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Draft: August 27, 2020

GROUND WATER QUALITY BUREAU
DISCHARGE PERMIT
Issued under 20.6.2 NMAC

Facility Name:	Village of Logan Wastewater Treatment Facility
Discharge Permit Number:	DP-1705
Facility Location:	108A Highway 54 Logan, NM
County:	Quay
Permittee: Mailing Address:	Village of Logan Scott Parnell, Village Administrator P.O. Box 7 Logan, NM 88401
Facility Contact: Telephone Number/Email:	Wade Lane (575) 403-9191/loganvillage@plateautel.net
Permitting Action:	Renewal
Permit Issuance Date: **Permit Expiration Date:**	DATE DATE
NMED Permit Contact: Telephone Number/Email:	Avery Young (505) 827-2909/avery.young@state.nm.us

MICHELLE HUNTER
Chief, Ground Water Quality Bureau
New Mexico Environment Department

Date

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I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this groundwater discharge permit renewal (Discharge Permit or DP-1705) to the Village of Logan (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) Ground and Surface Water Protection 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 Logan's Wastewater Treatment Facility (Facility) in order to protect groundwater and those segments of surface water gaining from groundwater inflow for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health. In issuing this Discharge Permit, NMED has determined that the Permittee has met the requirements of Subsection C of 20.6.2.3109 NMAC. 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 to do so may result in enforcement action by NMED (20.6.2.1220 NMAC).

A brief description of the activities that produce the discharge, the location of the discharge, and the quantity, quality and flow characteristics of the discharge are as follows.

The Facility consists of a facultative impoundment treatment system comprised of five synthetically lined impoundments receiving and treating domestic wastewater at a volume of up to 400,000 gallons per day (gpd) for disposal by evaporation. In addition, the Permittee disposes of treated wastewater on 5.1 acres of rangeland (i.e., disposal area) via flood irrigation at a volume of up to 15,000 gpd in emergency situations to maintain adequate freeboard in the impoundment system.

The Facility is located at 108A Highway 54, approximately 0.5 miles southeast of Logan, in Section 14, Township 13N, Range 33E, Quay County. Groundwater most likely to be affected is at a depth of approximately 92 feet and has a total dissolved solids (TDS) concentration of approximately 838 milligrams per liter. The Permittee monitors groundwater below the impoundment system for possible adverse impacts using three groundwater monitoring wells.

NMED issued the original Discharge Permit on November 11, 2009 and subsequently amended the Permit on February 18, 2011 and then renewed the Permit on August 7, 2015. The application associated with this Discharge Permit (i.e., discharge plan) consists of the materials submitted by HDR Engineering Inc. on behalf of the Permittee dated February 21, 2020, and materials contained in the administrative record prior to issuance of this Discharge Permit.

The Permittee shall manage the discharge in accordance with all conditions and requirements of this Discharge Permit.

NMED reserves the right to require a discharge permit modification in the event NMED determines that the Permittee is or may be violating, or is likely to violate in the future, the requirements of 20.6.2 NMAC or the standards of Section 20.6.2.3103 NMAC. NMED reserves this right pursuant to Section 20.6.2.3109 NMAC. An NMED requirement to modify the Discharge Permit may result from a determination that structural controls and/or management practices approved under this Discharge Permit need to be more stringent to protect groundwater quality. NMED reserves the right to require the Permittee implement abatement of water pollution and remediate groundwater 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.

This Discharge Permit may use the following acronyms and abbreviations.

Abbreviation	Explanation		Abbreviation	Explanation
BOD_5	biochemical oxygen demand (5-day)		NMSA	New Mexico Statutes Annotated
CFR	Code of Federal Regulations		NO_3-N	nitrate-nitrogen
CFU	colony forming unit		NTU	nephelometric turbidity units
Cl	chloride		QA/QC	Quality Assurance/Quality Control
EPA	United States Environmental Protection Agency		TDS	total dissolved solids
gpd	gallons per day		TKN	total Kjeldahl nitrogen
LAA	land application area		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		WQA	New Mexico Water Quality Act
MPN	most probable number		WQCC	Water Quality Control Commission
NMAC	New Mexico Administrative Code		WWTF	Wastewater Treatment Facility
NMED	New Mexico Environment Department			

II. FINDINGS

In issuing this Discharge Permit, NMED finds the following.

