

**GROUND WATER DISCHARGE PERMIT RENEWAL**  
**Carlsbad Caverns National Park, DP-1264**

**I. INTRODUCTION**

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal (Discharge Permit), DP-1264, to the National Park Service, United States Department of the Interior (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 Carlsbad Caverns National Park (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 31,175 gallons per day (gpd) of domestic wastewater and 2,500 gpd of industrial wastewater from a potable water treatment system are discharged to synthetically lined impoundments for disposal by evaporation.

The discharge contains water contaminants which may be elevated above the standards of Section 20.6.2.3103 NMAC and/or the presence of toxic pollutants as defined in Subsection WW of 20.6.2.7 NMAC. The facility is located at 3225 National Parks Highway, Carlsbad in Sections 4, 5 and 6, T25S, R25E, Eddy County. Ground water most likely to be affected is at a depth of approximately 200 feet and has a total dissolved solids concentration of approximately 2,600 milligrams per liter.

The original Discharge Permit was issued on February 10, 2000 and subsequently renewed and modified on September 10, 2005. The permittee's application consists of the materials submitted by the permittee dated September 1, 2010 and materials contained in the administrative record prior to issuance of this Discharge Permit. The discharge shall be managed in accordance with all conditions and requirements of this Discharge Permit.

Pursuant to Section 20.6.2.3109 NMAC, NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the requirements of 20.6.2 NMAC are being or may be violated or the standards of Section 20.6.2.3103 NMAC are being or may be violated. This may include a determination that structural controls and/or management practices approved under this Discharge Permit are not protective of ground water quality, and that more stringent requirements to protect ground water quality may be required by NMED. The permittee may be required to implement abatement of water pollution and remediate ground water quality.

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

The following acronyms and abbreviations may be used in this Discharge Permit:

Abbreviation	Explanation	Abbreviation	Explanation
BOD <sub>5</sub>	biochemical oxygen demand (5-day)	NTU	nephelometric turbidity units
CFR	Code of Federal Regulations	Org	organisms
Cl	chloride	TDS	total dissolved solids
EPA	United States Environmental Protection Agency	TKN	total Kjeldahl nitrogen
gpd	gallons per day	total nitrogen	TKN+NO <sub>3</sub> -N
LADS	land application data sheet(s)	TRC	Total Residual Chlorine
mg/L	milligrams per liter	TSS	total suspended solids
mL	milliliters	UPC	Uniform Plumbing Code
NMAC	New Mexico Administrative Code	WQA	New Mexico Water Quality Act
NMED	New Mexico Environment Department	WQCC	Water Quality Control Commission
NMSA	New Mexico Statutes Annotated	WWTF	Wastewater Treatment Facility
NO <sub>3</sub> -N	nitrate-nitrogen		

## II. FINDINGS

In issuing this Discharge Permit, NMED finds:

1. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move directly or indirectly into ground water within the meaning of Section 20.6.2.3104 NMAC.
2. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move into ground water of the State of New Mexico which has an existing concentration of 10,000 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. AUTHORIZATION TO DISCHARGE

The permittee is authorized to discharge up to 31,175 gpd of domestic wastewater to two synthetically lined impoundments (impoundments #1 and #2) for disposal by evaporation and up to 2,500 gpd of industrial wastewater from a potable water treatment system and one toilet to a septic tank followed by one synthetically lined impoundment for disposal by evaporation. The permittee is prohibited from discharging domestic wastewater to impoundments #3 and #4 until the sub-grade has been properly repaired and the synthetic liners have been replaced in both impoundments. Following successful repair of the sub-grade and replacement of the synthetic liners in impoundments #3 and #4, the permittee is authorized to discharge domestic wastewater to these impoundments for disposal by evaporation.

[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.  [NMSA 1978, § 74-6-5.D, Subsections B and 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, Subsections B and C of 20.6.2.3109 NMAC]

#### *Operational Actions with Implementation Deadlines*

#	Terms and Conditions
3.	A minimum of 90 days prior to construction, the permittee shall submit construction plans and specifications for the proposed relining and sub-grade repair of domestic wastewater evaporative impoundments #3 and #4. The construction plans and specifications shall bear the seal and signature of a licensed New Mexico professional engineer (pursuant to New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority) and supporting design calculations shall be submitted for review by NMED. The submitted documentation shall include the following elements: a) Details for the repair of the sub-grade base preparation for impoundment #3 and #4 and replacement of the synthetic liners consistent with the attachment titled <i>Ground Water Discharge Permit Conditions for Synthetically Lined Lagoons – Liner Material and</i>

