation system shall be limited to low trajectory spray nozzles.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>

#	Terms and Conditions
8.	<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"> <li>• erosion damage;</li> <li>• animal burrows or other damage;</li> <li>• 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;</li> <li>• the presence of large debris or large quantities of debris in the impoundment;</li> <li>• evidence of seepage; and</li> <li>• evidence of berm subsidence.</li> </ul> <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.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
9.	<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.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
10.	<p>The permittee shall inspect the shop wash holding tank monthly for the accumulation of wastewater and solids. In the event that wastewater or solids have accumulated to greater than 90% of the capacity of the tank, the contents shall be pumped by a licensed hauler. The wastewater and solids shall be contained, transported, and disposed of at a permitted facility in accordance with all local, state, and federal regulations. The holding tank inspection and pumping records shall be submitted to NMED in the semi-annual monitoring reports.</p> <p>[20.6.2.3109 NMAC]</p>
11.	<p>The permittee shall inspect the septic tanks semi-annually for the accumulation of scum and solids. In the event that the scum layer exceeds three inches or the settled solids occupy 50% of the tank or more, the contents of the tanks shall be pumped by a licensed hauler.</p>

#	Terms and Conditions
	The inspection records and pumping invoices shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC]
12.	The permittee shall visually inspect the area above the leachfields semi-annually to ensure proper maintenance. Any conditions that indicate damage to the leachfield(s) shall be corrected. Such conditions include, but are not limited to erosion damage, animal activity/damage, woody shrubs, or evidence of seepage. The inspection records shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC]

## B. MONITORING AND REPORTING

#	Terms and Conditions
13.	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]
14.	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: <ul style="list-style-type: none"> <li>a) American Public Health Association, Standard Methods for the Examination of Water and Wastewater (18<sup>th</sup>, 19<sup>th</sup> or current)</li> <li>b) U.S. Environmental Protection Agency, Methods for Chemical Analysis of Water and Waste</li> <li>c) U.S. Geological Survey, Techniques for Water Resources Investigations of the U.S. Geological Survey</li> <li>d) American Society for Testing and Materials, Annual Book of ASTM Standards, Part 31. Water</li> <li>e) U.S. Geological Survey, et al., National Handbook of Recommended Methods for Water Data Acquisition</li> <li>f) Federal Register, latest methods published for monitoring pursuant to Resource Conservation and Recovery Act regulations</li> <li>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</li> </ul> [Subsection B of 20.6.2.3107 NMAC]
15.	The permittee shall submit semi-annual monitoring reports to NMED for the most recently completed semi-annual period by the 1 <sup>st</sup> of February and August each year.

#	Terms and Conditions
	<p>Semi-annual monitoring shall be performed during the following periods and submitted as follows:</p> <ul style="list-style-type: none"> <li>• January 1<sup>st</sup> through June 30<sup>th</sup> (first half) – <b>due by August 1<sup>st</sup></b></li> <li>• July 1<sup>st</sup> through December 31<sup>st</sup> (second half) – <b>due by February 1<sup>st</sup></b></li> </ul> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

### *Facility Monitoring Conditions*

#	Terms and Conditions
16.	<p>The permittee shall estimate the monthly volume of wastewater discharged to the septic tank(s), holding tank, and the synthetically lined equipment wash evaporative impoundment by recording meter readings from the City of Santa Fe water usage statement on a monthly basis and calculating the monthly and average daily usage volumes. The estimated monthly discharge volume* (based upon meter readings) shall be used to calculate the average daily discharge volume by the formula below.</p> <p style="padding-left: 40px;">estimated monthly discharge volume ÷ number of days between readings = average daily discharge volume</p> <p>Each month, the permittee shall make note of any significant uses of the water (e.g., irrigation, evaporative cooling or leaks) that do not contribute to the volume of wastewater discharged.</p> <p>Copies of the monthly City of Santa Fe water usage statement, estimated monthly and average daily discharge volumes, and notes and estimated volume of significant uses shall be submitted to NMED in the semi-annual monitoring reports.</p> <p>* Should more than one flow meter exist for the facility's water supply, the permittee shall calculate the estimated monthly discharge volume for the facility by adding the estimated monthly discharge volume for each meter. 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 20.6.2.3109 NMAC]</p>
17.	<p>The permittee shall measure and record the volume of reclaimed domestic wastewater discharged monthly from the synthetically lined holding impoundment for dust control, cell construction, composting, landscape irrigation, rock crushing, and equipment washing by tracking the number of loads and the volume of each load transported from the synthetically lined impoundment each day. Transport records shall be kept on a manifest (example enclosed) and shall be submitted to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H 20.6.2.3109 NMAC]</p>

