NEW MEXICO
ENVIRONMENT DEPARTMENT
Ground Water Quality Bureau
1190 Saint Francis Drive / PO Box 5469
Santa Fe, NM 87502-5469
Phone (505) 827-2900 Fax (505) 827-2965
www.env.nm.gov

Draft: January 8, 2021

GROUND WATER QUALITY BUREAU
DISCHARGE PERMIT
Issued under 20.6.2 NMAC

Facility Name:	Town of Clayton Wastewater Treatment Facility
Discharge Permit Number:	DP-229
Facility Location:	Intersection of Dorsey Road and Princeton Avenue Clayton, NM
County:	Union
Permittee:	Ferron Lucero, City Manager
Mailing Address:	Town of Clayton 1 Chestnut Street Clayton, NM 88415
Facility Contact:	Josh Garcia, Wastewater Operator
Telephone Number/Email:	(575) 207-6688/bigcat_7801@yahoo.com
Permitting Action:	Renewal
Permit Issuance Date:	DATE
Permit Expiration Date:	DATE
NMED Permit Contact:	Gerald Knutson
Telephone Number/Email:	(505) 660-7189/gerald.knutson@state.nm.us

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

Date

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Groundwater Discharge Permit Guidance for Synthetically Lined Lagoons – Liner Material and Site Preparation, Revision 0.0, May 2007
New Mexico Environment Department Ground Water Quality Bureau Monitoring Well Construction and Abandonment Guidelines, Revision 1.1, March 2011 (Monitoring Well Guidance)
Land Application Data Sheet (LADS - https://www.env.nm.gov/gwb/forms.htm)
Surface Disposal Data Sheet for Sludge (SDDS-Sludge https://www.env.nm.gov/gwb/forms.htm)

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I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this groundwater discharge permit renewal (Discharge Permit or DP-229) to the Town of Clayton (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 Town of Clayton Wastewater Treatment Facility (WWTF or 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. It is NMED's determination in issuing this Discharge Permit that the Permittee has met the requirements of Subsection C of 20.6.2.3109 NMAC. The Permittee is responsible for complying with the terms and conditions of this Discharge Permit pursuant to Section 20.6.2.3104 NMAC; failure to do so may result in enforcement action by NMED (20.6.2.1220 NMAC).

Described below are the activities that produce the discharge, the location of the discharge, and the quantity, quality, and flow characteristics.

The Facility receives, treats, and discharges a maximum total of 250,000 gpd of domestic wastewater using a WWTF, two treated wastewater storage ponds, one land disposal area, and one land application area for reuse. Domestic wastewater received at the WWTF flows through a mechanical fine screen and auger and then to an Imhoff Tank for solids settling. Clarified wastewater is then conveyed to two impoundments (Lagoon # 1 and Lagoon #2) operated in parallel. Lagoons # 1 and #2 both have floating baffles, floating aerators at the wastewater inlet, and are lined with bentonite bottoms and concrete sides. Treated wastewater then gravity flows to two facultative impoundments (Lagoon #3 and Lagoon #4), which are operated in series and are lined with bentonite bottoms and concrete sides. Treated wastewater is then pumped to two nine-acre synthetically lined storage impoundments (Storage Ponds #1 and #2). Dependent upon the properties of the stored treated wastewater, the wastewater from the Storage Ponds is land applied to one of two 100-acre parcels of land (North Land Application Area and South Land Application Area). The North Land Application Area receives treated wastewater meeting New Mexico's *Above Ground Use of Reclaimed Domestic Wastewater* guidance, Class 3 Reclaimed Wastewater, which allows reuse of the water for irrigation of crops except for pasture for milk-producing animals and for uses in which public access and exposure is limited. The South Land Application Area receives treated wastewater for which water reuse is prohibited and for which public access and exposure is limited. The four Lagoons and two Ponds are collectively referred to in this Discharge Permit as "impoundments."

Sludge is periodically removed from the Imhoff Tank and discharged to three concrete sludge drying beds. Up to 20 cubic yards per year of dried sludge is discharged via haul vehicle to a four-acre surface disposal area (Sludge Disposal Area) located south of Lagoon #4.

The Permittee has submitted data collected from on-site monitoring wells that document nitrate groundwater contamination attributed to one or more sources at the Facility. In December of 2019 the Permittee submitted a proposed project to synthetically line Lagoon #s 1, 2, 3, and 4 to abate the nitrate contamination. NMED has informed the Permittee that the agency considers the proposal a suitable action to abate the groundwater contamination. NMED anticipates the abatement project will be initiated by the Permittee after the issuance date of this Discharge Permit.

The discharges may contain water contaminants or toxic pollutants elevated above the standards of Section 20.6.2.3103 NMAC and is not subject to the exemption at Subsection 20.6.2.3105.A NMAC.