1. The Permittee is discharging effluent or leachate from the Facility so that such effluent or leachate may move into groundwater of the State of New Mexico that 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, without exceeding standards of 20.6.2.3103 NMAC for any water contaminant.

2. The Permittee is allowed to discharge effluent or leachate from the Facility directly or indirectly into groundwater pursuant to this Discharge Permit and Section 20.6.2.3104 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 responsible for ensuring that discharges authorized by this Discharge Permit are consistent with the terms and conditions herein pursuant to 20.6.2.3104 NMAC.

This Discharge Permit authorizes the Permittee is to receive and treat up to 400,000 gpd of domestic wastewater using a facultative impoundment treatment system consisting of five synthetically lined impoundments for disposal by evaporation. This Discharge Permit also authorizes the Permittee to discharge up to 15,000 gpd of treated wastewater to a 5.1-acre disposal area in emergency situations to maintain adequate freeboard in the impoundment system.

[20.6.2.3104 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection D 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 2 and 4 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.

#	Terms and Conditions
	[20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]

Operational Actions with Implementation Deadlines

#	Terms and Conditions
3.	A minimum of 90 days prior to construction of Impoundment #4 and/or Impoundment #5, the Permittee shall submit final construction plans and specifications for NMED's review for the proposed impoundments. 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 shall include the supporting design calculations. The submitted documentation shall include the following elements. a) Details for the construction of the treatment impoundments and a liner consistent with the attachment titled *Groundwater Discharge Permit Guidance for Synthetically Lined Lagoons – Liner Material and Site Preparation*, Revision 0.0, May 2007. b) Wastewater system component(s) design, e.g., lift stations, valves, transfer lines, process units and associated details; c) Specifications for all equipment, materials and installation procedures the Permittee will use in the construction of the wastewater system. d) Fences design detail around the impoundments. Prior to constructing the impoundments and its associated components, the Permittee shall obtain written verification from NMED that the plans and specifications meet the requirements of this Discharge Permit. [Subsections A and C 20.6.2.1202 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection C of 20.6.2.3107 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]
4.	Prior to discharging to Impoundment #4 and/or Impoundment #5, the Permittee shall complete construction 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. [Subsections A and C of 20.6.2.1202 NMAC, Subsection C of 20.6.2.3109 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]

#	Terms and Conditions
5.	Within 30 days of completing construction of Impoundment #4 and/or Impoundment #5 the Permittee shall submit record drawings to NMED 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 [Subsections A and C of 20.6.2.1202 NMAC, Subsection C of 20.6.2.3109 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]
6.	Within 60 days following the effective date of this Discharge Permit (**by DATE**), the Permittee shall measure the thickness of the settled solids in the three impoundments. The Permittee shall report the results of the solids thickness measurements to NMED in the next required periodic monitoring report. The Permittee shall measure the thickness of settled solids in accordance with the following procedure. a) The division of the total surface area of the treatment impoundment into nine equal sub-areas. b) One measurement (to the nearest half foot) using a settled solids measurement device (e.g., core sampler) per sub-area. c) Calculation of the average of the nine measurements. In the event that the measured settled solids exceed one-third of the maximum liquid depth in the impoundment, the Permittee shall implement the Contingency Plan set forth in this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]

Operating Conditions

#	Terms and Conditions
7.	The Permittee shall ensure that treated domestic wastewater discharged from the impoundment system to the disposal area does not exceed the following discharge limits.

Test	30-day Average	Maximum
Total Nitrogen	**N/A**	**20 mg/L**
Fecal coliform	**1,000 CFU/100 mL**	**5,000 CFU /100 mL**

