

## **GROUND WATER DISCHARGE PERMIT RENEWAL T & R Market, DP-1007**

### **I. INTRODUCTION**

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal (Discharge Permit), DP-1007, to Shannon Tanner (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 T & R Market (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 15,000 gallons per day (gpd) of domestic wastewater is received and treated using a clay-lined impoundment treatment system. Treated wastewater may be disinfected and discharged to five acres of rangeland by sprinkler irrigation.

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 approximately seven miles north of Gallup, in Section 19, Township 16 North, Range 18 West, McKinley County. Ground water most likely to be affected is at a depth of approximately 65 feet and has a total dissolved solids concentration of approximately 2,360 milligrams per liter.

The original Discharge Permit was issued on April 6, 1995 and subsequently renewed on June 29, 2011, and renewed and modified on May 13, 2008. The application (i.e., discharge plan) consists of the materials submitted by the permittee dated March 11, 2013 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)	NO <sub>3</sub> -N	nitrate-nitrogen
CFR	Code of Federal Regulations	NTU	nephelometric turbidity units
Cl	chloride	Org	organisms
EPA	United States Environmental Protection Agency	TDS	total dissolved solids
gpd	gallons per day	TKN	total Kjeldahl nitrogen
LADS	land application data sheet(s)	total nitrogen	= TKN + NO <sub>3</sub> -N
mL	milliliters	TSS	total suspended solids
mg/L	milligrams per liter	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		

## II. FINDINGS

In issuing this Discharge Permit, NMED finds:

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

## III. AUTHORIZATION TO DISCHARGE

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

The permittee is authorized to receive, treat and discharge up to 15,000 gpd of domestic wastewater using a clay-lined impoundment treatment system and disinfect when reuse is occurring. The clay-lined impoundment system can be operated individually, in series, or in parallel. The permittee is authorized to discharge treated wastewater (reclaimed wastewater) to five acres of rangeland by sprinkler irrigation.

[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**

#	Terms and Conditions
1.	The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 1 and 2 NMAC.  [Subsection C of 20.6.2.3109 NMAC]
2.	The permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated.  [20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]

***Operational Actions with Implementation Deadlines***

#	Terms and Conditions
3.	Prior to discharging reclaimed wastewater to the five acre re-use area, the permittee shall complete installation of the disinfection system and Palmer Bowlus Flume flow meter in accordance with the final construction plans and specifications submitted to NMED (dated September 18, 2007 by the professional engineer of record). The permittee shall notify NMED at the commencement of construction to allow NMED personnel to be onsite for inspection during construction. The permittee shall submit record drawings that bear the seal and signature of a licensed New Mexico professional engineer (pursuant to the New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority) for the constructed components to NMED within 30 days of completion.  [Subsections A and C of 20.6.2.1202 NMAC, Subsection C of 20.6.2.3109 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]
4.	Prior to discharging reclaimed wastewater to the re-use area, the permittee shall install the infrastructure necessary to transfer, distribute and apply reclaimed wastewater.

#	Terms and Conditions
	<p>Documentation confirming installation of the distribution system shall consist of a narrative statement including the system type and location, and the method of backflow prevention employed (if applicable). Documentation shall be submitted to NMED prior to discharging to the re-use area.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
5.	<p>Prior to discharging reclaimed wastewater to the re-use area, the permittee shall post signs in English and Spanish at the re-use area. The signs shall be posted at the entrance to the re-use area along the perimeter fence and at other locations where public exposure to reclaimed wastewater may occur. The signs shall state:</p> <p style="text-align: center;"><b>NOTICE:</b> <b>THIS AREA IS IRRIGATED WITH RECLAIMED WASTEWATER – DO NOT DRINK.</b></p> <p style="text-align: center;"><b>AVISO:</b> <b>ESTA ÁREA ESTÁ REGADA CON AGUAS NEGRAS RECOBRADAS – NO TOMAR.</b></p> <p>Alternate wording and/or graphics may be submitted to NMED for approval.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>

