GROUND WATER DISCHARGE PERMIT RENEWAL AND MODIFICATION
City of Gallup Reuse Project, DP-95

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal and Modification (Discharge Permit), DP-95, to the City of Gallup (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 City of Gallup Reuse Project (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 1.25 million gallons per day (MGD) of reclaimed domestic wastewater is received from the City of Gallup Wastewater Treatment Facility, stored in three impoundments, and used for irrigation of approximately 98 acres at the Fox Run Golf Course, the Gallup Sports Complex and the Gallup Soccer Fields. The modification consists of combining the reuse activities previously authorized under DP-95 and DP-1068 under a single permit (DP-95) and increasing the permitted discharge volume from 0.75 MGD to 1.25 MGD.

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 Fox Run Golf Course is located at 1109 Susan Avenue, the Gallup Sports Complex is located at 700 Montoya Blvd. and the Gallup Soccer Fields are located at 800 Sweetwater Place, within the City of Gallup, in Sections 21 and 23, Township 15N, Range 18W and in Section 23, Township 15N, Range 19W, McKinley County. Ground water most likely to be affected is at a depth ranging from 80 - 485 feet and has a total dissolved solids concentration of approximately 1000 milligrams per liter.

DP-95 was originally issued on February 22, 1980 and subsequently renewed on February 22, 1985, February 22, 1990 and August 3, 2001. DP-1068 was originally issued on November 15, 1996 and renewed and modified on January 18, 2002. The permittee's application consists of the materials submitted by Souder Miller and Associates on behalf of the permittee dated February 19, 2009 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

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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_5	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_3-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_3-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.

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III. AUTHORIZATION TO DISCHARGE

The permittee is authorized to receive and discharge up to 1.25 MGD of reclaimed domestic wastewater from the Gallup municipal WWTF for irrigation of City owned facilities as follows:

Up to 1.0 MGD at the Fox Run Municipal Golf Course (approximately 80 acres)
Up to 0.2 MGD at the Gallup Sports Complex (approximately 10 acres)
Up to 0.05 MGD at the Gallup Soccer Fields (approximately 8 acres)

The permittee is authorized to store reclaimed wastewater in two synthetically lined storage impoundments and one clay lined storage impoundment prior to discharging it for irrigation of the golf course.

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

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

IV. CONDITIONS

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

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]

Operating Conditions

#	Terms and Conditions
3.	Reclaimed wastewater received from Gallup WWTF shall not exceed the following limitation: **Total Nitrogen: 20 mg/L**

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

4. Reclaimed wastewater received from Gallup WWTF shall not exceed the following limitation:

Test	30-day geometric mean	30-day average	maximum
Fecal coliform bacteria OR E. coli Bacteria:	**100 Org/100 mL** ——— **126 Org/100 mL**	**N/A**	**200 Org/100 mL** ——— **235 Org/100 mL**
BOD_5:	**N/A**	**30 mg/L**	**45 mg/L**
TSS:	**N/A**	**30 mg/L**	**45 mg/L**
TRC:	**N/A**	**Monitor Only**	**Monitor Only**

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

5. The permittee shall apply reclaimed wastewater to the re-use area such that the amount of total nitrogen applied does not exceed 200 pounds per acre in any 12-month period. Nitrogen content shall not be adjusted to account for volatilization or mineralization processes. Wastewater shall be distributed evenly throughout the entire re-use area. Excessive ponding shall be prevented.

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

6. The permittee shall meet the following general requirements for above-ground use of reclaimed domestic wastewater:
   a) The permittee shall maintain signs in English and Spanish at all re-use areas such that they are visible and legible for the term of this Discharge Permit. The signs shall be posted at the entrance to re-use areas and at other locations where public exposure to reclaimed wastewater may occur. The signs shall state: **NOTICE: THIS AREA IS IRRIGATED WITH RECLAIMED WASTEWATER - DO NOT DRINK. AVISO: ESTA ÁREA ESTÁ REGADA CON AGUAS NEGRAS RECOBRADAS - NO TOMAR. (Insert Navajo translation).** Alternate wording and/or graphics may be submitted to NMED for approval.
   b) The reclaimed wastewater systems shall have no direct or indirect cross connections with public water systems or irrigation wells pursuant to the latest revision of the New Mexico Plumbing Code (14.8.2 NMAC) and New Mexico Mechanical Code (14.9.2 NAMC).
   c) Above-ground use of reclaimed wastewater shall not result in excessive ponding of wastewater, and shall not exceed the water consumptive needs of the crop. Re-use shall not be conducted at times when the re-use area is saturated or frozen.
   d) The discharge of reclaimed wastewater shall be confined to the re-use area.
   e) The discharge of reclaimed domestic wastewater to crops for human consumption is prohibited.