#	Terms and Conditions
	[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
8.	The Permittee shall apply treated domestic wastewater evenly throughout the entire disposal area such that the amount of total nitrogen applied does not exceed 200 pounds per acre in any rolling 12-month period. The Permittee shall not adjust nitrogen content to account for volatilization or mineralization processes. A requirement to track nitrogen loading utilizing a Land Application Data Sheet (LADS) is included elsewhere in this Discharge Permit. The Permittee shall prevent excessive ponding from occurring due to the discharge. [Subsection C of 20.6.2.3109 NMAC]
9.	The Permittee shall meet the following setbacks, access restrictions, and equipment requirements for the disposal of treated domestic wastewater. a) A minimum 500-foot setback between any dwellings or occupied establishments and the edge of the disposal area. b) Prohibition of public contact during times when flood irrigation of treated domestic wastewater occurs. c) Restriction of access to the disposal area by perimeter fencing using four-strand barbed wire and a locking gate, or other access controls approved by NMED. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
10.	The Permittee shall maintain 18 to 24-inch berms around the disposal area to prevent surface water run-on and run-off. The Permittee shall inspect the berms on a monthly basis and after any major precipitation event and repair them as necessary. The Permittee shall keep a log of the inspection findings and repairs that includes the date of the inspection and the name of the person responsible for the inspection. The Permittee shall make the log available to NMED upon request. [Subsection C of 20.6.2.3109 NMAC]
11.	The Permittee shall maintain fences around the impoundment system to restrict 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. The Permittee shall maintain the fences to serve the stated purpose throughout the term of this Discharge Permit. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
12.	The Permittee shall install and maintain signs indicating that the wastewater at the Facility is not potable. The Permittee shall post signs at the Facility entrance and other

#	Terms and Conditions
	areas where there is potential for public contact with wastewater. The signs shall be printed in English and Spanish and shall remain visible and legible for the term of this Discharge Permit. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
13.	The Permittee shall maintain the impoundment liners to avoid conditions that could affect the liner or the structural integrity of the impoundments. Characterization of such conditions may include 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; or • evidence of berm subsidence. The Permittee shall routinely control vegetation on the perimeter of the impoundments by mechanical removal that is protective of the impoundment liner. The Permittee shall visually inspect the impoundments and surrounding berms on a monthly basis to ensure their 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 implement the Contingency Plan set forth in this Discharge Permit. The Permittee shall create and maintain a log of all impoundment inspections which describes the findings and repairs, the date of the inspection, and the name of the person responsible for the inspection. The Permittee shall make the log available to NMED upon request. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
14.	The Permittee shall preserve a minimum of two feet of freeboard between the liquid level in the impoundments and the elevation of the top of the impoundment liner.

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	In the event that the Permittee determines that two feet of freeboard cannot be preserved in the impoundment, the Permittee shall implement the Contingency Plan set forth in this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
15.	The Permittee shall utilize operators, certified by the State of New Mexico at the appropriate level pursuant to 20.7.4 NMAC, to operate the wastewater collection, treatment and disposal systems. A certified operator or a direct supervisee of a certified operator shall perform the operations and maintenance of all or any part of the wastewater system. The Permittee shall notify the NMED within 24 hours if at any time the Permittee no longer has a certified operator maintaining the system. [Subsection C of 20.6.2.3109 NMAC, 20.7.4 NMAC]

B. MONITORING AND REPORTING

#	Terms and Conditions
16.	The Permittee shall conduct the following monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
17.	METHODOLOGY – Unless otherwise specified by this Discharge Permit, or approved in writing by NMED, the Permittee shall use sampling and analytical techniques that conform with the references listed in Subsection B of 20.6.2.3107 NMAC. [Subsection B of 20.6.2.3107 NMAC]
18.	Quarterly monitoring: The Permittee shall perform monitoring during the following periods and shall submit quarterly reports to NMED by the following due dates: • January 1st through March 31st – **due by May 1st;** • April 1st through June 30th – **due by August 1st;** • July 1st through September 30th – **due by November 1st; and** • October 1st through December 31st – **due by February 1st.** [Subsection A of 20.6.2.3107 NMAC]

Monitoring Actions with Implementation Deadlines

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19.	Within 180 days following the effective date of this Discharge Permit (**by DATE**), the Permittee shall install the following flow meter. • One totalizing flow meter installed on the discharge line from the impoundment system to the disposal area to measure the volume of treated domestic wastewater discharged to the disposal area. The Permittee shall submit confirmation of meter installation, type, calibration, and locations within 30 days of completed installations. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]

Groundwater Monitoring Conditions

#	Terms and Conditions
20.	The Permittee shall perform quarterly groundwater sampling in the following groundwater monitoring wells and analyze the samples for TKN, NO_3-N, TDS and Cl. a) MW-UG-01, intended to be located hydrologically upgradient of the Facility and located 100 feet north from the edge of synthetically lined Impoundment #1. b) MW-SLEL-03, intended to be located hydrologically downgradient of the synthetically lined impoundment system and located 50 feet east from the southeast corner of synthetically lined Impoundment #3. The Permittee shall perform groundwater sample collection, preservation, transport and analysis according to the following procedures. a) Measure the depth-to-most-shallow groundwater from the top of the well casing to the nearest hundredth of a foot. b) Purge three well volumes of water from the well prior to sample collection. c) Obtain samples from the well for analysis. d) Properly prepare, preserve and transport samples. e) Analyze samples in accordance with the methods authorized in this Discharge Permit. The Permittee shall submit the depth-to-most-shallow groundwater measurements, analytical results, including the laboratory QA/QC summary report, and a Facility layout map showing the location and number of each well to NMED in the quarterly monitoring reports. [Subsection A of 20.6.2.3107 NMAC]