**Operating Conditions**

#	Terms and Conditions																							
6.	<p>Reclaimed wastewater discharged from the disinfection system shall not exceed the following limitation:</p> <p><b>Total Nitrogen: 20 mg/L</b></p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>																							
7.	<p>Reclaimed wastewater discharged from the disinfection system shall not exceed the following limitations:</p> <table border="1" data-bbox="277 1661 1409 1885"> <thead> <tr> <th data-bbox="277 1661 618 1736"><u>Test</u></th> <th data-bbox="618 1661 899 1736"><u>30-day geometric mean</u></th> <th data-bbox="899 1661 1125 1736"><u>30-day average</u></th> <th data-bbox="1125 1661 1409 1736"><u>maximum</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="277 1736 618 1774">Fecal coliform bacteria:</td> <td data-bbox="618 1736 899 1774"><b>1,000 Org/100 mL</b></td> <td data-bbox="899 1736 1125 1774"><b>N/A</b></td> <td data-bbox="1125 1736 1409 1774"><b>5,000 Org/100 mL</b></td> </tr> <tr> <td data-bbox="277 1774 618 1812">BOD<sub>5</sub>:</td> <td data-bbox="618 1774 899 1812"><b>N/A</b></td> <td data-bbox="899 1774 1125 1812"><b>30 mg/L</b></td> <td data-bbox="1125 1774 1409 1812"><b>45 mg/L</b></td> </tr> <tr> <td data-bbox="277 1812 618 1850">TSS:</td> <td data-bbox="618 1812 899 1850"><b>N/A</b></td> <td data-bbox="899 1812 1125 1850"><b>75 mg/L</b></td> <td data-bbox="1125 1812 1409 1850"><b>90 mg/L</b></td> </tr> <tr> <td data-bbox="277 1850 618 1885">TRC:</td> <td data-bbox="618 1850 899 1885"><b>N/A</b></td> <td data-bbox="899 1850 1125 1885"><b>Monitor Only</b></td> <td data-bbox="1125 1850 1409 1885"><b>Monitor only</b></td> </tr> </tbody> </table>				<u>Test</u>	<u>30-day geometric mean</u>	<u>30-day average</u>	<u>maximum</u>	Fecal coliform bacteria:	<b>1,000 Org/100 mL</b>	<b>N/A</b>	<b>5,000 Org/100 mL</b>	BOD <sub>5</sub> :	<b>N/A</b>	<b>30 mg/L</b>	<b>45 mg/L</b>	TSS:	<b>N/A</b>	<b>75 mg/L</b>	<b>90 mg/L</b>	TRC:	<b>N/A</b>	<b>Monitor Only</b>	<b>Monitor only</b>
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#	Terms and Conditions
	[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
8.	<p>The permittee shall apply reclaimed wastewater to the re-use area such that the amount of total nitrogen applied does not exceed 200 pounds per acre in any 12-month period. Nitrogen content shall not be adjusted to account for volatilization or mineralization processes. Wastewater shall be distributed evenly throughout the entire re-use area. Excessive ponding shall be prevented.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
9.	<p>The permittee shall meet the following general requirements for above-ground use of reclaimed domestic wastewater:</p> <ol style="list-style-type: none"> <li>a) The permittee shall maintain signs in English and Spanish at the re-use area such that they are visible and legible for the term of this Discharge Permit. The signs shall be posted at the entrance to the re-use area 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.</li> <li>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).</li> <li>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.</li> <li>d) The discharge of reclaimed wastewater shall be confined to the re-use area.</li> <li>e) The discharge of reclaimed domestic wastewater to crops for human consumption is prohibited.</li> <li>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.</li> <li>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.</li> </ol> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>

