

GROUND WATER DISCHARGE PERMIT RENEWAL AND MODIFICATION

Village of Los Lunas Sludge Disposal Facility, DP-1053

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal and Modification (Discharge Permit), DP-1053, to the Village of Los Lunas (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 Village of Los Lunas Sludge Disposal Facility (facility) into ground and surface water, so as to protect ground and surface water for present and potential future use as domestic and agricultural water supply and other uses and protect public health. In issuing this Discharge Permit, NMED has determined that the requirements of Subsection C of 20.6.2.3109 NMAC have been or will be met. Pursuant to Section 20.6.2.3104 NMAC, it is the responsibility of the permittee to comply with the terms and conditions of this Discharge Permit; failure may result in an enforcement action(s) by NMED (20.6.2.1220 NMAC).

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

- Up to 45,000 gallons per day (gpd) of liquid, semi-solid and/or solid domestic wastewater treatment facility sludge is discharged to 220-acre surface disposal site.

The modification consists of an increase in the maximum daily discharge volume from 35,000 gallons per week to 45,000 gpd.

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 189 Tren Rd SW, approximately 5.2 miles southwest of the intersection of Dalies Rd and NM-6, approximately 9 miles southwest of the Village of Los Lunas in Section 18 (Projected), Township 06N, Range 01E, Valencia County. The facility is located within the Nicolas de Chavez Land Grant. Ground water most likely to be affected is at a depth of approximately 400 feet and has a total dissolved solids concentration of approximately 150 milligrams per liter.

The original Discharge Permit was issued on May 9, 1996, amended on September 12, 1997 and subsequently renewed on August 14, 2001 and June 7, 2006. The application (i.e., discharge plan) consists of the materials submitted by the permittee dated August 30, 2011 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 ₅	biochemical oxygen demand (5-day)	NTU	nephelometric turbidity units
CFR	Code of Federal Regulations	Org	organisms
CFU	colony forming units	SDDS	Surface Disposal Data Sheets
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
mg/kg	milligrams per kilogram	TPH	total petroleum hydrocarbons
mg/L	milligrams per liter	TRC	Total Residual Chlorine
mL	milliliters	TS	total solids
NMAC	New Mexico Administrative Code	UPC	Uniform Plumbing Code
NMED	New Mexico Environment Department	WQA	New Mexico Water Quality Act
NMSA	New Mexico Statutes Annotated	WQCC	Water Quality Control Commission
NO ₃ -N	nitrate-nitrogen	WWTF	Wastewater Treatment Facility

II. FINDINGS

In issuing this Discharge Permit, NMED finds:

1. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move directly or indirectly into ground water within the meaning of Section 20.6.2.3104 NMAC.
2. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move into ground water of the State of New Mexico which has an existing concentration of 10,000 mg/L or less of TDS within the meaning of Subsection A of 20.6.2.3101 NMAC.

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

III. AUTHORIZATION TO DISCHARGE

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

The permittee is authorized to discharge up to 45,000 gpd of liquid, semi-solid and/or solid domestic wastewater treatment facility sludge from the Village of Los Lunas Wastewater Treatment Facility to 220-acre surface disposal site. The sludge is transported to the disposal site by tanker truck, stored onsite in a 15,000-gallon sludge nurse tank and sprayed onto the ground surface in eleven 20-acre disposal cells on a rotational basis.

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

IV. CONDITIONS

NMED issues this Discharge Permit for the discharge of water contaminants subject to the following conditions:

A. OPERATIONAL PLAN

#	Terms and Conditions
1.	The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 1 and 2 NMAC. [Subsection C of 20.6.2.3109 NMAC]
2.	The permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated. [20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]
3.	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. The permittee shall maintain a chain link fence and locked gate around the sludge nurse tank. [20.6.2.3109 NMAC]
4.	Within 90 of days of the effective date of this Discharge Permit (by DATE), the

#	Terms and Conditions
	<p>permittee shall post 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 the 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." • 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. <p>All signs shall be waterproof and shall remain legible for the term of this Discharge Permit.</p> <p>[20.6.2.3109 NMAC]</p>
5.	<p>The permittee shall apply liquid, semi-solids and/or solid domestic wastewater treatment facility sludge to eleven 20-acre disposal cells 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.</p> <p>[20.6.2.3104 NMAC]</p>
6.	<p>The amount of total nitrogen applied from domestic wastewater treatment facility sludge shall not exceed 200 pounds per acre per year.</p> <p>[20.6.2.3109 NMAC]</p>
7.	<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.</p> <p>[20.6.2.3109 NMAC]</p>
8.	<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 or the nurse tank during these periods.</p> <p>[20.6.2.3109 NMAC]</p>

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9.	<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.</p> <p>[20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>
10.	<p>The permittee shall utilize operators, certified by the State of New Mexico at the appropriate level, to operate the sludge disposal facility. The operations and maintenance of all or any part of the sludge disposal facility shall be performed by, or under the direct supervision of, a certified operator.</p> <p>[Subsection C of 20.6.2.3109 NMAC, 20.7.4 NMAC]</p>