	<p><i>Site Preparation</i>, Revision 0.0, May 2007.</p> <p>b) Specifications for all equipment, materials and installation procedures to be used in the sub-grade repair/liner replacement.</p> <p>Prior to constructing the sub-grade repairs and synthetic liner replacement in impoundments #3 and #4, the permittee shall obtain written verification from NMED that the plans and specifications meet the requirements of this Discharge Permit.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
4.	<p>Prior to discharging to domestic wastewater impoundments #3 and #4, the permittee shall complete construction of the sub-grade repairs and synthetic liner replacement in accordance with the final construction plans and specifications required by this Discharge Permit. The permittee shall notify NMED at least five working days prior to commencement of construction to allow NMED personnel to be onsite for inspection. The permittee shall submit record drawings that bear the seal and signature of a licensed New Mexico professional engineer (pursuant to the New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority) for the constructed sub-grade repairs/synthetic liner replacement to NMED within 30 days of completion.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>

***Operating Conditions***

#	<b>Terms and Conditions</b>
5.	<p>The permittee shall maintain fences around the impoundments to control access by the general public and animals. The fences shall consist of a minimum of six-foot chain link or field fencing and locking gates. Fences shall be maintained throughout the term of this Discharge Permit.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC]</p>
6.	<p>The permittee shall maintain signs indicating that the wastewater in the impoundments is not potable. Signs shall be posted at the entrance to the domestic wastewater impoundment system, at the potable water treatment system impoundment and at other areas where there is potential for public contact with wastewater. All signs shall be printed in English and Spanish and shall remain visible and legible for the term of this Discharge Permit.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC]</p>
7.	<p>The permittee shall inspect the septic tank located at the potable water treatment facility 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</p>

	<p>method of disposal.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC]</p>
8.	<p>The permittee shall inspect the raw domestic wastewater lift stations at the National Park on a quarterly basis (at a minimum), and clean them as needed to prevent pump failure. The permittee shall maintain a record of lift station inspections, repairs and cleanings.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC]</p>
9.	<p>The permittee shall maintain the impoundment liner(s) in such a manner as to avoid conditions which could affect the structural integrity of the impoundment(s) and/or impoundment liner(s). Such conditions include or may be characterized by the following:</p> <ul style="list-style-type: none"> <li>erosion damage;</li> <li>animal burrows or other damage;</li> <li>the presence of vegetation including aquatic plants, weeds, woody shrubs or trees growing within five feet of the top inside edge of a sub-grade impoundment, within five feet of the toe of the outside berm of an above-grade impoundment, or within the impoundment itself;</li> <li>the presence of large debris or large quantities of debris in the impoundment;</li> <li>evidence of seepage; and</li> <li>evidence of berm subsidence.</li> </ul> <p>Vegetation growing around the impoundment(s) shall be routinely controlled by mechanical removal in a manner that is protective of the impoundment liner(s).</p> <p>The permittee shall visually inspect the impoundment(s) and surrounding berms on a monthly basis to ensure proper maintenance. In the event that inspection reveals any evidence of damage that threatens the structural integrity of an impoundment berm or liner, or that may result in an unauthorized discharge, the permittee shall enact the contingency plan set forth in this Discharge Permit.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC]</p>
10.	<p>The permittee shall preserve a minimum of two feet of freeboard between the liquid level in the impoundment(s) and the elevation of the top of the impoundment liner(s). In the event that the permittee determines that two feet of freeboard cannot be preserved in the impoundment, the permittee shall enact the contingency plan set forth in this Discharge Permit.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC]</p>
11.	<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>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, 20.7.4 NMAC]</p>

**B. MONITORING AND REPORTING**

#	Terms and Conditions
12.	<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>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC, 20.6.2.3107 NMAC]</p>
13.	<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> <ul style="list-style-type: none"> <li>a) American Public Health Association, Standard Methods for the Examination of Water and Wastewater (18<sup>th</sup>, 19<sup>th</sup> or current)</li> <li>b) U.S. Environmental Protection Agency, Methods for Chemical Analysis of Water and Waste</li> <li>c) U.S. Geological Survey, Techniques for Water Resources Investigations of the U.S. Geological Survey</li> <li>d) American Society for Testing and Materials, Annual Book of ASTM Standards, Part 31. Water</li> <li>e) U.S. Geological Survey, et al., National Handbook of Recommended Methods for Water Data Acquisition</li> <li>f) Federal Register, latest methods published for monitoring pursuant to Resource Conservation and Recovery Act regulations</li> <li>g) Methods of Soil Analysis: Part 1. Physical and Mineralogical Methods; Part 2. Microbiological and Biochemical Properties; Part 3. Chemical Methods, American Society of Agronomy</li> </ul> <p>[Subsection B of 20.6.2.3107 NMAC]</p>
14.	<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>Monitoring requirements detailed in this Discharge Permit are summarized on the sheet titled <i>Summary of Required Actions, Monitoring and Reporting</i>.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>