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	f) Water supply wells within 200 feet of a re-use area shall have adequate wellhead construction pursuant to 19.27.4 NMAC. Re-use shall be managed to ensure protection of ground water quality. g) Existing and accessible portions of the reclaimed wastewater distribution system (with the exception of application equipment such as sprinklers or pivots) shall be colored purple or clearly labeled as being part of a reclaimed wastewater distribution system. Piping, valves and outlets that are installed during the term of this Discharge Permit shall be colored purple pursuant to the latest revision of the New Mexico Plumbing Code (14.8.2 NMAC) and New Mexico Mechanical Code (14.9.2 NAMC) to differentiate piping or fixtures used to convey reclaimed wastewater from those intended for potable or other uses. Valves, outlets, and sprinkler heads used in reclaimed wastewater systems shall be accessible only to authorized personnel. [NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]
7.	The permittee shall meet the following setbacks, access restrictions and equipment requirements for spray irrigation using Class 1B reclaimed domestic wastewater: a) A minimum 100-foot setback shall be maintained between any dwellings or occupied establishments and the edge of the re-use area. b) Irrigation using reclaimed wastewater shall be postponed at times when windy conditions may result in drift of reclaimed wastewater outside the re-use area. c) Reclaimed wastewater shall be applied at times and in a manner that minimizes public contact. d) The spray irrigation system shall be limited to low trajectory spray nozzles. [NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]
8.	In the event that a cross-connection with fresh water exists, the permittee shall institute a backflow prevention method to protect wells and public water supply systems from contamination by reclaimed wastewater prior to discharging to the re-use area. Backflow prevention shall be achieved by a total disconnect (physical air gap separation between the discharge pipe and the liquid surface at least twice the diameter of the discharge pipe), or by a reduced pressure principal backflow prevention assembly (RP) installed on the line between the fresh water supply wells or public water supply and the reclaimed wastewater delivery system. Backflow prevention shall be maintained at all times. RP devices shall be inspected and tested by a certified backflow prevention assembly tester at the time of installation, repair or relocation and at least on an annual basis thereafter. The backflow prevention assembly tester shall have successfully completed a 40-hour backflow prevention course based on the University of Southern California's Backflow Prevention Standards and Test Procedures (or approved equivalent), and obtained certification demonstrating completion. A malfunctioning RP device shall be repaired or replaced within 30 days of discovery, and use of all supply lines associated with the RP device shall cease until repair or replacement has been completed. Copies of the inspection and maintenance records and test results for each RP device associated with the backflow prevention program shall be maintained by the permittee at a location available

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	for inspection by NMED. [NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]
9.	The permittee shall maintain the Fox Run Golf Course impoundment liners in such a manner as to avoid conditions which could affect the structural integrity of the liners. Such conditions include or may be characterized by the following: erosion damage; animal burrows or other damage; 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; the presence of large debris or large quantities of debris in the impoundment; evidence of seepage; and evidence of berm subsidence. Vegetation growing around the impoundments shall be routinely controlled by mechanical removal in a manner that is protective of the impoundment liners. The permittee shall visually inspect the impoundments 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 the impoundment or impoundment liners or that may result in an unauthorized discharge, the permittee shall enact the contingency plan set forth in this Discharge Permit. [NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC]
10.	The permittee shall preserve a minimum of two feet of freeboard between the liquid level in the Fox Run Golf Course impoundments and the elevation of the top of the impoundment liners. In the event that the permittee determines that two feet of freeboard cannot be preserved in the impoundments, the permittee shall enact the contingency plan set forth in this Discharge Permit. [NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC]

B. MONITORING AND REPORTING

#	**Terms and Conditions**
11.	The permittee shall conduct the following monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit. [NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC, 20.6.2.3107 NMAC]

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12.	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: a) American Public Health Association, Standard Methods for the Examination of Water and Wastewater (18th, 19th or current) b) U.S. Environmental Protection Agency, Methods for Chemical Analysis of Water and Waste c) U.S. Geological Survey, Techniques for Water Resources Investigations of the U.S. Geological Survey d) American Society for Testing and Materials, Annual Book of ASTM Standards, Part 31. Water e) U.S. Geological Survey, et al., National Handbook of Recommended Methods for Water Data Acquisition f) Federal Register, latest methods published for monitoring pursuant to Resource Conservation and Recovery Act regulations 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 [Subsection B of 20.6.2.3107 NMAC]
13.	The permittee shall submit quarterly monitoring reports to NMED for the most recently completed quarterly period by the 1st of February, May, August and November each year. Quarterly monitoring shall be performed during the following periods and submitted as follows: January 1st through March 31st (first quarter) – **due by May 1st** April 1st through June 30th (second quarter) – **due by August 1st** July 1st through September 30th (third quarter) – **due by November 1st** October 1st through December 31st (fourth quarter) – **due by February 1st** Monitoring requirements detailed in this Discharge Permit are summarized on the sheet titled *Summary of Required Actions, Monitoring and Reporting*. [NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]

