

GROUND WATER DISCHARGE PERMIT RENEWAL S&R Septic, DP-465

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal (Discharge Permit), DP-465, to Steve Rael (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 S&R Septic (facility) into ground and surface water, so as to protect ground and surface water for present and potential future use as domestic and agricultural water supply and other uses and protect public health. In issuing this Discharge Permit, NMED has determined that the requirements of Subsection C of 20.6.2.3109 NMAC have been met.

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

Domestic septage and sludge are processed and discharged at the facility as follows:

- Up to 9,857 gallons per day (gpd) on a weekly average, not to exceed 69,000 gallons per week, of domestic septage (including portable toilet waste) to 13 unlined shallow surface disposal cells totaling 2.31 acres on a rotational basis.
- Up to 8,333 gallons per month (gpm) on an annual average, not to exceed 100,000 gallons per year, of liquid, semi-solid and solid domestic wastewater treatment facility and/or package treatment plant sludge to three disposal cells totaling 0.46 acres on a rotational basis.

The discharge contains water contaminants or toxic pollutants which may be elevated above the standards of Section 20.6.2.3103 NMAC. The facility is located on NM Highway 64 three miles west from intersection of NM 64 and NM 522, approximately eight miles northwest of Taos in Section 26, T26N, R12E, Taos County. Ground water beneath the site is at a depth greater than 500 feet and has a total dissolved solids concentration of approximately 300 - 400 milligrams per liter.

The original Discharge Permit was issued on April 7, 1987 and subsequently renewed and/or modified on June 10, 1992, July 28, 1999, and May 22, 2003. The permittee's application consists of the materials submitted by William L. Mansker, PhD on behalf of Steve Rael dated October 23, 2008 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 and/or remediate ground water quality may be required by NMED. These requirements may include: lining/relining lagoons; expanding surface disposal areas; ceasing discharging to surface disposal areas, changing waste management practices; expanding monitoring requirements; installing an advanced treatment system; and/or implementing abatement of water pollution.

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

The following abbreviations may be used in this Discharge Permit:

Abbreviation	Explanation	Abbreviation	Explanation
BOD ₅	biochemical oxygen demand (5-day)	NO ₃ -N	nitrate-nitrogen
CFR	Code of Federal Regulations	NTU	nephelometric turbidity units
CFU	colony forming units	SDDS	Surface Disposal Data Sheet
Cl	chloride	TDS	total dissolved solids
EPA	United States Environmental Protection Agency	TKN	total Kjeldahl nitrogen
Mg/kg	Milligrams per kilogram		
mg/L	milligrams per liter	TPH	total petroleum hydrocarbons
mL	milliliters	TSS	total suspended solids
NMAC	New Mexico Administrative Code	total nitrogen	TKN+NO ₃ -N
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 milligrams per liter or less of total dissolved solids within the

meaning of Subsection A of 20.6.2.3101 NMAC.

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

III. CONDITIONS

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

OPERATIONAL PLAN

#	Terms and Conditions
1.	The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 1 and 2 NMAC. [20.6.2.3106.C NMAC, 20.6.2.3107 NMAC]
2.	The permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 NMAC and 20.6.2.3103 NMAC are not violated. [20.6.2.3103 NMAC]
3.	<p>The permittee is authorized to process and discharge the following waste types:</p> <ul style="list-style-type: none"> • Up to 9,857 gallons per day (gpd) on a weekly average, not to exceed 69,000 gallons per week, of domestic septage (including portable toilet waste) to 13 unlined shallow surface disposal cells totaling 2.31 acres on a rotational basis. • Up to 8,333 gallons per month (gpm) on an annual average, not to exceed 100,000 gallons per year, of liquid, semi-solid and solid domestic wastewater treatment facility and/or package treatment plant sludge to three unlined shallow surface disposal cells totaling 0.46 acres on a rotational basis. <p>Waste types that are not specifically authorized to be received by this Discharge Permit shall not be received at the facility. [20.6.2.3104 NMAC]</p>
4.	The permittee shall maintain fences around the entire disposal facility to prevent unrestricted access. A minimum of a three-strand barbed wire fence and locked gate shall surround the facility. [20.6.2.3109 NMAC]
5.	<p>The permittee shall maintain the following signs at the following locations:</p> <ul style="list-style-type: none"> • Signs in both English and Spanish that state: "Notice: Waste Disposal Area - KEEP OUT" and "Aviso: Área de Disposición - NO ENTAR" posted at the facility entrance and every 500 feet along the facility boundary. • A sign with the name of the facility's contact person, office phone number of the contact person, emergency contact phone number for the facility, and physical location of facility including township, range, and section(s) posted at the entrance gate. • A sign on each tank with the name of the tank contents. Tanks containing contaminated water should be labeled "Not Potable Water" and "el agua no es potable".

