

**GROUND WATER DISCHARGE PERMIT RENEWAL AND MODIFICATION**  
**Abiquiu Inn, DP-1597**

**I. INTRODUCTION**

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal and Modification (Discharge Permit), DP-1597, to Noble Properties of New Mexico, LLC (permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from the Abiquiu Inn (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.

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 4,200 gallons per day (gpd) of domestic wastewater is discharged to two separate on-site wastewater treatment and disposal systems. Wastewater from a twelve-unit motel and laundry is discharged to a 2,000-gallon septic tank followed by a 1,050 ft<sup>2</sup> leachfield. The remaining wastewater will be discharged to nine septic tanks and pumped to an Orenco AX-Max 125-28 wastewater treatment system. Following treatment, the effluent will be discharged to a 6,480 ft<sup>2</sup> low pressure dose disposal field. The permit modification consists of the addition of a health clinic to the facility, which increases the maximum daily discharge volume from 3,600 to 4,200 gpd, and a modification in the previously approved location of the Orenco wastewater treatment system and low pressure dose disposal field.

The discharge may contain water contaminants which exceed the standards of Section 20.6.2.3103 NMAC and/or may contain toxic pollutants as defined in Subsection WW of 20.6.2.7 NMAC. This Discharge Permit contains requirements intended to prevent the discharge from causing standards to be exceeded in ground water and/or the presence of toxic pollutants in ground water.

The facility is located at 21120 U.S. Highway 84, Abiquiu, in Sections 20 and 21 (projected), Township 23 North, Range 06 East, in the Town of Abiquiu Land Grant, Rio Arriba County. Ground water most likely to be affected is at a depth of approximately four to seven feet and has a total dissolved solids concentration of approximately 380 milligrams per liter.

The original Discharge Permit was issued on December 15, 2010 and subsequently amended on June 22, 2011. The current application (i.e., discharge plan) consists of the materials submitted by Paul McGinnis, P.E., on behalf of the permittee dated March 5, 2013, April 26, 2013, and materials contained in the administrative record prior to issuance of this Discharge Permit. The

discharge as described in the discharge plan 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

The permittee is authorized to discharge up to 4,200 gallons per day (gpd) of domestic wastewater to two separate on-site wastewater treatment and disposal systems. Wastewater from a twelve-unit motel and laundry is discharged to a 2,000-gallon septic tank followed by a 1,050 ft<sup>2</sup> leachfield. The remaining wastewater sources at the facility are currently discharged to five separate septic tank leachfield systems. This Discharge Permit requires that the leachfields for the following wastewater systems be abandoned and that wastewater be collected and treated by an Orenco AX-Max 125-28 wastewater treatment system: the restaurant (equipped with a 1,000-gallon grease interceptor), reception/gift-shop/gallery, rental offices, two employee trailers, and two motel rooms which discharge to three 1,500-gallon septic tanks in series; the reception/gift-shop/gallery gray water which discharges to a 1,500-gallon septic tank; a three unit casita multiplex which discharges to a 1,500-gallon septic tank; a casita duplex which discharges to a tank of unknown size; a new six unit casita multiplex and a new manager's residence which discharge to two 1,000-gallon septic tanks. Wastewater from these sources, and the new health clinic which discharges to a 1,500-gallon septic tank, will be pumped to the Orenco wastewater treatment system and discharged to a 6,480 ft<sup>2</sup> low pressure dose disposal field.

[20.6.2.3104 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection C of 20.6.2.3109 NMAC]

### IV. CONDITIONS

The conditions of this Discharge Permit shall be complied with by the permittee and are enforceable by NMED.

The permittee is authorized to discharge water contaminants subject to the following conditions:

#### 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.	<p>Within 180 days of the effective date of this Discharge Permit, by <b>DATE</b>, the permittee shall construct the proposed Orenco wastewater treatment system and the 6,480 ft<sup>2</sup> low pressure dose disposal field according to the final construction plans and specifications submitted to NMED on June 26, 2013. The permittee shall notify NMED at the commencement of construction to allow NMED personnel to be onsite for inspection during the construction phase. 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 Orenco wastewater treatment system and the 6,480 ft<sup>2</sup> low pressure dose disposal field to NMED within 30 days of completion.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, Subsection C of 20.6.2.3109 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
4.	<p>Prior to discharging wastewater from the Health Clinic, the installation of the Orenco wastewater treatment system and the 6,480 ft<sup>2</sup> low pressure dose disposal field must be completed. The permittee shall submit written notification to NMED stating the date of completion of the WWTF and the date the discharge is to commence from the Health Clinic.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection H of 20.6.2.3109 NMAC]</p>
5.	<p>Prior to discharging from the Orenco wastewater treatment system, the permittee shall install fences around the entire WWTF or employ other mechanisms to secure and control access by the general public and animals. All security mechanisms shall be maintained throughout the term of the Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
6.	<p>Prior to discharging from the Orenco wastewater treatment system, the permittee shall post 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.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
7.	<p>Prior to discharging from the Orenco wastewater treatment system, the permittee shall conduct an inspection and test for water-tight construction on the eight existing septic tanks that will be discharging to the Orenco wastewater treatment system. The inspection and test shall be performed by a person holding a valid inspector certification issued by the National Association of Wastewater Transporters, Inc.; a New Mexico-licensed plumber; or a licensed New Mexico professional engineer.</p>

#	Terms and Conditions
	<p>The inspection(s) shall be performed according to the following procedure:</p> <ol style="list-style-type: none"> <li>a) The contents of the unit(s) shall be pumped and disposed of in accordance with all local, state, and federal regulations, including 40 CFR Part 503.</li> <li>b) The interior of the unit(s) shall be inspected to determine the construction material, interior dimensions and mechanical integrity. Inspection findings shall be recorded.</li> <li>c) The condition of the interior of the unit(s) shall be photographically documented while the unit(s) is empty.</li> </ol> <p>Water-tightness testing shall be completed using one of the two following procedures:</p> <ol style="list-style-type: none"> <li>1) <u>Hydrostatic testing</u> shall be conducted using the following procedure.               <ol style="list-style-type: none"> <li>a) Plug the inlet and outlet piping of the unit(s).</li> <li>b) Fill the unit(s) with water to the normal operating level.</li> <li>c) Measure the water level.</li> <li>d) Allow the water to stand for 60 minutes without the addition of water.</li> <li>e) Measure the water level at the end of 60 minutes.</li> </ol> <p>A unit that does not allow a drop in water level of greater than 0.01 feet in 60 minutes is considered to be water-tight.</p> <p style="text-align: center;"><b>- OR -</b></p> </li> <li>2) <u>Vacuum testing</u> shall be conducted using the following procedure.               <ol style="list-style-type: none"> <li>a) Seal all openings to the unit(s).</li> <li>b) Apply a vacuum of 50 millimeters (mm) of mercury to the unit(s).</li> <li>c) Allow the unit(s) to stand for two minutes without the application of additional vacuum.</li> </ol> <p>A unit that maintains at least 90% of the vacuum (i.e., greater than 45 mm of mercury) after two minutes is considered to be water-tight.</p> </li> </ol> <p>The permittee shall submit a report for each unit inspected/tested to NMED within 30 days of the inspection/test date. The report shall include the date of the inspection/test, the name of the individual that conducted the test, written inspection findings, photographic documentation of the unit's interior and water-tightness test results.</p> <p>In the event that water-tightness testing reveals that a unit is not water-tight, or should inspection reveal damage to the unit(s) that could result in structural failure, the permittee shall notify NMED in the inspection/test report required above.</p> <p>The permittee shall enact the following corrective actions upon notification from NMED:</p> <ol style="list-style-type: none"> <li>a) Within 90 days following notification from NMED, repair or replace the unit(s). If notified to do so by NMED, the permittee shall submit plans and specifications for the proposed repair or replacement that bear the seal and signature of a licensed New</li> </ol>