Facility Monitoring Conditions

#	**Terms and Conditions**
14.	The permittee shall measure the monthly volume of reclaimed wastewater transferred to the Fox Run Golf Course, the Gallup Sports Complex and the Gallup Soccer Fields using totalizing flow meters. The meter shall be located: On the transfer line between the WWTF and the golf course/Sports Complex

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	At the Sports Complex On the transfer line between the WWTF and the Soccer Fields The permittee shall record the volume discharged at *each* reuse site by reading each meter on a monthly basis and calculating the discharge volume for each site. The volume discharged at the golf course shall be determined as the difference between the volume transferred from the WWTF and the volume discharged at the Sports Complex. The monthly volume discharged to *each* location shall be used on the LADS to calculate nitrogen loading. The monthly discharge volumes shall be submitted to NMED in the quarterly monitoring reports. [NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]
15.	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, on an annual basis. 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: a) The location and meter identification. b) The method of flow meter field calibration employed. 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. 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. e) Any flow meter repairs made during the previous year or during field calibration. The permittee shall submit the results of flow meter field calibrations to NMED in the next monitoring report due following completion of the calibration(s). [NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]
16.	The permittee shall visually inspect the 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 *repaired* 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

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	accordance with the requirements of this Discharge Permit. For *replacement* 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. [NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]
17.	The permittee shall complete land application data sheets (LADS) on a monthly basis that document the amount of nitrogen applied to each of the re-use areas (Fox Run Golf Course, Gallup Sports Complex, Gallup Soccer Fields) during the most recent 12 months. The LADS (copy enclosed) shall reflect the nitrogen concentration (TKN and NO_3-N) from the most recent wastewater analysis (obtained from the Gallup WWTF) and the measured discharges to the re-use area, (based upon the totalized discharge log) for each month. The LADS shall be completed with information above or a statement that application of wastewater did not occur. The LADS shall be submitted to NMED in the quarterly monitoring reports. [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.	The permittee shall keep a log of all additional fertilizer applied to each re-use area. The log for *each* location shall contain the date of fertilizer application, the type (organic or inorganic) and form (granular or liquid), nitrogen concentration (in percent), the amount of fertilizer applied (in pounds per acre), and the amount of nitrogen applied (in pounds per acre). The log, or a statement that application of fertilizer did not occur, shall be submitted to NMED in the quarterly monitoring reports. [NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]

C. CONTINGENCY PLAN

#	**Terms and Conditions**
19.	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.

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	[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]
20.	In the event that analytical results of a reclaimed domestic wastewater sample indicates an exceedance of any of the maximum limitations or 30-day average limits for BOD_5, TSS, or fecal coliform/E. Coli bacteria set by this Discharge Permit, the permittee shall cease transfer of reclaimed wastewater to all reuse sites (in accordance with the conditions of DP-1342). The transfer of reclaimed wastewater may resume in accordance with the requirements of DP-1342. [NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]
21.	In the event that the LADS show that the amount of nitrogen in wastewater applied to the reuse sites in any 12-month period exceeds 200 pounds per acre, the permittee shall propose the reduction of nitrogen loading to the re-use areas by submitting a corrective action plan to NMED for approval. The plan shall include a schedule for completion of corrective actions and shall be submitted within 90 days following the end of the monitoring period in which the exceedance occurred. The permittee shall initiate implementation of the plan following approval by NMED. [NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]
22.	In the event that inspection findings reveal significant damage likely to affect the structural integrity of the impoundments or their ability to contain contaminants, the permittee shall propose the repair or replacement of the impoundment(s) by submitting a corrective action plan to NMED for approval. The plan shall be submitted to NMED within 30 days after discovery by the permittee or following notification from NMED that significant 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. [NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]
23.	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. 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

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	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. 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. [NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]
24.	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. Within <u>24 hours</u> following discovery of the unauthorized discharge, the permittee shall verbally notify NMED and provide the following information: 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. b) The name and address of the facility. c) The date, time, location, and duration of the unauthorized discharge. d) The source and cause of unauthorized discharge. e) A description of the unauthorized discharge, including its estimated chemical composition. f) The estimated volume of the unauthorized discharge. g) Any actions taken to mitigate immediate damage from the unauthorized discharge. 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. Within <u>15 days</u> following discovery of the unauthorized discharge, the permittee shall submit a corrective action report/plan to NMED describing any corrective actions taken and/or to be taken relative to the unauthorized discharge that includes the following: a) A description of proposed actions to mitigate damage from the unauthorized discharge. b) A description of proposed actions to prevent future unauthorized discharges of this nature.