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21.	The Permittee shall develop a groundwater elevation, i.e., potentiometric surface, contour map on a semi-annual basis using the top of casing elevation data from the monitoring well survey and semi-annual depth-to-most-shallow groundwater measurements, referenced to mean sea level, obtained during the groundwater sampling required by this Discharge Permit. The Permittee shall ensure that the groundwater elevation contour map depicts the groundwater flow direction based on the groundwater elevation contours. The Permittee shall estimate groundwater elevations between monitoring well locations using common interpolation methods. The Permittee shall use a contour interval appropriate to the data, but the interval shall, in no case, be greater than two feet. Groundwater elevation contour maps shall depict the groundwater flow direction, using arrows, based on the orientation of the groundwater elevation contours, and the location and identification of each monitoring well and contaminant source. The Permittee shall submit a groundwater elevation contour map to NMED in the monitoring reports due by February 1st and August 1st each year. [Subsection A of 20.6.2.3107 NMAC]
22.	NMED shall have the option to perform downhole inspections of all groundwater monitoring wells identified in this Discharge Permit. NMED will establish the inspection date and provide at least a 60-day notice to the Permittee by certified mail. The Permittee shall remove any existing dedicated pumps at least 48 hours prior to NMED inspection to allow adequate settling time of sediment agitated from pump removal. Should a Facility not have existing dedicated pumps but decide to install pumps in any of the monitoring wells, the Permittee shall notify NMED at least 90 days prior to pump installation so that NMED can schedule a downhole well inspection(s) prior to pump placement. [Subsections A and D of 20.6.2.3107 NMAC]

Facility Monitoring Conditions

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23.	The Permittee shall measure the monthly volume of wastewater discharged to the impoundment system using an open channel primary measuring device (Palmer-Bowlus flume) equipped with head sensing and totalizing mechanisms. The Permittee shall

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	submit monthly meter readings, calculated monthly discharge volumes and average daily discharge volumes to NMED in the quarterly monitoring reports. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
24.	The Permittee shall ensure that all flow meters are capable of having their accuracy verified under working (i.e., real-time in-the-field) conditions. The Permittee shall develop a field verification method for each flow meter and shall utilize that method to check the accuracy of each respective meter. The Permittee shall perform field calibrations upon repair or replacement of a flow measurement device and, at a minimum, on an annual basis. The Permittee shall ensure each flow meter is calibrated to its manufacturer's recommended specification which shall be no less accurate than 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. The Permittee shall prepare a flow meter calibration report for each flow measurement device calibration event. 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. f) The name of the individual performing the calibration and the date of the calibration. The Permittee shall maintain records of flow meter calibrations and shall make the records available to NMED upon request. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
25.	The Permittee shall visually inspect flow meters on a monthly basis for evidence of malfunction. The Permittee shall maintain a log of the inspection findings and repairs that includes a date of the inspection and the name of the inspector. The Permittee shall make the log available to NMED upon request. 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

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	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 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. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
26.	The Permittee shall collect samples of treated domestic wastewater from Impoundment #2 on a quarterly basis and analyze the samples for: • TKN; • NO_3-N; • TDS; and • Cl. The Permittee shall collect samples of treated domestic wastewater from the Impoundment #2 discharge pipe. In the event that no effluent discharge occurs to the disposal area during the entire quarterly period, the Permittee shall collect a composite wastewater sample from Impoundment #3 and analyze the sample for TKN, NO_3-N, TDS, and Cl. The composite sample shall consist of a minimum of six equal aliquots collected equidistantly around the entire perimeter of the impoundment and thoroughly mixed. The Permittee shall ensure the sample is properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. The Permittee shall submit the laboratory analytical data results, including the QA/QC summary and Chain of Custody, to NMED in the quarterly monitoring reports. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
27.	During any month that the discharge of treated domestic wastewater occurs to the disposal area, the Permittee shall perform the following analyses on the wastewater samples collected from the discharge line to the disposal area using the following sampling method and frequency: • Fecal coliform or E. coli bacteria: grab sample at peak daily flow once per month. The Permittee shall ensure the samples are properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. The Permittee shall submit the laboratory analytical data results, including the QA/QC