#	Terms and Conditions
10.	<p>The permittee shall meet the following setbacks, access restrictions and equipment requirements for spray irrigation using Class 3 reclaimed domestic wastewater:</p> <ul style="list-style-type: none"> <li>a) A minimum 500-foot setback shall be maintained between any dwellings or occupied establishments and the edge of the re-use area.</li> <li>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.</li> <li>c) Access to the re-use area shall be restricted by perimeter fencing using four-strand barbed wire and a locking gate, or other access controls approved by NMED.</li> <li>d) Public access shall be prohibited during times when reclaimed wastewater is being applied to the re-use area.</li> <li>e) The spray irrigation system shall be limited to low trajectory spray nozzles.</li> <li>f) Fodder, fiber and seed crops for milk producing animals shall not be irrigated with Class 3 reclaimed wastewater.</li> </ul> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
11.	<p>In the event that a cross-connection with fresh water exists, the permittee shall institute a backflow prevention method to protect wells and public water supply systems from contamination by reclaimed wastewater prior to discharging to the re-use area. Backflow prevention shall be achieved by a total disconnect (physical air gap separation between the discharge pipe and the liquid surface at least twice the diameter of the discharge pipe), or by a reduced pressure principal backflow prevention assembly (RP) installed on the line between the fresh water supply wells or public water supply and the reclaimed wastewater delivery system. Backflow prevention shall be maintained at all times.</p> <p>RP devices shall be inspected and tested by a certified backflow prevention assembly tester at the time of installation, repair or relocation and at least on an annual basis thereafter. The backflow prevention assembly tester shall have successfully completed a 40-hour backflow prevention course based on the University of Southern California's Backflow Prevention Standards and Test Procedures, and obtained certification demonstrating completion. A malfunctioning RP device shall be repaired or replaced within 30 days of discovery, and use of all supply lines associated with the RP device shall cease until repair or replacement has been completed. Copies of the inspection and maintenance records and test results for each RP device associated with the backflow prevention program shall be maintained at a location available for inspection by NMED.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
12.	<p>The permittee shall maintain fences around the clay-lined impoundment system and re-use area to control access by the general public and animals. Fences shall be maintained throughout the term of this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>

#	Terms and Conditions
13.	<p>The permittee shall maintain signs indicating that the wastewater at the facility is not potable. Signs shall be posted at the facility entrance and other areas where there is potential for public contact with wastewater. All signs shall be printed in English and Spanish remain visible and legible for the term of this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
14.	<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>
15.	<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>
16.	<p>The permittee shall inspect the grease interceptors serving the supermarket and gas station on a quarterly basis and remove accumulated grease and settled solids to prevent them from exiting the unit. The permittee shall maintain a record of grease/solids removal and disposal, including date, volume of grease/solids removed, and method of</p>

#	Terms and Conditions
	disposal.  [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
17.	The permittee shall inspect the lift station on a quarterly basis, and clean as needed to prevent pump failure. The permittee shall maintain a record of lift station inspections, repairs and cleanings.  [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
18.	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. The operations and maintenance of all or any part of the wastewater system shall be performed by, or under the direct supervision of, a certified operator.  [Subsection C of 20.6.2.3109 NMAC, 20.7.4 NMAC]

## B. MONITORING AND REPORTING

#	Terms and Conditions
19.	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]
20.	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>

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

#### *Monitoring Actions with Implementation Deadlines*

#	Terms and Conditions
22.	<p>Once prior to the date that the term of this Discharge Permit ends, NMED shall have the option to perform downhole inspections of all monitoring wells identified in this Discharge Permit. For monitoring wells equipped with dedicated pumps, NMED shall establish the inspection date and provide at least 60 days notice to the permittee by certified mail. The permittee shall have any existing dedicated pumps removed at least 48 hours prior to NMED inspection to allow adequate settling time of sediment agitated from pump removal.</p> <p>Should a facility not have existing dedicated pumps, but decide to install pumps in any of the monitoring wells, NMED shall be notified at least 90 days prior to pump installation so that a downhole well inspection(s) can be scheduled prior to pump placement.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>

#### *Ground Water Monitoring Conditions*

#	Terms and Conditions
23.	<p>The permittee shall perform quarterly ground water sampling in the following monitoring wells and analyze the samples for dissolved TKN, NO<sub>3</sub>-N, TDS and Cl:</p> <ul style="list-style-type: none"> <li>• MW-1, intended to be located hydrologically upgradient of the clay-lined impoundments and re-use area and 240 feet southwest of the boundary of the five acre re-use area.</li> <li>• MW-2, intended to be located hydrologically downgradient and 40 feet northeast of</li> </ul>

#	Terms and Conditions
	<p>impoundment #1 (East Impoundment).</p> <ul style="list-style-type: none"> <li>• MW-3, intended to be located hydrologically downgradient and 10 feet northeast of the 5-acre re-use 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>Measure the depth-to-most-shallow ground water from the top of the well casing to the nearest hundredth of a foot.</li> <li>Purge three well volumes of water from the well prior to sample collection.</li> <li>Obtain samples from the well for analysis.</li> <li>Properly prepare, preserve and transport samples.</li> <li>Analyze samples in accordance with the methods authorized in this Discharge Permit.</li> </ol> <p>Depth-to-most-shallow ground 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.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