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	<p>Mexico professional engineer (pursuant to the New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority). The plans and specifications shall be submitted to NMED prior to construction for evaluation of compliance with the requirements of 20.6.2 NMAC.</p> <p>b) Within 30 days following repair or replacement of the unit(s), repeat the watertightness testing to verify the effectiveness of the repair or replacement, and submit a report to NMED. The report shall include the date of the inspection/test, the name of the individual that performed the inspection/test, written inspection findings, photographic documentation of the unit's interior and water tightness test results. If notified to do so by NMED, the permittee shall also 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) that include the final, construction details of the unit(s).</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
8.	<p>Within 180 days of the effective date of this Discharge Permit, by <b>DATE</b>, the permittee shall provide access to each septic tank that remains operational by installing two 24-inch openings. The access openings shall be located above the inlet and outlet piping of the septic tank to facilitate inspection of the tank's interior, repair of the internal piping and removal of sludge and scum. The access openings shall be extended from the tank to at least three inches above the ground surface or as approved by NMED. The access openings shall have a secured lid to deter unauthorized access but the lid shall remain above ground, unconcealed by dirt or pavement. A secure lid shall consist of one of the following: a padlock; a twist lock cover requiring special tools for removal; a cover weighing 58 pounds or more, net weight; or a stainless steel hinge and hasp mechanism. The permittee shall submit photographic documentation of the installation of access-ways to septic tanks within 30 days of completion.</p> <p>[20.6.2.3107 NMAC]</p>

***Operating Conditions***

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9.	<p>Treated wastewater discharged from the WWTF to the 6,480 ft<sup>2</sup> low pressure dose disposal field 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>
10.	<p>The permittee shall maintain fences around the WWTF or maintain other mechanisms to control access by the general public and animals. If fences are installed, they shall consist</p>

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	<p>of a minimum of six-foot chain link or field fencing and locking gates. Fences and/or access control mechanisms 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>
11.	<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>
12.	<p>The permittee shall visually inspect the area above the 6,480 ft<sup>2</sup> low pressure dose disposal field associated with the Orenco wastewater treatment system and the 1,050 ft<sup>2</sup> leachfield associated with twelve-unit motel and laundry semi-annually to ensure proper maintenance. Any conditions that indicate damage to the disposal systems shall be corrected. Such conditions include, but are not limited to erosion damage, animal activity/damage, woody shrubs, or evidence of seepage. The permittee shall keep a log of the inspection findings and repairs. The log shall be made available to NMED upon request.</p> <p>In the event of a failure of either disposal system, the permittee shall enact the contingency plan set forth in this Discharge Permit.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
13.	<p>The permittee shall inspect the nine septic tanks preceding the Orenco treatment system 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% or more of the tank volume, the contents of the tank(s) shall be pumped by a licensed hauler. The permittee shall maintain a record of solids removal and disposal, including date, volume of solids removed, and method of disposal.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
14.	<p>The permittee shall inspect the septic tank associated with the twelve-unit motel and laundry 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% or more of the tank volume, the contents of the tank(s) shall be pumped by a licensed hauler. The permittee shall maintain a record of solids removal and disposal, including date, volume of solids removed, and method of disposal.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

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15.	<p>The permittee shall inspect the 1,000-gallon grease interceptor on a quarterly basis or as needed 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 disposal.</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 lift station(s) on a quarterly basis, and clean as needed to prevent pump failure. The permittee shall maintain a record of lift station inspections, repairs, and cleanings.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
17.	<p>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.</p> <p>[Subsection C of 20.6.2.3109 NMAC, 20.7.4 NMAC]</p>

## B. MONITORING AND REPORTING

#	Terms and Conditions
18.	<p>The permittee shall conduct the following monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
19.	<p><b>METHODOLOGY</b> – Unless otherwise approved in writing by NMED, the permittee shall conduct sampling and analysis in accordance with the most recent edition of the following documents:</p> <ol style="list-style-type: none"> <li>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>U.S. Environmental Protection Agency, Methods for Chemical Analysis of Water and Waste</li> <li>U.S. Geological Survey, Techniques for Water Resources Investigations of the U.S. Geological Survey</li> <li>American Society for Testing and Materials, Annual Book of ASTM Standards, Part 31. Water</li> <li>U.S. Geological Survey, et al., National Handbook of Recommended Methods for Water Data Acquisition</li> <li>Federal Register, latest methods published for monitoring pursuant to Resource Conservation and Recovery Act regulations</li> </ol>