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	c) A schedule for completion of proposed actions. 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. 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. [NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, 20.6.2.1203 NMAC]
25.	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. [NMSA 1978, § 74-6-5.D, Subsections B and E of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107NMAC]

D. CLOSURE PLAN

Closure Actions with Implementation Deadlines

#	Terms and Conditions
26.	Within 180 days of the effective date of this Discharge Permit (by date), the permittee is required to permanently close the reclaimed wastewater impoundment at the Gallup Sports Complex. The permittee shall enact the closure plan detailed in the report submitted to NMED on June 27, 2011 by the City of Gallup, titled: *City of Gallup Sports Complex Effluent Pond Closure*. The closure activities shall comply with the recommended "preferred method" for closure from the report and with the following conditions: All remaining reclaimed wastewater and storm water shall be removed from the impoundment and disposed of it in accordance with all local, state and federal regulations, or evaporated from the impoundment. All lines leading to the impoundment shall be permanently severed and plugged so that a discharge to the impoundment can no longer occur. The impoundment liner shall be perforated or removed. Sludge from the impoundment shall be incorporated with existing soil at the impoundment site. The method of disposal of the sludge from the impoundment shall comply with all local, state and federal regulations, including 40 CFR Part 503.

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	The impoundment shall be filled with suitable fill material and re-graded to blend with surface topography, promote positive drainage and prevent ponding. [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]

Permanent Facility Closure Conditions

#	**Terms and Conditions**
27.	In the event that the discharge of reclaimed wastewater at the reuse areas is proposed to permanently stop, the permittee shall perform the following closure measures upon ceasing discharges to the reuse areas: Within 30 days of ceasing discharge to the impoundments at the Fox Run Golf Course, wastewater shall be discharged from the impoundments to the re-use areas, as authorized by this Discharge Permit. The discharge of accumulated solids (sludge) from the impoundment to the re-use area is prohibited. Within 60 days of ceasing discharge to the reuse areas, the lines leading to the impoundments and reuse areas shall be plugged so that a discharge can no longer occur. Within 90 days of ceasing discharge to the impoundments at the Fox Run Golf Course, the permittee shall submit a sludge removal and disposal plan to NMED for approval. The permittee shall initiate implementation of the plan within 30 days following approval by NMED. The sludge removal and disposal plan shall include the following: a) The estimated volume and dry weight of sludge to be removed and disposed from the impoundments at the Fox Run Golf Course, including measurements and calculations. b) Analytical results for samples of the sludge taken from the impoundments for TKN, NO_3-N, percent total solids, and any other parameters tested (reported in mg/kg, dry weight basis). c) The method(s) of sludge *removal* from the impoundments. d) The method(s) of *disposal* for all of the sludge (and its contents) removed from the impoundments. The method(s) shall comply with all local, state and federal regulations, including 40 CFR Part 503. *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*. e) A schedule for completion of sludge removal and disposal not to exceed two years from the date discharge to the impoundments ceased. Within one year following completion of the sludge removal and disposal, the permittee shall complete the following closure measures: a) Remove all lines leading to and from the impoundments and reuse areas, or permanently plug and abandon them in place (unless they will be used for other

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	purposes in the future, with NMED approval). 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 (unless they will be used for other purposes in the future, with NMED approval). c) Perforate or remove the impoundment liner (unless they will be used for other purposes in the future, with NMED approval). d) Fill the impoundment with suitable fill. e) Re-grade the impoundment site to blend with surface topography, promote positive drainage and prevent ponding. 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. [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]

E. GENERAL TERMS AND CONDITIONS

#	Terms and Conditions
28.	RECORD KEEPING - The permittee shall maintain a written record of the following information: 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 Discharge Permit. 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: i) The dates, location and times of sampling or field measurements;

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	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. 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. [NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]
29.	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. 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. 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. [Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]
30.	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. [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]
31.	MODIFICATIONS and/or AMENDMENTS – In the event the permittee proposes a

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	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. [NMSA 1978, § 74-6-5.D, Subsection E of 20.6.2.3109 NMAC, Subsection C of 20.6.2.3107 NMAC]
32.	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. 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. [NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, 20.6.2.1202 NMAC]
33.	CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to $15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to $10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit. [NMSA 1978, §§ 74-6-10 and 74-6-10.1,]
34.	CRIMINAL PENALTIES – No person shall: 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

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	3) fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation. 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. [NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]
35.	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. [20.6.2 NMAC]
36.	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. [NMSA 1978, § 74-6-5.O]
37.	TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this facility or any portion thereof, the permittee shall: 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. 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. [20.6.2.3111 NMAC]
38.	PERMIT FEES - Payment of permit fees is due at the time of Discharge Permit approval.

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	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. Permit fees are associated with issuance 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. [Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]

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
Acting Chief, Ground Water Quality Bureau
New Mexico Environment Department

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