**Facility Monitoring Conditions**

#	Terms and Conditions
24.	<p>The permittee shall estimate the monthly volume of wastewater discharged to the clay-lined impoundment system. The pumping rate of the influent pumps located at the lift station shall be obtained from the manufacturer specifications or by documented field assessment. The total run time for each pump(s) shall be logged on an hours recorder. The permittee shall record the pump run hours on a monthly basis (pump operating time) and multiply the time by the pumping rate to calculate the estimated monthly discharge volume by the formula below.</p> $(\text{pumping rate}) \times (\text{monthly pump operating time}) = \text{estimated monthly discharge volume}$ <p>The estimated monthly discharge volume shall be used to calculate the average daily discharge volume by the formula below.</p> $\text{estimated monthly discharge volume} \div \text{number of days between readings} = \text{average daily discharge volume}$ <p>The record of the monthly operating time for the pump(s), pumping rate and estimated monthly and average daily discharge volume shall be submitted to NMED in the quarterly monitoring reports. The hours recorder shall be kept functional at all times.</p>

#	Terms and Conditions
	<p>* Should more than one pump/hours recorder assembly exist at the facility, the permittee shall calculate the estimated monthly discharge volume for the facility by adding the estimated monthly discharge volume determined for each pump/hours recorder assembly. This summation should be completed prior to calculating the average daily discharge volume for the facility.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
25.	<p>The permittee shall measure the monthly volume of reclaimed wastewater discharged from the disinfection system to the re-use area. The permittee shall obtain readings from the Palmer Bowlus flume totalizing flow meter on the discharge line to the re-use area on a monthly basis and calculate the monthly and average daily discharge volume. The monthly volume discharged shall be used on the LADS to calculate nitrogen loading.</p> <p>The monthly meter readings, and calculated monthly and average daily discharge volumes shall be submitted to NMED in the quarterly monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
26.	<p>The flow meter shall be capable of having its accuracy ascertained under actual working (field) conditions. A field calibration method shall be developed for the flow meter and that method shall be used to check the accuracy of the meter. Field calibrations shall be performed upon repair or replacement of a flow measurement device and, at a minimum, once within 90 days of meter installation, and then every other year thereafter.</p> <p>The flow meter shall be calibrated to within plus or minus 10 percent of actual flow, as measured under field conditions. Field calibrations shall be performed by an individual knowledgeable in flow measurement and in the installation/operation of the particular device in use. A flow meter calibration report shall be prepared for the flow measurement device at the frequency calibration as required. The flow meter calibration report shall include the following information:</p> <ol style="list-style-type: none"> <li>a) The location and meter identification.</li> <li>b) The method of flow meter field calibration employed.</li> <li>c) The measured accuracy of the flow meter prior to adjustment indicating the positive or negative offset as a percentage of actual flow as determined by an in-field calibration check.</li> <li>d) The measured accuracy of the flow meter following adjustment, if necessary, indicating the positive or negative offset as a percentage of actual flow of the meter.</li> <li>e) Any flow meter repairs made during the previous year or during field calibration.</li> </ol> <p>The permittee shall maintain records of flow meter calibration at a location accessible for review by NMED during facility inspections.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>