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	<p>g) Methods of Soil Analysis: Part 1. Physical and Mineralogical Methods; Part 2. Microbiological and Biochemical Properties; Part 3. Chemical Methods, American Society of Agronomy</p> <p>[Subsection B of 20.6.2.3107 NMAC]</p>
20.	<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
21.	<p>Prior to discharging from the Orenco wastewater treatment system, the permittee shall install the following flow meters:</p> <ol style="list-style-type: none"> <li>a) One totalizing flow meter installed on the influent line of the Orenco wastewater treatment system to measure the volume of wastewater discharged to the 6,480 ft<sup>2</sup> low pressure dose disposal field.</li> <li>b) One totalizing flow meter installed on the water supply line leading to the twelve-unit motel and laundry building to estimate the volume of wastewater discharged to the 1,050 ft<sup>2</sup> leachfield.</li> </ol> <p>Confirmation of meter installation, type, calibration and locations shall be submitted to NMED within 30 days of completed installations.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
22.	<p>Within 120 days of the effective date of this Discharge Permit, by <b>DATE</b>, the permittee shall install the following new monitoring wells:</p> <ul style="list-style-type: none"> <li>• One monitoring well (MW-2a) hydrologically downgradient of the 6,480 ft<sup>2</sup> low dose disposal field; 20-50 feet northeast of the eastern midpoint boundary of the low pressure dose disposal field, and</li> </ul>

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	<ul style="list-style-type: none"> <li>• One monitoring well (MW-4) hydrologically downgradient of the 6,480 ft<sup>2</sup> low pressure dose disposal field; 20-50 feet north of the northern midpoint boundary of the low pressure dose disposal field.</li> </ul> <p>The newly installed well(s) 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. Construction and lithologic logs shall be submitted to NMED within 30 days of well completion.</p> <p>Unless otherwise noted in this Discharge Permit, the requirement to install a monitoring well downgradient of a source is <u>not</u> contingent upon construction of or discharge of wastewater to that source, or discharge of wastewater from the facility.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
23.	<p>Following well development of the monitoring wells required to be installed by this Discharge Permit (MW-2a and MW-4), the permittee shall sample ground water in the wells and analyze the samples for dissolved TKN, NO<sub>3</sub>-N, TDS, and Cl.</p> <p>Ground water sample collection, preservation, transport, and analysis shall be performed according to the following procedure:</p> <ol style="list-style-type: none"> <li>a) Measure the depth-to-most-shallow ground water from the top of the well casing to the nearest hundredth of a foot.</li> <li>b) Purge three well volumes of water from the well prior to sample collection.</li> <li>c) Obtain samples from the well for analysis.</li> <li>d) Properly prepare, preserve, and transport samples.</li> <li>e) 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 within 45 days of the installation of the monitoring wells.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
24.	<p>Within 150 days following the effective date of this Discharge Permit, by <b>DATE</b>, the permittee shall survey all wells approved by NMED for Discharge Permit monitoring purposes to a U.S. Geological Survey (USGS) or other permanent benchmark. Survey data shall include northing, easting and elevation to the nearest hundredth of a foot or shall be in accordance with the “Minimum Standards for Surveying in New Mexico” (12.8.2 NMAC). A survey elevation shall be established at the top-of-casing, with a permanent marking indicating the point of survey. The survey shall bear the seal and</p>

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	<p>signature of a licensed New Mexico professional surveyor (pursuant to the New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority).</p> <p>Depth-to-most-shallow ground water shall be measured to the nearest hundredth of a foot in all surveyed wells, and the data shall be used to develop a ground water elevation contour map showing the location of all monitoring wells and the direction and gradient of ground water flow at the facility. The data and ground water elevation contour map shall be submitted to NMED within 30 days of survey completion.</p> <p>[Subsection A of 20.6.2.3107 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
25.	<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. 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
26.	<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 (existing), intended to be located hydrologically upgradient of the entire facility;</li> <li>• MW-3 (existing), intended to be located hydrologically downgradient of the 1,050 ft<sup>2</sup> leachfield; approximately 50 feet north east of leachfield;</li> <li>• MW-2a, intended to be located hydrologically downgradient of the 6,480 ft<sup>2</sup> low dose disposal field; 20-50 feet northeast of the eastern midpoint boundary of the low pressure dose disposal field; and</li> <li>• MW-4, intended to be located hydrologically downgradient of the 6,480 ft<sup>2</sup> low pressure dose disposal field; 20-50 feet north of the northern midpoint boundary of the</li> </ul>