B. MONITORING AND REPORTING

#	Terms and Conditions
11.	<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>
12.	<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> <ul style="list-style-type: none"> 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

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	[Subsection B of 20.6.2.3107 NMAC]
13.	<p>The permittee shall submit semi-annual monitoring reports to NMED for the most recently completed semi-annual period by 1st of February and August each year.</p> <p>Semi-annual monitoring shall be performed during the following periods and submitted as follows:</p> <ul style="list-style-type: none"> • January 1st through June 30th (first half) – due by August 1st • July 1st through December 31st (second half) – due by February 1st <p>The monitoring reports shall contain the items specified in this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
14.	<p>The permittee shall document each load of sludge transported to the sludge disposal facility in a log book. The log book shall record the following information:</p> <ul style="list-style-type: none"> • name of transport driver • date of receipt • volume of sludge in load <p>A copy of the log book entries created during the reporting period shall be submitted with the semi-annual monitoring report.</p> <p>[20.6.2.3107 NMAC]</p>
15.	<p>The permittee shall measure and record the volume and dry weight of domestic wastewater treatment facility sludge discharged to the 20-acre 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 utilized for reporting in accordance with this Discharge Permit and shall be submitted to NMED in the semi-annual monitoring reports.</p> <p>[20.6.2.3107 NMAC]</p>
16.	<p>The permittee shall sample each sludge type (solid, semi-solid and liquid) transported to the surface disposal facility on a monthly basis and analyze the sample(s) for percent total solids (%TS). Samples shall be properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results, reported as %TS for each sludge type, shall be used for reporting purposes as outlined in this Discharge Permit and shall be submitted to NMED in the semi-annual monitoring reports.</p> <p>[20.6.2.3107 NMAC]</p>

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17.	<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 used for reporting purposes as outlined in this Discharge Permit and shall be submitted to NMED in the semi-annual monitoring reports.</p> <p>[20.6.2.3107 NMAC]</p>
18.	<p>The permittee shall complete a SDDS (copy enclosed) to document the amount of nitrogen applied to each 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.</p> <p>[20.6.2.3107 NMAC]</p>

C. CONTINGENCY PLAN

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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 through 20.6.2.4115 NMAC, should the corrective action plan not result in compliance with the standards and requirements set forth in Section 20.6.2.4103 NMAC within 180 days of confirmation of ground water contamination.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>
20.	<p>In the event that a SDDS shows that the amount of nitrogen applied annually to any cell exceeds 200 pounds per acre per year, the permittee shall submit a corrective action plan for the reduction of nitrogen loading to the sludge disposal area to NMED for approval. The corrective action plan shall be implemented within 30 days of NMED approval.</p>

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	[20.6.2.3107.A(10) NMAC]
21.	<p>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.</p> <p>[20.6.2.3107.A(10) 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 take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below.</p> <p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the permittee shall verbally notify NMED and provide the following information:</p> <ol style="list-style-type: none"> 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. <p>Within <u>one week</u> following discovery of the unauthorized discharge, the permittee shall submit written notification to NMED with the information listed above and any pertinent updates.</p> <p>Within <u>15 days</u> following discovery of the unauthorized discharge, the permittee shall submit a corrective action report/plan to NMED describing any corrective actions taken and/or to be taken relative to the unauthorized discharge that includes the following:</p> <ol style="list-style-type: none"> 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. c) A schedule for completion of proposed actions. <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</p>

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	<p>through 20.6.2.4115 NMAC.</p> <p>Nothing in this condition shall be construed as relieving the permittee of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC.</p> <p>[20.6.2.1203 NMAC]</p>
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>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>

D. CLOSURE PLAN

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24.	<p>Upon closure of the facility, the permittee shall perform the following closure measures:</p> <ul style="list-style-type: none"> a) Pump out any sludge contained in the sludge nurse tank and discharge it by surface spray or subsurface injection to the disposal area. a) Remove or demolish sludge nurse tank and re-grade the area with suitable fill to blend with surface topography to promote positive drainage and prevent ponding. b) Backfill the cells with clean fill (as necessary) and contour to provide for positive stormwater drainage. c) 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. d) Following final grading and re-seeding of the facility, the permittee shall maintain the perimeter fencing and security gate for a minimum of three years to prevent unauthorized access. e) 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.</p> <p>[20.6.2.3107.A(11) NMAC]</p>

E. GENERAL TERMS AND CONDITIONS

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25.	<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 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: <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>

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	[Subsections A and D of 20.6.2.3107 NMAC]
26.	<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 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>DUTY to PROVIDE INFORMATION - The permittee shall, upon NMED’s request, allow for NMED’s inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.</p> <p>[Subsection D of 20.6.2.3107 NMAC]</p>
28.	<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>
29.	<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</p>

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	<p>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>
30.	<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 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>
31.	<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</p>

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	<p>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>
32.	<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>
33.	<p>RIGHT to APPEAL - The permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues to be raised and the relief sought. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review.</p> <p>[20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]</p>
34.	<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>
35.	<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</p>

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	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]

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

draft