#	Terms and Conditions
27.	<p>The permittee shall visually inspect the flow meter on a monthly basis for evidence of malfunction. If a visual inspection indicates that the flow meter is not functioning as required by this Discharge Permit, the permittee shall repair or replace the meter within 30 days of discovery. For a <i>repaired</i> meter, the permittee shall submit a report to NMED with the next monitoring report following the repair that includes a description of the malfunction; a statement verifying the repair; and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit. For a <i>replacement</i> meter, the permittee shall submit a report to NMED with the next monitoring report following the replacement that includes a design schematic for the device and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
28.	<p>The permittee shall collect samples of reclaimed wastewater from the discharge of the disinfection system on a quarterly basis and analyze the samples for TKN, NO<sub>3</sub>-N, TDS and Cl.</p> <p>In the event that discharge does not occur for an entire quarterly period, the permittee shall collect a composite wastewater sample from a representative location within one of two clay-lined impoundments and rotate to the next and analyze the sample for TKN, NO<sub>3</sub>-N, TDS and Cl. The composite sample shall consist of a minimum of six equal aliquots collected around the entire perimeter of the impoundment and thoroughly mixed.</p> <p>Samples shall be properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results shall be submitted to NMED in the quarterly monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
29.	<p>During any month that the discharge of reclaimed wastewater occurs, the permittee shall perform the following analyses on reclaimed wastewater samples collected from the discharge of the disinfection system using the following sampling method and frequency:</p> <ul style="list-style-type: none"> <li>• Fecal coliform bacteria: grab sample once per month.</li> <li>• BOD<sub>5</sub>: grab sample once per month.</li> <li>• TSS: grab sample once per month.</li> <li>• TRC concentrations: record whenever fecal coliform samples are collected.</li> </ul> <p>Samples shall be properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results and a copy of the log of TRC concentrations shall be submitted to NMED in the quarterly monitoring reports.</p>

#	Terms and Conditions
	[Subsection A of 20.6.2.3107 NMAC, Subsections B, C and H of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
30.	<p>The permittee shall complete LADS (copy enclosed) on a monthly basis that document the amount of nitrogen applied to the re-use area during the most recent 12 months. The LADS shall reflect the total nitrogen concentration from the most recent wastewater analysis and the estimated discharge volumes to the re-use area for each month. The LADS shall be completed with information above or shall include a statement that application of wastewater did not occur. The LADS shall be submitted to NMED in the quarterly monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
31.	<p>The permittee shall submit all records of solids and grease removal and disposal from the lift station and grease interceptors to NMED in the quarterly monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

### C. CONTINGENCY PLAN

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32.	<p>In the event that ground water monitoring indicates 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 a ground water sample and in any subsequent ground water sample collected from a monitoring well required by this Discharge Permit, the permittee shall enact the following contingency plan:</p> <p>Within 60 days of the subsequent sample analysis date, the permittee shall propose measures to ensure that the exceedance of the standard or the presence of a toxic pollutant will be mitigated by submitting a corrective action plan to NMED for approval. The corrective action plan shall include a description of the proposed actions to control the source and an associated completion schedule. The plan shall be enacted as approved by NMED.</p> <p>Once invoked (whether during the term of this Discharge Permit; or after the term of this Discharge Permit and prior to the completion of the Discharge Permit closure plan requirements), this condition shall apply until the permittee has fulfilled the requirements of this condition and ground water monitoring confirms for a minimum of two years of consecutive ground water sampling events that the standards of Section 20.6.2.3103 NMAC are not exceeded and toxic pollutants are not present in ground water.</p> <p>The permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000</p>

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	<p>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 confirmed ground water contamination.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>
33.	<p>In the event that information available to NMED indicates that a well(s) is not constructed in a manner consistent with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011; contains insufficient water to effectively monitor ground water quality; or is not completed in a manner that is protective of ground water quality, the permittee shall install a replacement well(s) within 120 days following notification from NMED.</p> <p>The permittee shall survey the replacement monitoring well(s) within 150 days following notification from NMED.</p> <p>Replacement well location(s) shall be approved by NMED prior to installation and completed in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011. The permittee shall submit construction and lithologic logs, survey data and a ground water elevation contour map to NMED within 60 days following well completion.</p> <p>Upon completion of the replacement monitoring well(s), the monitoring well(s) requiring replacement shall be properly plugged and abandoned. Well plugging, abandonment and documentation of the abandonment procedures shall be completed in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011, and all applicable local, state, and federal regulations. The well abandonment documentation shall be submitted to NMED within 60 days of completion of well plugging activities.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
34.	<p>In the event that ground water flow information obtained pursuant to this Discharge Permit indicates that a monitoring well(s) is not located hydrologically downgradient of the discharge location(s) it is intended to monitor, the permittee shall install a replacement well(s) within 120 days following notification from NMED. The permittee shall survey the replacement monitoring well(s) within 150 days following notification from NMED.</p> <p>Replacement well location(s) shall be approved by NMED prior to installation and completed in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011. The permittee shall submit construction and lithologic logs, survey data and a ground water elevation contour map within 30 days following well completion.</p>