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	summary and Chain of Custody, to NMED in the subsequent quarterly semi-annual monitoring report. [Subsection A of 20.6.2.3107 NMAC, Subsections B, C and H of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
28.	The Permittee shall complete a LADS (copy enclosed) on a monthly basis that document the amount of nitrogen applied to the disposal area during the most recent 12 months. The LADS shall reflect the total nitrogen concentration from the most recent wastewater analysis and the measured discharge volumes to the disposal area for each month. The Permittee shall complete the LADS with the information above or include a statement that application of wastewater did not occur. The Permittee shall submit the LADS to NMED in the subsequent quarterly monitoring report. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]

C. CONTINGENCY PLAN

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29.	In the event that groundwater monitoring indicates that groundwater exceeds a standard identified in Section 20.6.2.3103 NMAC, the Permittee shall collect a confirmatory sample from the monitoring well within 15 days of receipt of the initial sampling results to confirm the initial sampling results. Within 60 days of confirmation of groundwater contamination, the Permittee shall submit to NMED a Corrective Action Plan (CAP) that proposes, at a minimum, source control measures and an implementation schedule. The Permittee shall the CAP as approved by NMED. Once this Permit Condition is invoked (whether during the term of this Discharge Permit, or after the term of this Discharge Permit and prior to the completion of the Discharge Permit closure plan requirements), this Condition shall apply until the Permittee has fulfilled the requirements of this Condition and groundwater monitoring confirms for a minimum of eight (8) consecutive quarterly samples that groundwater does not exceed the standards of Section 20.6.2.3103 NMAC. If the groundwater standard continues to be violated 180 days after the confirmation of groundwater contamination, NMED may require the Permittee to abate water pollution consistent with the requirements and provisions of Section 20.6.2.4101, Section

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	20.6.2.4103, Subsections C and E of 20.6.2.4106, Section 20.6.2.4107, Section 20.6.2.4108 and Section 20.6.2.4112 NMAC. [Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]
30.	In the event that information available to NMED indicates that a well is not constructed in a manner consistent with the attachment titled *New Mexico Environment Department Ground Water Quality Bureau Monitoring Well Construction and Abandonment Guidelines*, Revision 1.1, March 2011 (Monitoring Well Guidance); contains insufficient water to effectively monitor groundwater quality; or is otherwise not completed in a manner that is protective of groundwater quality, the Permittee shall install a replacement well(s) within 120 days following notification from NMED. The Permittee shall install replacement wells at locations approved by NMED and completed in accordance with the Monitoring Well Guidance. The Permittee shall survey the replacement monitoring wells within 30 days following well completion. The Permittee shall submit construction and lithologic logs, survey data, and a groundwater elevation contour map to NMED within 60 days following well completion. The Permittee shall properly plug and abandon the monitoring well requiring replacement upon completion of the replacement monitoring well. The Permittee shall complete the well plugging and abandonment, and shall document the abandonment procedures, in accordance with the Monitoring Well Guidance, and all applicable local, state, and federal regulations. The Permittee shall submit well abandonment documentation to NMED within 60 days of completion of well plugging activities. [Subsection A of 20.6.2.3107 NMAC]
31.	In the event that groundwater flow information obtained pursuant to this Discharge Permit indicates that a monitoring well is not appropriately located, e.g., hydrologically downgradient of the discharge location it is intended to monitor, the Permittee shall install a replacement well within 120 days following notification from NMED. The Permittee shall install replacement wells at locations approved by NMED prior to installation and completed in accordance with the Monitoring Well Guidance. The Permittee shall survey the replacement monitoring well within 30 days following well completion. The Permittee shall submit construction and lithologic logs, survey data, and a groundwater elevation contour map within 60 days following well completion.