#	Terms and Conditions
	<p>low pressure dose disposal field.</p> <p>Ground water sample collection, preservation, transport, and analysis shall be performed according to the following procedure:</p> <ol style="list-style-type: none"> <li>a) Measure the depth-to-most-shallow ground water from the top of the well casing to the nearest hundredth of a foot.</li> <li>b) Purge three well volumes of water from the well prior to sample collection.</li> <li>c) Obtain samples from the well for analysis.</li> <li>d) Properly prepare, preserve and transport samples.</li> <li>e) 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>
27.	<p>The permittee shall develop a ground water elevation contour map on a quarterly basis using the top of casing elevation data from the monitoring well survey and quarterly depth-to-most-shallow ground water measurements obtained from the ground water monitoring wells required by this Discharge Permit.</p> <p>The ground water elevation contour map shall depict the ground water flow direction based on the ground water elevation contours. Ground water elevations between monitoring well locations shall be estimated using common interpolation methods. A contour interval appropriate to the data shall be used, but in no case shall the interval be greater than two feet. Ground water elevation contour maps shall depict the ground water flow direction, using arrows, based on the orientation of the ground water elevation contours, and the location and identification of each monitoring well and contaminant source. The ground water elevation contour map 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
28.	<p>The permittee shall measure the monthly volume of treated wastewater discharged to the Orenco wastewater treatment system and thus to the low pressure dose disposal field. The permittee shall obtain readings from a totalizing flow meter located on the influent line that is connected to the Orenco wastewater treatment system. Monthly readings shall be used to calculate the average monthly and daily discharge volume for the Orenco</p>

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	<p>wastewater treatment system.</p> <p>The monthly meter readings, and calculated average monthly and 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>
29.	<p>The permittee shall estimate the monthly volume of wastewater from the twelve-unit motel and laundry septic tank/leachfield system. The permittee shall obtain readings from a totalizing flow meter located on the water supply line leading to the twelve unit motel and laundry building. Monthly readings shall be used to calculate the average monthly and daily discharge volume for the septic tank/leachfield system.</p> <p>The monthly meter readings, and calculated average monthly and 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>
30.	<p>All flow meters shall be capable of having their accuracy ascertained under actual working (field) conditions. A field calibration method shall be developed for each flow meter and that method shall be used to check the accuracy of each respective meter. Field calibrations shall be performed upon repair or replacement of a flow measurement device and, at a minimum, once within 90 days of the effective date of this Discharge Permit (<b>by DATE</b>).</p> <p>Flow meters 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 each flow measurement device at the frequency calibration is 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 each 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 each 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(s) 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>

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31.	<p>The permittee shall visually inspect flow meters on a monthly basis for evidence of malfunction. If a visual inspection indicates a 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 <i>repaired</i> meters, 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 <i>replacement</i> meters, 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>
32.	<p>The permittee shall collect samples of treated effluent from the discharge of the WWTF on a quarterly basis and analyze the samples for TKN, NO<sub>3</sub>-N, TDS, and Cl. Samples shall be properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results shall be submitted to NMED in the quarterly monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
33.	<p>The permittee shall sample wastewater from the septic tank associated with the twelve-unit motel and laundry on an annual basis and analyze the samples for TKN, TDS, and Cl. Samples shall be properly prepared, preserved, transported, and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results shall be submitted to NMED in the monitoring report due by February 1<sup>st</sup> of each year.</p> <p>[Subsection A of 20.6.2.3107 NMAC Subsections C and H of 20.6.2.3109 NMAC]</p>

### C. CONTINGENCY PLAN

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34.	<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.</p>

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	<p>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 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>
35.	<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>

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36.	<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> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
37.	<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, 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> <ol 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 <ol 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> </ol> </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, 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> </ol> <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</p>

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	<p>frequency.</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 an inspection of the 6,480 ft<sup>2</sup> low pressure dose disposal field and/or the 1,050 ft<sup>2</sup> leachfield reveals failure, the following contingency plan shall be enacted:</p> <ol style="list-style-type: none"> <li>a) Within 24 hours following the discovered failure, the permittee shall implement the following measures: <ul style="list-style-type: none"> <li>• Notify NMED of the failure in accordance with the notification requirements described in the Contingency Plan for unauthorized discharges.</li> <li>• Restrict public access to the area.</li> </ul> </li> <li>b) The permittee shall conduct a physical inspection of the treatment and disposal system to identify additional potential failures.</li> <li>c) The permittee shall propose actions to address the failure and methods of correction by submitting a corrective action plan to NMED for approval within 15 days following the discovered failure. 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.</li> </ol> <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 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> <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> </ol> <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</p>