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

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	<p>In the event that analytical results of a reclaimed domestic wastewater sample indicates an exceedance of any of the 30-day average limitations for BOD<sub>5</sub>, TSS, or fecal coliform bacteria set by this Discharge Permit (i.e., confirmed exceedance) while discharging to the re-use area, the contingency plan below shall be enacted.</p> <p><u>Contingency Plan</u></p> <p>a) Within 48 hours of becoming aware of a confirmed exceedance (as identified above), the permittee shall:</p> <ol style="list-style-type: none"> <li>i) notify NMED that the contingency plan is being enacted; and</li> <li>ii) submit copies of the recent analytical results indicating an exceedance to NMED.</li> </ol> <p>b) The permittee shall examine the operation and maintenance log, required by the Record Keeping conditions of this Discharge Permit, for improper operational procedures.</p> <p>c) The permittee shall conduct a physical inspection of the treatment system to detect abnormalities. Any abnormalities discovered shall be corrected. A report detailing the corrections made shall be submitted to NMED within 30 days following correction.</p> <p>If a facility is required to enact the contingency plan more than two times in a 12-month period, the permittee shall propose to modify operational procedures and/or upgrade the treatment process to achieve consistent compliance with the maximum and 30-day average limitations by submitting a corrective action plan for NMED approval. The plan shall include a schedule for completion of corrective actions and shall be submitted within 60 days following the second sample analysis date. The permittee shall initiate implementation of the plan following approval by NMED. Additional sampling of any stored reclaimed wastewater may be required by NMED in response to the submitted corrective action plan.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
37.	<p>In the event that the LADS show that the amount of nitrogen in wastewater applied in any 12-month period exceeds 200 pounds per acre, the permittee shall propose the reduction of nitrogen loading to the re-use area by submitting a corrective action plan to NMED for approval. The plan shall include a schedule for completion of corrective actions and shall be submitted within 90 days following the end of the monitoring period in which the exceedance occurred. The permittee shall initiate implementation of the plan following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
38.	<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</p>

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	<p>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>
39.	<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 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>
40.	<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> <ol 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> </ol>

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	<p>e) A description of the unauthorized discharge, including its estimated chemical composition.</p> <p>f) The estimated volume of the unauthorized discharge.</p> <p>g) Any actions taken to mitigate immediate damage from the unauthorized discharge.</p> <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> <p>a) A description of proposed actions to mitigate damage from the unauthorized discharge.</p> <p>b) A description of proposed actions to prevent future unauthorized discharges of this nature.</p> <p>c) A schedule for completion of proposed actions.</p> <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>
41.	<p>In the event that NMED or the permittee identifies any failures of the discharge plan or this Discharge Permit not specifically noted herein, NMED may require the permittee to submit a corrective action plan and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a Discharge Permit modification to achieve compliance with 20.6.2 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>

**D. CLOSURE PLAN***Permanent Facility Closure Conditions*

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42.	<p>In the event the facility, or the component of a facility, is proposed to be permanently closed, upon ceasing discharging, the permittee shall perform the following closure measures:</p> <p>Within <u>30 days</u> of ceasing discharge to the lift station and grease interceptors, solids and wastewater shall be pumped, 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.</p> <p>Within <u>60 days</u> of ceasing discharge to the impoundment(s), the lines leading to the impoundments and re-use area shall be plugged so that a discharge can no longer occur.</p> <p>Within <u>60 days</u> of ceasing discharge to the impoundment(s), wastewater shall be discharged from the impoundment and any other wastewater system components to the re-use area, as authorized by this Discharge Permit. The discharge of accumulated solids (sludge) from the impoundment to the re-use area is prohibited.</p> <p>Within <u>90 days</u> of ceasing discharge to the impoundment(s), the permittee shall submit a sludge removal and disposal plan to NMED for approval. The permittee shall initiate implementation of the plan within 30 days following approval by NMED. The sludge removal and disposal plan shall include the following:</p> <ol style="list-style-type: none"> <li>a) The estimated volume and dry weight of sludge to be removed and disposed, including measurements and calculations.</li> <li>b) Analytical results for samples of the sludge taken from the impoundment for TKN, NO<sub>3</sub>-N, percent total solids, and any other parameters tested (reported in mg/kg, dry weight basis).</li> <li>c) The method(s) of sludge <i>removal</i> from the impoundment(s).</li> <li>d) The method(s) of <i>disposal</i> for all of the sludge (and its contents) removed from the impoundment(s). The method(s) shall comply with all local, state and federal regulations, including 40 CFR Part 503. <i>Note: A proposal that includes the surface disposal of sludge may be subject to Ground Water Discharge Permitting requirements pursuant to 20.6.2.3104 NMAC that are separate from the requirements of this Discharge Permit.</i></li> <li>e) A schedule for completion of sludge removal and disposal not to exceed two years from the date discharge to the impoundment(s) ceased.</li> </ol> <p>Within <u>one year</u> following completion of the sludge removal and disposal, the permittee shall complete the following closure measures:</p> <ol style="list-style-type: none"> <li>a) Remove all lines leading to and from the impoundment(s), or permanently plug and</li> </ol>