#	Terms and Conditions
	[Subsection A of 20.6.2.3107 NMAC]
32.	In the event that analytical results of a treated wastewater sample indicate an exceedance of the total nitrogen discharge limit set in this Discharge Permit, the Permittee shall collect and submit for analysis a second sample within 48 hours of the receipt of the initial sampling results. In the event the second sample results indicate an exceedance of the discharge limit, the Permittee shall implement the following contingencies. a) Within 7 days of the second sample analysis date indicating exceedance of the discharge limit, the Permittee shall: i) notify NMED that the Permittee is implementing the Contingency Plan; and ii) submit a copy of the first and second analytical results indicating an exceedance to NMED. b) The Permittee shall increase the frequency of total nitrogen wastewater sampling and analysis of treated wastewater to once per month. c) The Permittee shall examine the operation and maintenance log, required by the Record Keeping conditions of this Discharge Permit, for improper operational procedures. d) The Permittee shall conduct a physical inspection of the treatment system to detect abnormalities. The Permittee shall correct any abnormalities discovered. The Permittee shall submit a report to NMED detailing the corrections within 30 days of correction. e) In the event that any analytical results from monthly wastewater sampling indicate an exceedance of the total nitrogen discharge limit, the Permittee shall submit a CAP to NMED for approval proposing to modify operational procedures and/or upgrade the treatment process to achieve the total nitrogen limit. The Permittee shall submit the CAP including a schedule for completion of corrective actions and within 90 days of receipt of the analytical results of the second sample indicating that the discharge limit is continuing to be exceeded. The Permittee shall initiate implementation of the CAP following approval by NMED. When analytical results from three consecutive months of wastewater sampling do not exceed the discharge limit, the Permittee may request NMED authorize a return to a quarterly monitoring frequency. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
33.	In the event that analytical results of a treated domestic wastewater sample indicate an exceedance of the maximum discharge limit for fecal coliform set by this Discharge Permit, the Permittee shall collect and submit for analysis a second sample within 24 hours after becoming aware of the exceedance. In the event the second sample results

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	confirm the exceedance of the maximum discharge limit, the Permittee shall implement the Contingency Plan below. **AND / OR** In the event that analytical results of a treated domestic wastewater sample indicate an exceedance of the 30-day average discharge limit for fecal coliform set by this Discharge Permit (i.e., confirmed exceedance), the Contingency Plan below shall be implemented. <u>Contingency Plan</u> a) Within 48 hours of becoming aware of a confirmed exceedance (as identified above), the Permittee shall: i) notify NMED that the Permittee is implementing the Contingency Plan; and ii) submit copies of the recent analytical results indicating an exceedance to NMED. b) The Permittee shall examine the operation and maintenance log, required by the Record Keeping conditions of this Discharge Permit, for improper operational procedures. c) The Permittee shall conduct a physical inspection of the treatment system to detect abnormalities. The Permittee shall correct any abnormalities discovered. The Permittee shall submit a report detailing the corrections made to NMED within 30 days following correction. If the Facility is required to implement the Contingency Plan more than two times in a 12-month period, the Permittee shall propose to modify operational procedures and/or upgrade the treatment process to achieve consistent compliance with the maximum and 30-day average discharge limits by submitting a CAP for NMED approval. The CAP shall include a schedule for completion of corrective actions and submitted within 60 days following receipt of the analytical results confirming the exceedance. The Permittee shall initiate implementation of the CAP following approval by NMED. NMED may require, prior to recommencing discharge to the disposal area, additional sampling of any stored treated domestic wastewater in response to the submitted CAP. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
34.	In the event that the LADS show that the amount of nitrogen in wastewater applied in any 12-month period exceeds 200 pounds per acre, the Permittee shall propose the reduction of nitrogen loading to the disposal area by submitting a CAP to NMED for approval. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions and is submitted within 90 days following the end of the monitoring

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	period in which the exceedance occurred. The Permittee shall implement the CAP following approval by NMED. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
35.	In the event that inspection reveals significant damage has occurred or is likely to affect the structural integrity of a impoundment liner or its ability to contain contaminants, the Permittee shall propose the repair or replacement of the impoundment liner by submitting a CAP to NMED for approval. The Permittee shall ensure the CAP is submitted to NMED within 30 days after discovery of the damage or following notification from NMED that significant liner damage is evident. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions. The Permittee shall initiate implementation of the CAP following approval by NMED. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
36.	In the event that a minimum of two feet of freeboard cannot be preserved in an impoundment, 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 CAP to NMED for approval. Examples of short-term corrective actions include the pumping and hauling of excess wastewater from the impoundment or reducing the volume of wastewater discharged to the impoundment. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions and shall submit the CAP within 15 days following the date when the exceedance was discovered. The Permittee shall implement the CAP 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 CAP submitted to NMED within 90 days following failure of the short-term CAP. Examples include the installation of an additional storage impoundment or a significant/permanent reduction in the volume of wastewater discharged to the impoundment. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions and that implementation of the CAP is initiated following NMED approval. [Subsection A of 20.6.2.3107 NMAC]