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	<p>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>
40.	<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**

*Closure Actions with Implementation Deadlines*

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41.	<p>Prior to discharging from the Orenco wastewater treatment system, the permittee shall remove or plug all lines leading from septic tanks to the leachfields that are to be abandoned and replaced with the Orenco wastewater treatment system and the 6,480 ft<sup>2</sup> low pressure dose disposal field. Documentation describing the removal or plugging of lines and leachfield abandonment procedures, including photographic documentation, shall be submitted to NMED within 30 days of completion.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
42.	<p>Within 180 days of the effective date of this Discharge Permit, by <b>DATE</b>, the permittee shall remove or demolish the 1,500-gallon RV septic tank, remove or plug all lines</p>

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	<p>leading from the thirteen RV sites to the RV septic tank, and remove or plug all lines from the RV septic tank to the RV leachfield. Documentation describing the demolition or removal of the septic tank and the removal or plugging of all lines, including photographic documentation, shall be submitted to NMED within 30 days of completion.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
43.	<p>Before construction of the Health Clinic commences, the permittee shall properly plug and abandon the following monitoring well:</p> <ul style="list-style-type: none"> <li>• MW-2, located approximately 40 feet north of the existing O’Keefe Parking Lot.</li> </ul> <p>The monitoring well shall be plugged and abandoned 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, including 19.27.4 NMAC.</p> <p>The permittee shall submit documentation describing the well abandonment procedures in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011. 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, 19.27.4 NMAC]</p>

***Permanent Facility Closure Conditions***

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44.	<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 to the Orenco wastewater treatment system, the permittee shall complete the following closure measures:</p> <ol 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 it shall be disposed of in accordance with all local, state, and federal regulations.</li> </ol>

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	<p>c) Solids removed from the treatment system 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.</p> <p>Within <u>90 days</u> of ceasing discharge to the septic tank/leachfield system associated with the twelve-unit motel and laundry, the permittee shall complete the following closure measures:</p> <ol style="list-style-type: none"> <li>a) Plug all lines leading to and from the closed system(s) so that a discharge can no longer occur.</li> <li>b) Wastewater, septage, and grease interceptor waste shall be pumped from the system components (e.g., septic tanks, grease trap/interceptors, lift stations, dosing chambers, distribution boxes) and it 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 wastes transported for off-site disposal.</li> </ol> <p>Within <u>180 days</u> of ceasing discharge to the Orenco wastewater treatment system, 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 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> </ol> <p>Within <u>180 days</u> of ceasing discharge to the septic tank/leachfield system associated with the twelve-unit motel and laundry, 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 closed system(s) or permanently plug them and abandon them in place.</li> <li>b) Remove or demolish all closed septic tanks, grease trap/interceptors, lift stations, dosing chambers, distribution boxes or other system(s) components (with the exception of leachfields) and re-grade the area with suitable fill to blend with surface topography to promote positive drainage and prevent ponding.</li> </ol> <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</p>

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	<p>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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45.	<p><b>RECORD KEEPING</b> - 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</li> </ul> </li> </ul>

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	<p>collection or field measurement;</p> <ul style="list-style-type: none"> <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> <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>
46.	<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 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>
47.	<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>
48.	<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</p>

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	<p>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>
49.	<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>
50.	<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 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>
51.	<p><b>CRIMINAL PENALTIES</b> – 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> </ol>

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	<p>2) falsify, tamper with or render inaccurate any monitoring device, method or record required to be maintained under the WQA; or</p> <p>3) fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation.</p> <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
52.	<p>COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the permittee of the obligation to comply with all applicable federal, state, and local laws, regulations, permits or orders.</p> <p>[NMSA 1978, § 74-6-5.L]</p>
53.	<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>
54.	<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</p>

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	facility.  [20.6.2.3111 NMAC]
55.	<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