**Facility Monitoring Conditions**

#	Terms and Conditions
15.	<p>The permittee shall estimate the monthly volume of wastewater discharged to the domestic wastewater impoundments by recording meter readings for the facility's water supply on a monthly basis and calculating the monthly and average daily usage volumes. The estimated monthly discharge volume* (based upon meter readings) shall be used to calculate the average daily discharge volume by the formula below.</p> <p style="text-align: center;">estimated monthly discharge volume ÷ number of days per month = average daily discharge volume</p> <p>Each month, the permittee shall make note of any significant uses of the water (e.g., irrigation, evaporative cooling or leaks) that do not contribute to the volume of wastewater discharged.</p> <p>The monthly meter readings, estimated monthly and average daily discharge volumes, and notes and estimated volume of significant uses shall be submitted to NMED in the quarterly monitoring reports.</p> <p>* Should more than one flow meter exist for the facility's water supply, the permittee shall calculate the estimated monthly discharge volume for the facility by adding the estimated monthly discharge volume for each meter. This summation should be completed prior to calculating the average daily discharge volume for the facility.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>
16.	<p>The permittee shall estimate the volume of industrial wastewater discharged to the synthetically lined evaporative impoundment serving the potable water treatment system on a monthly basis, using the water softener backwash flow rate, cycle frequency and duration as the basis of the estimation. If no discharge to the evaporative impoundment occurs for any given month, the permittee shall report that no discharge occurred.</p> <p>The estimated monthly discharge volumes, or a note that discharge to the impoundment did not occur, shall be submitted to NMED in the quarterly monitoring reports.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>
17.	<p>The permittee shall collect a composite domestic wastewater sample on a semi-annual basis (once every six months) from a representative location within the synthetically lined domestic wastewater evaporative impoundments. The composite sample shall consist of a minimum of six equal aliquots collected around the entire perimeter of each domestic wastewater evaporative impoundment containing at least one foot of standing liquid. The aliquots shall be thoroughly mixed into a single composite sample. The composite sample shall be analyzed 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>

	[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]
18.	<p>For any six month period (semi-annually) when at least six inches of standing liquid is present in the synthetically lined evaporative impoundment serving the potable water treatment system, the permittee shall collect a composite wastewater sample from a representative location within the impoundment. The composite sample shall consist of a minimum of six equal aliquots collected around the entire perimeter of the evaporative impoundment. The aliquots shall be thoroughly mixed into a single composite sample. The composite sample shall be analyzed for TDS and Cl. Samples shall be properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results, or a notation indicating that less than six inches of standing liquid was present in the impoundment for the entire semi-annual monitoring period (and therefore no sample was collected for the period), shall be submitted to NMED in the quarterly monitoring reports.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>

**C. CONTINGENCY PLAN**

#	Terms and Conditions
19.	<p>In the event that a ground water quality standard identified in Section 20.6.2.3103 NMAC is exceeded; the total nitrogen concentration in ground water is greater than 10 mg/L; or a toxic pollutant (defined in Subsection WW of 20.6.2.7 NMAC) is present in ground water during the term of this Discharge Permit, upon closure of the facility or during the implementation of post-closure requirements, the permittee shall propose measures to mitigate damage from the discharge including, at a minimum, source control measures and a completion schedule by submitting a corrective action plan to NMED for approval. The permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 though 20.6.2.4115 NMAC, should the corrective action plan not result in compliance with the standards and requirements set forth in Section 20.6.2.4103 NMAC within 180 days of confirmation of ground water contamination.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>
20.	<p>In the event that inspection findings reveal significant damage likely to affect the structural integrity of the lined impoundment(s) or its ability to contain contaminants, the permittee shall propose the repair or replacement of the impoundment liner(s) by submitting a corrective action plan to NMED for approval (except as otherwise noted in this Discharge Permit). The plan shall be submitted to NMED within 30 days after discovery by the permittee or following notification from NMED that significant liner damage is evident. The corrective action plan shall include a schedule for completion of corrective actions and the permittee shall initiate implementation of the plan following approval by NMED.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection A of</p>