#	Terms and Conditions
18.	<p>The permittee shall sample wastewater from each of the septic tanks on an annual basis and analyze the samples for TKN. Analytical results shall be submitted to NMED in the monitoring report due by February 1 of each year.</p> <p>[20.6.2.3107 NMAC]</p>
19.	<p>The permittee shall sample wastewater from a representative location within the synthetically lined equipment wash evaporative impoundment on an annual basis and analyze the samples for TDS, Cl, volatile organics (using EPA method 8260B), semi-volatile organics (using EPA method 8270C), and metals (using EPA method 7000A or 6010B). The permittee shall submit the analytical results to NMED and specifically identify any of the following:</p> <ol style="list-style-type: none"> <li>1) Any exceedances of the 20.6.2.3103 NMAC ground water quality standards;</li> <li>2) Any analytes on the toxic pollutants list of Subsection VV of 20.6.2.7 NMAC with concentrations greater than the detection limit of the analytical method used.</li> </ol> <p>The analytical results and identified constituents shall be submitted to NMED in the monitoring report due by February 1 of each year.</p> <p>[20.6.2.3107 NMAC]</p>

### C. CONTINGENCY PLAN

#	Terms and Conditions
20.	<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.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>
21.	<p>In the event that analytical results of a reclaimed domestic wastewater sample are confirmed to exceed any of the 30-day average or maximum limitations for total nitrogen, BOD<sub>5</sub>, turbidity, or fecal coliform bacteria set by this Discharge Permit, the contingency plan below shall be enacted.</p>

#	Terms and Conditions
	<p><u>Contingency Plan</u></p> <p>a) The transfer of reclaimed domestic wastewater to the permittee is required to cease in accordance with the requirements of DP-289.</p> <p>b) Within 24 hours of becoming aware of the exceedance(s) that required domestic wastewater transfers to cease, the permittee shall:</p> <ol style="list-style-type: none"> <li>i) notify NMED that this contingency plan is being enacted.</li> <li>ii) cease discharging reclaimed domestic wastewater to the reuse areas. The permittee may be required to sample or disinfect any reclaimed domestic wastewater transferred and stored at the facility that does not meet the wastewater quality limitations set forth by this Discharge Permit</li> </ol> <p>When the analytical results from samples of reclaimed domestic wastewater, sampled as required by DP-289, or as required by this contingency condition, no longer indicate an exceedance of any of the maximum limitations, the permittee may resume transferring reclaimed wastewater to the reuse areas.</p> <p>Prior to recommencing discharge to the reuse areas, reclaimed wastewater sampling or other temporary protective measures may be required by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
22.	<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 schedule for completion of corrective actions and 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>
23.	<p>In the event that a minimum of two feet of freeboard cannot be preserved in the impoundment(s), 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 impoundment. 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</p>

#	Terms and Conditions
	<p>of the plan following approval by NMED.</p> <p>In the event that the short-term corrective actions failed 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.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
24.	<p>In the event that an inspection of the leachfield reveals failure, the permittee shall enact the following contingency plan:</p> <ol style="list-style-type: none"> <li>a) Within 24 hours of the discovered failure, the permittee shall: <ul style="list-style-type: none"> <li>• restrict public access to the area;</li> <li>• take immediate actions to stop/reduce the system failure or impacts from it;</li> <li>• disinfect contaminated soil and other materials; and</li> <li>• notify NMED of the failure including information on which system failed, the size/volume of the discharge resulting from the failure, and the immediate actions taken.</li> </ul> </li> <li>b) The permittee shall conduct a physical inspection of the treatment and disposal system(s) to identify additional failures.</li> <li>c) Within one week of the discovered failure, the permittee shall submit written notification to NMED of the information obtained for items a) and b) above in addition to the following: <ul style="list-style-type: none"> <li>• the names, addresses, and phone numbers of the person in charge of the facility and the owner/operator;</li> <li>• the name and address of the facility;</li> <li>• the date, time, specific location, and duration of the discharge;</li> <li>• the source and the cause of the discharge;</li> <li>• the estimated volume of the discharge; and</li> <li>• all actions taken to mitigate the immediate damage from the discharge since the failure began.</li> </ul> </li> <li>d) The permittee shall submit a corrective action plan for NMED approval to address the failure and propose methods of correction. The corrective action plan shall be submitted within 15 days of the discovered failure and shall be implemented immediately upon NMED approval.</li> </ol> <p>[20.6.2.1203 NMAC, 20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>

25.	<p>In the event that a release (commonly known as a “spill”) occurs that is not authorized under this Discharge Permit, the permittee shall take measures to mitigate damage from the unauthorized discharge and 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> <ul style="list-style-type: none"><li>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.</li><li>b) The name and address of the facility.</li><li>c) The date, time, location, and duration of the unauthorized discharge.</li><li>d) The source and cause of unauthorized discharge.</li><li>e) A description of the unauthorized discharge, including its estimated chemical composition.</li><li>f) The estimated volume of the unauthorized discharge.</li><li>g) Any actions taken to mitigate immediate damage from the unauthorized discharge.</li></ul> <p>Within <u>one week</u> following discovery of the unauthorized discharge, the permittee shall submit written notification to NMED with the information listed above and any pertinent updates.</p> <p>Within <u>15 days</u> following discovery of the unauthorized discharge, the permittee shall submit a corrective action report/plan to NMED describing any corrective actions taken and/or to be taken relative to the unauthorized discharge that includes the following:</p> <ul style="list-style-type: none"><li>a) A description of proposed actions to mitigate damage from the unauthorized discharge.</li><li>b) A description of proposed actions to prevent future unauthorized discharges of this nature.</li><li>c) A schedule for completion of proposed actions.</li></ul> <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.</p> <p>[20.6.2.1203 NMAC]</p>
26.	<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</p>