#	Terms and Conditions
	<ul style="list-style-type: none"> • A sign to identify each cell by number and the waste type authorized to be discharged in the cell. All signs shall be weatherproof and posted at the boundary of the cells to facilitate a rotational disposal schedule as required in conditions below. All signs shall remain legible for the term of this Discharge Permit. [20.6.2.3109 NMAC]
6.	<p>To prevent run-on and run-off from a storm event, the permittee shall maintain a minimum 24-inch earthen berm surrounding the perimeter of the facility. The berm shall be inspected on a regular basis and after any major rainfall event and repaired as necessary. In place of a berm across the facility entrance, the permittee shall construct and maintain shallow (minimum depth of six inches) stormwater diversion bar trenches parallel to and on each side of the facility entrance gate. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>
7.	<p>Different waste types shall not be combined and shall be disposed of in separate cells that receive only a single designated waste type. [20.6.2.3109 NMAC]</p>
8.	<p>The permittee shall inspect the facility weekly and collect any residual solid waste (trash) on the facility site. The collected materials shall be disposed of in a manner consistent with all local, state and federal regulations. [20.6.2.3109 NMAC]</p>
9.	<p>The permittee shall not discharge liquid wastes during periods of precipitation or when surface soils are frozen or saturated. Wastes may be stored in tanker trucks during these periods. [20.6.2.3109 NMAC]</p>
10.	<p>Within 180 days following the effective date of this Discharge Permit (by DATE), the permittee shall construct concrete (or other material pre-approved by NMED) splash pads for each of the 16 disposal cells. The splash pads shall be a minimum of 4 inches thick and shall slope down toward the disposal cell. They shall be constructed in such a manner so as to minimize scouring and/or ponding that results from the septage being discharged out of the septage truck and onto the ground surface. [20.6.2.3109 NMAC]</p>
11.	<p>The permittee shall maintain the surface disposal cells in such a manner as to avoid conditions which could affect the ability of septage and/or sludge to be evenly distributed across the surface of the disposal cells. Such conditions include or may be characterized by the following:</p> <ul style="list-style-type: none"> • erosion damage; • animal burrows or other damage; • the presence of vegetation including aquatic plants, weeds, woody shrubs or trees growing within the disposal cell and/or surrounding berms; and • the presence of large debris or large quantities of debris in the disposal cells. <p>Vegetation growing in/around the disposal cells shall be routinely controlled in a manner that is protective of the disposal cells.</p>

#	Terms and Conditions
	<p>The permittee shall visually inspect the disposal cells and surrounding berms on a monthly basis to ensure proper maintenance. In the event that an inspection reveals any evidence of damage and/or that may result in an unauthorized discharge, the permittee shall enact the contingency plan set forth in this Discharge Permit.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC]</p>

Domestic Septage

#	Terms and Conditions
12.	<p>Treatment and disposal of domestic septage shall be in accordance with requirements set forth in 40 CFR Part 503. Ponding of septage shall be minimized. The depth of liquid in any disposal cell shall not exceed approximately 3 inches. [20.6.2.3109 NMAC, 74-6-5 WQA]</p>

Domestic Wastewater Treatment Plant Sludge

#	Terms and Conditions
13.	<p>The permittee shall apply liquid, semi-solids and solid domestic wastewater treatment facility sludge to three unlined shallow surface disposal cells (Cells 3, 4, and 5) totaling 0.46 acres on a rotational basis. The sludge shall be evenly distributed throughout the individual cells in use. Ponding of liquid sludge shall be minimized. Treatment, storage and disposal of sludge shall be in accordance with requirements set forth in 40 CFR Part 503. [20.6.2.3104 NMAC]</p>