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	<p>abandon them in place.</p> <p>b) Remove or demolish any other wastewater system components and re-grade area with suitable fill to blend with surface topography, promote positive drainage and prevent ponding.</p> <p>c) Perforate or remove the impoundment liner(s).</p> <p>d) Fill the impoundment(s) with suitable fill.</p> <p>e) Re-grade the impoundment site to blend with surface topography, promote positive drainage and prevent ponding.</p> <p>The permittee shall continue ground water monitoring until the requirements of this condition have been met and ground water monitoring confirms for a minimum of two years of consecutive ground water sampling events that the standards of Section 20.6.2.3103 NMAC are not exceeded and toxic pollutants are not present in ground water.</p> <p>If monitoring results show that a ground water quality standard 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, the permittee shall implement the contingency plan required by this Discharge Permit.</p> <p>Following notification from NMED that post-closure monitoring may cease, the permittee shall plug and abandon the monitoring well(s) in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011.</p> <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

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43.	<p><b>RECORD KEEPING</b> - The permittee shall maintain a written record of the following information:</p> <p>a) Information and data used to complete the application for this Discharge Permit.</p> <p>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.</p> <p>c) Records of the operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater.</p> <p>d) Facility record drawings (plans and specifications) showing the actual construction</p>

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	<p>of the facility and bear the seal and signature of a licensed New Mexico professional engineer.</p> <ul style="list-style-type: none"> <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>
44.	<p><b>INSPECTION and ENTRY</b> – 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</p>

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	<p>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>
45.	<p><b>DUTY to PROVIDE INFORMATION</b> - The permittee shall, upon NMED's request, allow for NMED's inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.</p> <p>[Subsection D of 20.6.2.3107 NMAC]</p>
46.	<p><b>MODIFICATIONS and/or AMENDMENTS</b> – 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>
47.	<p><b>PLANS and SPECIFICATIONS</b> – 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>
48.	<p><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</p>

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	<p>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>
49.	<p><b>CRIMINAL PENALTIES – No person shall:</b></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>
50.	<p><b>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.</b></p> <p>[NMSA 1978, § 74-6-5.L]</p>

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51.	<p>RIGHT to APPEAL - The permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues to be raised and the relief sought. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review.</p> <p>[20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]</p>
52.	<p>TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this facility or any portion thereof, the permittee shall:</p> <ol style="list-style-type: none"> <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>
53.	<p>PERMIT FEES - Payment of permit fees is due at the time of Discharge Permit approval. Permit fees shall be paid in a single payment or shall be paid in equal installments on a yearly basis over the term of the Discharge Permit. Single payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date. Initial installment payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date; subsequent installment payments shall be remitted to NMED no later than the anniversary of the Discharge Permit effective date.</p> <p>Permit fees are associated with <u>issuance</u> of this Discharge Permit. Nothing in this Discharge Permit shall be construed as relieving the permittee of the obligation to pay all permit fees assessed by NMED. A permittee that ceases discharging or does not commence discharging from the facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. An approved Discharge Permit shall be suspended or terminated if the facility fails to remit an installment payment by its due date.</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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