	<p>compliance with 20.6.2 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>
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**D. CLOSURE PLAN**

*Permanent Facility Closure Conditions*

#	Terms and Conditions
27.	<p>In the event the facility, or a component of the facility, is proposed to be permanently closed, upon ceasing discharging, the permittee shall perform the following closure measures:</p> <p>Within <u>90 days</u> of ceasing discharge, the permittee shall complete the following closure measures:</p> <ul style="list-style-type: none"> <li>a) The line leading to the system shall be plugged so that a discharge can no longer occur.</li> <li>b) Wastewater shall be drained or evaporated from the system components and storage impoundment(s), and it shall be disposed of in accordance with all local, state, and federal regulations. Reclaimed wastewater shall be discharged from the system to the re-use area, as authorized by this Discharge Permit. The discharge of accumulated solids (sludge) to the re-use area is prohibited.</li> <li>c) Solids removed from the septic tanks, holding tanks, evaporative impoundment and/or storage impoundment shall be contained, transported, and disposed of in accordance with all local, state, and federal regulations, including 40 CFR Part 503. The permittee shall maintain a record of all solids transported for off-site disposal.</li> </ul> <p>Within <u>180 days</u> of ceasing discharging to the treatment system (or unit), the permittee shall complete the following closure measures:</p> <ul style="list-style-type: none"> <li>a) Remove all lines leading to and from the treatment system, or permanently plug them and abandon them in place.</li> <li>b) Remove or demolish all treatment system components, and re-grade area with suitable fill to blend with surface topography, promote positive drainage and prevent ponding.</li> <li>c) Perforate or remove the storage impoundment liner(s); fill the impoundment(s) with suitable fill; and re-grade the impoundment site(s) to blend with surface topography, promote positive drainage and prevent ponding.</li> </ul> <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.</p> <p>[Subsection A of 20.6.2.3107 NMAC, 40 CFR Part 503]</p>

**E. GENERAL TERMS AND CONDITIONS**

#	Terms and Conditions
28.	<p>RECORD KEEPING - The permittee shall maintain a written record of the following information:</p> <ul style="list-style-type: none"> <li>a) Information and data used to complete the application for this Discharge Permit.</li> <li>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.</li> <li>c) Records of the operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater.</li> <li>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.</li> <li>e) Copies of monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit.</li> <li>f) The volume of wastewater or other wastes discharged pursuant to this Discharge Permit.</li> <li>g) Ground water quality and wastewater quality data collected pursuant to this Discharge Permit.</li> <li>h) Copies of construction records (well log) for all ground water monitoring wells required to be sampled pursuant to this Discharge Permit.</li> <li>i) Records of the maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit.</li> <li>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"> <li>i) The dates, location and times of sampling or field measurements;</li> <li>ii) The name and job title of the individuals who performed each sample collection or field measurement;</li> <li>iii) The sample analysis date of each sample;</li> <li>iv) The name and address of the laboratory, and the name of the signatory authority for the laboratory analysis;</li> <li>v) The analytical technique or method used to analyze each sample or collect each field measurement;</li> <li>vi) The results of each analysis or field measurement, including raw data;</li> <li>vii) The results of any split, spiked, duplicate or repeat sample; and</li> <li>viii) A copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used.</li> </ul> </li> </ul> <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.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>

#	Terms and Conditions
29.	<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>
30.	<p>DUTY to PROVIDE INFORMATION - The permittee shall, upon NMED’s request, allow NMED’s inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.</p> <p>[Subsection D of 20.6.2.3107 NMAC]</p>
31.	<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.</p> <p>[Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]</p>
32.	<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.</p> <p>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.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>

#	Terms and Conditions
33.	<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.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]</p>
34.	<p>CRIMINAL PENALTIES – No person shall:</p> <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.</li> </ol> <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>
35.	<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</p>

#	Terms and Conditions
	<p>applicable federal, state, and local laws, regulations, permits or orders.</p> <p>[NMSA 1978, § 74-6-5.L]</p>
36.	<p><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 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>
37.	<p><b>TRANSFER of DISCHARGE PERMIT</b> - 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"> <li>1) notify the proposed transferee in writing of the existence of this Discharge Permit;</li> <li>2) include a copy of this Discharge Permit with the notice; and</li> <li>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.</li> </ol> <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.</p> <p>[20.6.2.3111 NMAC]</p>
38.	<p><b>PERMIT FEES</b> - 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.</p> <p>[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]

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JERRY SCHOEPPNER

Chief, Ground Water Quality Bureau

New Mexico Environment Department

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