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37.	In the event the average solids accumulation exceeds one-third of the maximum liquid depth in any of the impoundments, the Permittee shall propose a plan for the removal and disposal of the solids. The Permittee shall submit the solids removal and disposal plan to NMED for approval within 120 days following the effective date of this Discharge Permit (**by DATE**) and includes the following information. a) A method for removal of the solids to a depth of less than six inches throughout the treatment impoundment in a manner that is protective of the impoundment liner. b) A description of how the Permittee will contain, transport, and dispose of the solids in accordance with all local, state, and federal regulations, including 40 CFR Part 503. c) A schedule for completion of the solids removal and disposal project. The Permittee shall initiate implementation of the plan following approval by NMED. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
38.	In the event that a release occurs that is not authorized under this Discharge Permit (commonly known as a "spill"), 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 24 hours 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 one week following discovery of the unauthorized discharge, the Permittee shall submit written notification to NMED with the information listed above and any pertinent updates. Within 15 days 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 information.

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	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. 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, NMED may require the Permittee to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC. The Permittee shall not construe anything in this condition as relieving them of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC. [20.6.2.1203 NMAC]
39.	In the event that NMED or the Permittee identifies any failures of the discharge plan, i.e., the application, or this Discharge Permit not specifically noted herein, NMED may require the Permittee to submit a CAP 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. [Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]

D. CLOSURE PLAN

Closure Actions with Implementation Deadlines

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40.	Within 120 days following the effective date of this Discharge Permit (**by DATE**), the Permittee shall properly plug and abandon the following monitoring well. • MW-CLEL-02, located 30 feet south and hydrologically downgradient of the permanently closed three-celled clay-lined impoundment system. The Permittee shall abandon monitoring wells in accordance with the attachment titled *New Mexico Environment Department Ground Water Quality Bureau Monitoring Well Construction and Abandonment Guidelines*, Revision 1.1, March 2011, and all applicable local, state, and federal regulations, including 19.27.4 NMAC.

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	The Permittee shall submit documentation describing how the well abandonment procedures have been performed in accordance with the above-mentioned Guidelines. The Permittee shall submit the well abandonment documentation to NMED within 60 days of completion of well plugging activities. [Subsection A of 20.6.2.3107 NMAC, 19.27.4 NMAC]

Permanent Facility Closure Conditions

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41.	The Permittee shall perform the following closure measures in the event the Facility, or a component thereof, is proposed to be permanently closed. Within 60 days of ceasing to discharge to the impoundments, the Permittee shall plug the line leading to the impoundment so that a discharge can no longer occur. Within 60 days of ceasing to discharge to the impoundments, the Permittee shall drain the impoundment system by discharging wastewater from the system and any other wastewater system component to the disposal area, as authorized by this Discharge Permit. The Permittee shall not discharge accumulated solids (sludge) from the impoundment to the disposal area. Within 90 days of ceasing to discharge to the impoundments, the Permittee shall submit a sludge removal and disposal plan to NMED for approval. The Permittee shall implement the plan within 30 days following approval by NMED. The sludge removal and disposal plan shall include the following information. a) The estimated volume and dry weight of sludge planned for removal and disposal, including measurements and calculations. b) Analytical results for samples of the sludge taken from the impoundment for TKN, NO_3-N, percent total solids, and any other parameters tested (reported in mg/kg, dry weight basis). c) The method of sludge *removal* from the impoundments. d) The method of *disposal* for all of the sludge (and its contents) removed from the impoundment(s). The method 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 Groundwater Discharge Permitting requirements pursuant to 20.6.2.3104 NMAC that are separate from the requirements of this Discharge Permit*.