	20.6.2.3107 NMAC]
21.	<p>In the event that a minimum of two feet of freeboard cannot be preserved in the impoundment(s), the permittee shall take actions authorized by this Discharge Permit and all applicable local, state, and federal regulations to restore the required freeboard.</p> <p>In the event that two feet of freeboard cannot be restored within a period of 72 hours following discovery, the permittee shall propose actions to be immediately implemented to restore two feet of freeboard by submitting a short-term corrective action plan to NMED for approval. Examples of short-term corrective actions include: removing excess wastewater from the impoundment through pumping and hauling; or reducing the volume of wastewater discharged to the impoundment. The plan shall include a schedule for completion of corrective actions and shall be submitted within 15 days following the date when the two feet of freeboard limit was initially discovered. The permittee shall initiate implementation of the plan following approval by NMED.</p> <p>In the event that the short-term corrective actions failed to restore two feet of freeboard, the permittee shall propose permanent corrective actions in a long-term corrective action plan submitted to NMED within 90 days following failure of the short-term corrective action plan. Examples include: the installation of an additional storage impoundment, or a significant/permanent reduction in the volume of wastewater discharged to the impoundment. The plan shall include a schedule for completion of corrective actions and implementation of the plan shall be initiated following approval by NMED.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>
22.	<p>In the event that a release (commonly known as a “spill”) occurs that is not authorized under this Discharge Permit, the permittee shall 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 information requested listed above.</p> <p>Within <u>15 days</u> following discovery of the unauthorized discharge, the permittee shall</p>

	<p>submit a corrective action plan to NMED describing any corrective actions taken and/or to be taken relative to the unauthorized discharge that includes the following:</p> <ul style="list-style-type: none"> <li>a) A description of proposed actions to mitigate damage from the unauthorized discharge.</li> <li>b) A description of proposed actions to prevent future unauthorized discharges of this nature.</li> <li>c) A schedule for completion of proposed actions.</li> </ul> <p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, the permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 though 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>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, 20.6.2.1203 NMAC]</p>
23.	<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>[NMSA 1978, § 74-6-5.D, Subsections B and E of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107NMAC]</p>

**D. CLOSURE PLAN**

*Permanent Facility Closure Conditions*

#	Terms and Conditions
24.	<p>In the event a facility is proposed to be permanently closed, upon ceasing discharging, the permittee shall perform the following closure measures:</p> <p>Within <u>60 days</u> of ceasing discharging to the impoundment(s), the line leading to the impoundment(s) shall be plugged so that a discharge can no longer occur.</p> <p>Within <u>60 days</u> of ceasing discharging to the impoundment(s), wastewater shall be drained from the impoundment(s) and any other wastewater system components and it shall be disposed of in accordance with all local, state, and federal regulations, including 40 CFR Part 503, or by evaporation from the impoundment.</p> <p>Within <u>90 days</u> of ceasing discharging to the impoundment(s), the permittee shall submit a sludge removal and disposal plan to NMED for approval. The permittee shall initiate</p>

	<p>implementation of the plan within 30 days following approval by NMED. The sludge removal and disposal plan shall include the following:</p> <ol style="list-style-type: none"> <li>a) The estimated volume and dry weight of sludge to be removed and disposed, including measurements and calculations.</li> <li>b) Analytical results for samples of the sludge taken from the impoundment for TKN, NO<sub>3</sub>-N, percent total solids, and any other parameters tested (reported in mg/kg, dry weight basis).</li> <li>c) The method(s) of sludge <i>removal</i> from the impoundment(s).</li> <li>d) The method(s) of <i>disposal</i> for all of the sludge (and its contents) removed from the impoundment(s). The method(s) shall comply with all local, state and federal regulations. <i>Note: A proposal that includes the surface disposal of sludge may be subject to Ground Water Discharge Permitting requirements pursuant to 20.6.2.3104 NMAC that are separate from the requirements of this Discharge Permit.</i></li> <li>e) A schedule for completion of sludge removal and disposal not to exceed two years from the date discharge to the impoundment ceased.</li> </ol> <p>Within <u>one year</u> following completion of the sludge removal and disposal, the permittee shall complete the following closure measures:</p> <ol style="list-style-type: none"> <li>a) Remove all lines leading to and from the impoundment(s) or permanently plug and abandon them in place.</li> <li>b) Remove or demolish any other wastewater system components and re-grade the area with suitable fill to blend with surface topography, promote positive drainage and prevent ponding.</li> <li>c) Perforate or remove the impoundment liner(s).</li> <li>d) Fill the impoundment(s) with suitable fill.</li> <li>e) Re-grade the impoundment site(s) to blend with surface topography, promote positive drainage and prevent ponding.</li> </ol> <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>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC, 40 CFR Part 503]</p>
--	---

**E. GENERAL TERMS AND CONDITIONS**

#	Terms and Conditions
25.	<p><b>RECORD KEEPING</b> - The permittee shall maintain a written record of the following information:</p> <ol 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> </ol>