MONITORING, REPORTING, AND OTHER REQUIREMENTS

#	Terms and Conditions
14.	<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>
15.	<p>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:</p> <p>a) American Public Health Association, Standard Methods for the Examination of Water</p>

#	Terms and Conditions
	<p>and Wastewater (18th, 19th or current)</p> <p>b) U.S. Environmental Protection Agency, Methods for Chemical Analysis of Water and Waste</p> <p>c) U.S. Geological Survey, Techniques for Water Resources Investigations of the U.S. Geological Survey</p> <p>d) American Society for Testing and Materials, Annual Book of ASTM Standards, Part 31. Water</p> <p>e) U.S. Geological Survey, et al., National Handbook of Recommended Methods for Water Data Acquisition</p> <p>f) Federal Register, latest methods published for monitoring pursuant to Resource Conservation and Recovery Act regulations</p> <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>
16.	<p>The permittee shall submit semi-annual monitoring reports to NMED for the most recently completed semi-annual period by the 1st of February and August each year.</p> <p>Semi-annual monitoring shall be performed during the following periods:</p> <ul style="list-style-type: none"> • January 1st through June 30th (first half) – report due by August 1st; and • July 1st through December 31st (second half) – report due by February 1st. <p>[Subsection A of 20.6.2.3107 NMAC]</p>
17.	<p>The permittee shall create a manifest for each load of waste received. The manifest shall record the following information:</p> <ul style="list-style-type: none"> • name of the hauling company; • date of receipt; • name and address of the waste origin; • type of waste or description of contamination; • volume of waste; • confirmation of inspection for acceptable waste type; • signature of person conducting the inspection; and • cell identification and location within the cell where the waste is discharged. <p>Copies of each manifest created during the reporting period shall be submitted with the semi-annual monitoring report. [20.6.2.3107 NMAC] [NMSA 74-6-5.E]</p>
18.	<p>The permittee shall submit copies of documentation demonstrating compliance with the requirements set forth by 40 CFR Part 503. Documentation records shall be submitted to</p>

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	NMED in the semi-annual monitoring reports.

Domestic Septage

#	Terms and Conditions
19.	<p>The permittee shall complete a SDDS to document the amount of nitrogen applied to each surface disposal cell, each month. A SDDS shall be completed for each cell, and shall reflect the volume and total nitrogen concentration of waste discharged to the land disposal cells for each month. The total nitrogen concentration shall be determined from either of the following methods:</p> <ol style="list-style-type: none"> 1) Assuming total nitrogen concentration of 600 mg/L based on average characteristics of septage (Guide to Septage Treatment and Disposal, EPA/625/R-94-002); or 2) Assuming a total nitrogen value derived from the laboratory analysis of a composite sample from a minimum of six waste loads using a sampling protocol approved by NMED prior to sample collection. <p>Nitrogen content shall not be adjusted to account for volatilization or mineralization processes. The SDDS, or a statement that no surface disposal occurred within the specific cell, shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3109 NMAC]</p>

Domestic Wastewater Treatment Plant Sludge

#	Terms and Conditions
20.	<p>The permittee shall measure and record the volume and dry weight of domestic wastewater treatment facility sludge discharged to the surface disposal cells each month by tracking the volume of the loads received and the percent total solids as determined by sampling each type of sludge (i.e., solid, semisolid, liquid). Records of the volume and dry weight of the sludge discharged shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC]</p>
21.	<p>The permittee shall sample each sludge type (solid, semi-solid and liquid) transported to the surface disposal facility on a quarterly basis and analyze the samples for TKN and NO₃-N. Samples shall be properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results, reported as mg/kg for TKN and NO₃-N (dry weight basis), shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC]</p>
22.	<p>The permittee shall complete a SDDS to document the amount of nitrogen applied to each</p>