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	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, or permanently plug and abandon them in place. b) Remove or demolish any other wastewater system components and re-grade area with suitable fill to blend with surface topography, promote positive drainage and prevent ponding. c) Perforate or remove the impoundment liners. d) Fill the impoundments with suitable fill. e) Re-grade the impoundment site to blend with surface topography, promote positive drainage and prevent ponding. The Permittee shall continue groundwater monitoring until they meet the requirements of this condition met and groundwater monitoring confirms for a minimum of eight consecutive quarterly groundwater sampling events that the standards of Section 20.6.2.3103 NMAC are not exceeded in groundwater. This period is referred to as "post-closure." If at any time monitoring results show an exceedance of a groundwater quality standard in Section 20.6.2.3103 NMAC, the Permittee shall implement the Contingency Plan required by this Discharge Permit. Following notification from NMED that post-closure monitoring may cease, the Permittee shall plug and abandon the monitoring wells in accordance with the Monitoring Well Guidance. When the Permittee has met all closure and post-closure requirements and verified with date stamped photographic evidence or an associated NMED inspection, the Permittee may submit to NMED a written request, including photographic evidence, for termination of the Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]

E. GENERAL TERMS AND CONDITIONS

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42.	RECORD KEEPING - The Permittee shall maintain a written record of: • Information and data used to complete the application for this Discharge Permit; • Any releases (commonly known as "spills") not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC; • The operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater; • 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; • Copies of logs, inspection reports, and monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit; • The volume of wastewater or other wastes discharged pursuant to this Discharge Permit; • Groundwater quality and wastewater quality data collected pursuant to this Discharge Permit; • Copies of construction records (well log) for all sampled groundwater monitoring wells pursuant to this Discharge Permit; • The maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and • Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including: o the dates, location and times of sampling or field measurements; o the name and job title of the individuals who performed each sample collection or field measurement; o the sample analysis date of each sample o the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis; o the analytical technique or method used to analyze each sample or collect each field measurement; o the results of each analysis or field measurement, including raw data; o the results of any split, spiked, duplicate or repeat sample; and o a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. The Permittee shall maintain the written record at a location accessible to NMED during a Facility inspection for a lifetime of the Discharge Permit. The Permittee shall make the record available to the department upon request.

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	[Subsections A and D of 20.6.2.3107 NMAC]
43.	INSPECTION and ENTRY – The Permittee shall allow NMED to inspect the Facility and its operations that 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 any maintained records required by this Discharge Permit, the regulations of the federal government, or the WQCC are located. 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. No person shall construe anything in this Discharge Permit 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]
44.	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. [Subsection D of 20.6.2.3107 NMAC]
45.	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) from NMED prior to implementing such changes. [Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]
46.	PLANS and SPECIFICATIONS – In the event the Permittee proposes 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 of the proposed system or process unit to NMED for approval prior to the commencement of construction.

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	In the event the Permittee implements changes to the wastewater system authorized by this Discharge Permit that 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) to NMED prior to implementation. [Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]
47.	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. [20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]
48.	CRIMINAL PENALTIES – No person shall: • Make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or maintained under the WQA; • Falsify, tamper with or render inaccurate any monitoring device, method or record maintained under the WQA; or • 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

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	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. [20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]
49.	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 any other applicable federal, state, and/or local laws, regulations, zoning requirements, nuisance ordinances, permits or orders. [NMSA 1978, § 74-6-5.L]
50.	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 raised and the relief sought. Unless the Permittee files a timely petition for review, the decision of NMED shall be final and not subject to judicial review. [20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]
51.	TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this Facility or any portion thereof, the Permittee shall: • Notify the proposed transferee in writing of the existence of this Discharge Permit; • Include a copy of this Discharge Permit with the notice; and • Deliver or send by certified mail to NMED a copy of the notification and proof that the proposed transferee has received such notification. The Permittee shall continue to be responsible for any discharge from the Facility, until both ownership and possession of the Facility have been transferred to the transferee. [20.6.2.3111 NMAC]
52.	PERMIT FEES – The Permittee shall be aware that the payment of permit fees is due at the time of Discharge Permit approval. The Permittee may pay the permit fees in a single payment or they may pay the fee in equal installments on a yearly basis over the term of the Discharge Permit. The Permittee shall remit single payments to NMED no later than

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	30 days after the Discharge Permit effective date. The Permittee shall remit initial installment payments to NMED no later than 30 days after the Discharge Permit effective date; with subsequent installment payments remitted to NMED no later than the anniversary of the Discharge Permit effective date. Permit fees are associated with issuance of this Discharge Permit. No person shall construe anything in this Discharge Permit 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. NMED shall suspend or terminate an approved Discharge Permit if the Permittee fails to remit an installment payment by its due date. [Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]