	<ul style="list-style-type: none"><li>d) Facility record drawings (plans and specifications) showing the actual construction of the facility and bear the seal and signature of a licensed New Mexico professional engineer.</li><li>e) Copies of monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit.</li><li>f) The volume of wastewater or other wastes discharged pursuant to this Discharge Permit.</li><li>g) Ground water quality and wastewater quality data collected pursuant to this Discharge Permit.</li><li>h) Copies of construction records (well log) for all ground water monitoring wells required to be sampled pursuant to this Discharge Permit.</li><li>i) Records of the maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit.</li><li>j) Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit. The following information shall be recorded and shall be made available to NMED upon request:<ul style="list-style-type: none"><li>i) The dates, location and times of sampling or field measurements;</li><li>ii) The name and job title of the individuals who performed each sample collection or field measurement;</li><li>iii) The sample analysis date of each sample;</li><li>iv) The name and address of the laboratory, and the name of the signatory authority for the laboratory analysis;</li><li>v) The analytical technique or method used to analyze each sample or collect each field measurement;</li><li>vi) The results of each analysis or field measurement, including raw data;</li><li>vii) The results of any split, spiked, duplicate or repeat sample; and</li><li>viii) A copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used.</li></ul></li></ul> <p>The written record shall be maintained by the permittee at a location accessible during a facility inspection by NMED for a period of at least five years from the date of application, report, collection or measurement and shall be made available to the department upon request.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>
26.	<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</p>

	<p>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>
27.	<p><b>DUTY to PROVIDE INFORMATION</b> - 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>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC 20.6.2.3107.D NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>
28.	<p><b>MODIFICATIONS and/or AMENDMENTS</b> – In the event the permittee proposes a change to the facility or the facility’s discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated or discharged by the facility, the permittee shall notify NMED prior to implementing such changes. The permittee shall obtain approval (which may require modification of this Discharge Permit) by NMED prior to implementing such changes.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection E of 20.6.2.3109 NMAC, Subsection C of 20.6.2.3107 NMAC]</p>
29.	<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>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, 20.6.2.1202 NMAC]</p>
30.	<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,</p>

	<p>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>[NMSA 1978, §§ 74-6-10 and 74-6-10.1, ]</p>
<p>31.</p>	<p><b>CRIMINAL PENALTIES – No person shall:</b></p> <ol style="list-style-type: none"> <li>1) make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or required to be maintained under the WQA;</li> <li>2) falsify, tamper with or render inaccurate any monitoring device, method or record required to be maintained under the WQA; or</li> <li>3) fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation.</li> </ol> <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
<p>32.</p>	<p><b>COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the permittee of the obligation to comply with all applicable federal, state, and local laws, regulations, permits or orders.</b></p> <p>[20.6.2 NMAC]</p>
<p>33.</p>	<p><b>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</b></p>

	<p>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>[NMSA 1978, § 74-6-5.O]</p>
34.	<p><b>TRANSFER of DISCHARGE PERMIT</b> - Prior to the transfer of any ownership, control, or possession of this facility or any portion thereof, the permittee shall:</p> <ol style="list-style-type: none"><li>1) notify the proposed transferee in writing of the existence of this Discharge Permit;</li><li>2) include a copy of this Discharge Permit with the notice; and</li><li>3) deliver or send by certified mail to NMED a copy of the notification and proof that such notification has been received by the proposed transferee.</li></ol> <p>Until both ownership and possession of the facility have been transferred to the transferee, the permittee shall continue to be responsible for any discharge from the facility.</p> <p>[20.6.2.3111 NMAC]</p>
35.	<p><b>PERMIT FEES</b> - Payment of permit fees is due at the time of Discharge Permit approval. Permit fees shall be paid in a single payment or shall be paid in equal installments on a yearly basis over the term of the Discharge Permit. Single payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date. Initial installment payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date; subsequent installment payments shall be remitted to NMED no later than the anniversary of the Discharge Permit effective date.</p> <p>Permit fees are associated with <u>issuance</u> of this Discharge Permit. Nothing in this Discharge Permit shall be construed as relieving the permittee of the obligation to pay all permit fees assessed by NMED. A permittee that ceases discharging or does not commence discharging from the facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. An approved Discharge Permit shall be suspended or terminated if the facility fails to remit an installment payment by its due date.</p> <p>[Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]</p>

**V. PERMIT TERM & SIGNATURE**

EFFECTIVE DATE: [effective date]

TERM ENDS: [expiration date]

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

---

JERRY SCHOEPPNER  
Acting Chief, Ground Water Quality Bureau

draft