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	<p>surface disposal cell, each month. A SDDS shall be completed for each sludge type (solid, semi-solid and liquid) associated with each disposal cell, and shall reflect the nitrogen concentration from the quarterly sludge analysis and the total number of dry tons discharged each month. Nitrogen content shall not be adjusted to account for volatilization or mineralization processes. The SDDS, or a statement that no surface disposal occurred within the specific cells, shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC]</p>

CONTINGENCY PLAN

#	Terms and Conditions
23.	<p>In the event that ground water standards are violated during the term of this Discharge Permit, upon closure of the facility or during the implementation of post-closure requirements, the permittee shall submit a corrective action plan that proposes measures to mitigate damage from the discharge including, at a minimum, source control measures and an implementation schedule to NMED. The permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC, if the corrective action plan will not result in compliance with the standards and requirements set forth in Section 20.6.2.4103 NMAC within 180 days of confirmation of ground water contamination. [20.6.2.1203 NMAC, 20.6.2.4105.A(8) NMAC]</p>
24.	<p>In the event of a spill or release that is not authorized under this Discharge Permit, the permittee shall initiate the notifications and corrective actions as required in Section 20.6.2.1203 NMAC. The permittee shall take immediate corrective action to contain and remove or mitigate the damage caused by the discharge. Within 24 hours after discovery of the discharge, the permittee shall verbally notify NMED and provide the information required by Paragraph (1) of Subsection A of 20.6.2.1203 NMAC. Within seven days of discovering the discharge, the permittee shall submit a written report to NMED verifying the oral notification and providing any additional information or changes. The permittee shall submit a corrective action report within 15 days after discovery of the discharge. [20.6.2.1203 NMAC]</p>
25.	<p>In the event NMED or the permittee identifies any other failures of the discharge plan or system not specifically noted herein, NMED may require the permittee to develop for NMED approval contingency plans and schedules to cope with the failures. [20.6.2.3107.A(10) NMAC]</p>

Domestic Septage

#	Terms and Conditions
26.	In the event that the surface disposal area is saturated, frozen or covered with snow, septage shall not be discharged. Should the adverse conditions persist beyond the septage storage capacity of the facility, the permittee shall obtain NMED approval for a temporary alternative. [20.6.2.3107.A(10) NMAC]

Domestic Wastewater Treatment Plant Sludge

#	Terms and Conditions
27.	In the event that the sludge disposal area is saturated, frozen or covered with snow, sludge shall not be discharged to the surface disposal area. Should the adverse conditions persist beyond the sludge storage capacity of the wastewater treatment facility, the permittee shall obtain NMED approval for a temporary alternative. [20.6.2.3107.A(10) NMAC]

CLOSURE PLAN

Domestic Septage

#	Terms and Conditions
28.	<p>Upon closure of the facility, the permittee shall perform the following closure measures:</p> <ul style="list-style-type: none"> a) Backfill the disposal cells with clean fill (as necessary) and re-grade to allow for positive stormwater drainage. b) Re-vegetate the cells and disturbed areas at the facility by establishing a vegetative cover equal to 70% of the native perennial vegetative cover consisting of at least three native plant species including at least one grass, but not including noxious weeds. The permittee shall maintain the vegetative cover through two consecutive growing seasons. c) Submit proof to NMED that all closure activities set forth for the facility under 40 CFR Part 503 have been completed. <p>When all closure and post-closure requirements have been met, the permittee may request to terminate the Discharge Permit. [20.6.2.3109 NMAC, 20.6.2.3107. NMAC]</p>

Domestic Wastewater Treatment Plant Sludge

#	Terms and Conditions
29.	<p>Upon closure of the facility, the permittee shall perform the following closure measures:</p> <ul style="list-style-type: none"> a) Backfill the cells with clean fill (as necessary) and contour to provide for positive stormwater drainage. b) Re-vegetate the cells and disturbed areas at the facility by establishing a vegetative cover equal to 70% of the native perennial vegetative cover consisting of at least three native plant species including at least one grass, but not including noxious weeds. The permittee shall maintain the vegetative cover through two consecutive growing seasons. c) Submit proof to NMED that all closure activities set forth for the facility under 40 CFR 503 have been completed. <p>When all closure and post-closure requirements have been met, the permittee may request to terminate the Discharge Permit. [20.6.2.3107.A(11) NMAC]</p>

Grease Trap/Interceptor Waste

#	Terms and Conditions
30.	<p>Within 90 days of the effective date of this Discharge Permit (by DATE), the permittee shall perform the following closure measure:</p> <ul style="list-style-type: none"> a) Backfill the former grease disposal trenches with clean fill (as necessary) and re-grade to allow for positive stormwater drainage. <p>[20.6.2.3109 NMAC, 20.6.2.3107. NMAC]</p>

GENERAL TERMS AND CONDITIONS

#	Terms and Conditions
31.	<p>RECORD KEEPING - The permittee shall maintain a written record of the following information:</p> <ul style="list-style-type: none"> a) Information and data used to complete the application for this Discharge Permit. 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. c) Records of the operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater. 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. e) Copies of monitoring reports completed and/or submitted to NMED pursuant to this

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	<p>Discharge Permit.</p> <ul style="list-style-type: none"> f) The volume of wastewater or other wastes discharged pursuant to this Discharge Permit. g) Ground water quality and wastewater quality data collected pursuant to this Discharge Permit. h) Copies of construction records (well log) for all ground water monitoring wells required to be sampled pursuant to this Discharge Permit. i) Records of the maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit. 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"> i) The dates, location and times of sampling or field measurements; ii) The name and job title of the individuals who performed each sample collection or field measurement; iii) The sample analysis date of each sample; iv) The name and address of the laboratory, and the name of the signatory authority for the laboratory analysis; v) The analytical technique or method used to analyze each sample or collect each field measurement; vi) The results of each analysis or field measurement, including raw data; vii) The results of any split, spiked, duplicate or repeat sample; and viii) A copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. <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>
32.	<p>INSPECTION and ENTRY – The permittee shall allow inspection by NMED of the facility and its operations which are subject to this Discharge Permit and the WQCC regulations. NMED may upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which are located any records required to be maintained by regulations of the federal government or the WQCC.</p> <p>The permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling or monitoring during an inspection for the purpose of evaluating compliance with this Discharge Permit and the WQCC</p>

#	Terms and Conditions
	<p>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>
33.	<p>DUTY to PROVIDE INFORMATION - The permittee shall, upon NMED's request, allow NMED's inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.</p> <p>[Subsection D of 20.6.2.3107 NMAC]</p>
34.	<p>MODIFICATIONS and/or AMENDMENTS – In the event the permittee proposes a change to the facility or the facility's discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated or discharged by the facility, the permittee shall notify NMED prior to implementing such changes. The permittee shall obtain approval (which may require modification of this Discharge Permit) by NMED prior to implementing such changes.</p> <p>[Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]</p>
35.	<p>PLANS and SPECIFICATIONS – In the event the permittee is proposing to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the permittee shall submit construction plans and specifications to NMED for the proposed system or process unit prior to the commencement of construction.</p> <p>In the event the permittee implements changes to the wastewater system authorized by this Discharge Permit which result in only a minor effect on the character of the discharge, the permittee shall report such changes (including the submission of record drawings, where applicable) as of January 1 and June 30 of each year to NMED.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
36.	<p>CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or</p>

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	<p>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>
37.	<p>CRIMINAL PENALTIES – No person shall:</p> <ol style="list-style-type: none"> 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; 2) falsify, tamper with or render inaccurate any monitoring device, method or record required to be maintained under the WQA; or 3) fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation. <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>
38.	<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>
39.	<p>RIGHT to APPEAL - The permittee may file a petition for review before the WQCC on</p>

#	Terms and Conditions
	<p>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>
40.	<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"> 1) notify the proposed transferee in writing of the existence of this Discharge Permit; 2) include a copy of this Discharge Permit with the notice; and 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. <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>
41.	<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>

PERMIT TERM & SIGNATURE

EFFECTIVE DATE: [effective date]

TERM ENDS: [date term ends]

[20.6.2.3109.H NMAC, NMSA 1978, § 74-6-5.I]

JERRY SCHOEPPNER
Chief, Ground Water Quality Bureau
New Mexico Environment Department

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