The Facility is located at the intersection of Dorsey Road and Princeton Avenue, in Clayton, in Sections 1 and 2, Township 25N, Range 35E, in Union County. The Storage Ponds and the North Land Application Area and South Land Application Area are located in Sections 1 and 6, Township 25N, Range 36E, 0.5 and 1.5 miles respectively, east of the Facility. A discharge at the Facility is most likely to affect groundwater at a depth of approximately 56 feet and having a total dissolved solids (TDS) concentration of approximately 362 milligrams per liter.

NMED issued the original Discharge Permit to the Permittee on August 20, 1982, subsequently renewed the Permit on July 8, 1987, renewed the Permit on July 24, 1992, renewed and modified the Permit on January 7, 1998, renewed the Permit on March 24, 2003, renewal and modified the Permit on May 27, 2010 and last renewed the Permit on June 30, 2015. The application (i.e., discharge plan) associated with this Discharge Permit consists of the materials submitted by the Permittee dated April 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 by the department that structural controls and/or management practices approved under this Discharge Permit are insufficiently protective of groundwater quality and human health. NMED reserves the right to require the Permittee implement abatement of water pollution and remediate groundwater quality.

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NMED 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)		NMAC	New Mexico Administrative Code
CFR	Code of Federal Regulations		NMSA	New Mexico Statutes Annotated
CFU	colony forming unit		NO_3-N	nitrate-nitrogen
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
NMED	New Mexico Environment Department		WWTF	Wastewater Treatment Facility

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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. This Discharge Permit allows the Permittee to discharge effluent or leachate from the Facility directly or indirectly into groundwater pursuant to this Discharge Permit and Sections 20.6.2.3000 through 20.6.2.3114 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 to receive and treat up to 250,000 gpd of municipal wastewater at the WWTF. This Discharge Permit authorizes the Permittee to discharge treated wastewater from the WWTF to the Storage Ponds #1 and #2 for storage. This Discharge Permit authorizes the Permittee to discharge treated wastewater from Storage Ponds #1 and #2 to the North and South Land Application Areas for reuse and non-reuse purposes respectively. Treated wastewater discharged to the North Land Application Area is limited to Class 3 reclaimed domestic wastewater or a higher, i.e., better quality, classification.

This Discharge Permit authorizes the Permittee to remove sludge from the Imhoff Tank, apply the sludge to the sludge drying beds, then to discharge dried sludge from the sludge drying beds and from Lagoon #s 1, 2, 3, and 4 to the Sludge Disposal Area.

[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 that does not violate standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC. [20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]

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Operational Actions with Implementation Deadlines

#	Terms and Conditions
3.	Within 120 days following the issuance date of this Discharge Permit (by **DATE**), the Permittee shall submit a proposed timeline for the installation of synthetic liners in Lagoon #s 1, 2, 3, and 4. The Permittee shall complete the synthetic lining of the Lagoons in accordance with the final construction plans and specifications submitted to NMED, i.e., *Rehabilitate Wastewater Lagoons 1, 2, 3, and 4*, dated December 30, 2019, within the five year term of this Discharge Permit. The Permittee shall notify NMED at the commencement of the lining of each Lagoon to allow NMED personnel to be onsite for inspection during construction. The Permittee shall maintain a log for all sludge/solids transported from Lagoon #s 1, 2, 3, and 4 for off-site disposal. The log shall identify the date of off-site shipment, the volume of sludge/solids removed, and disposal location. The Permittee shall maintain the log at a location accessible for review by NMED during Facility inspections. The methods of disposal shall comply with all local, state, and federal regulations, including 40 CFR Part 503. [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]
4.	Within 30 days of completing the relining of Lagoon #s 1, 2, 3, and 4, 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 each relined Lagoon. [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]
5.	Prior to discharging treated wastewater to the South Land Application Area, the Permittee shall install a fence between the North and South Land Application Areas to control access by the general public and animals. The fences shall consist of, at a minimum, 4-strand barbed wire and locking gate. Documentation of fence installation shall consist of a narrative statement describing the fences and gate and date-stamped photographs. The Permittee shall submit the documentation to NMED. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]

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Operating Conditions

<table>
<tr><th>#</th><th>Terms and Conditions</th></tr>
<tr><td>6.</td><td>The Permittee shall ensure that treated wastewater discharged from the Storage Ponds to both the North and South Land Application Areas does not exceed the following discharge limit.

Total Nitrogen: 20 mg/L

[Subsection C of 20.6.2.3109 NMAC]</td></tr>
<tr><td>7.</td><td>The Permittee shall ensure that treated wastewater discharged from the Storage Ponds to the South Land Application Area does not exceed the following discharge limit.
<table>
<tr><td>Test</td><td>30-day Average</td><td>Maximum</td></tr>
<tr><td>Fecal coliform</td><td>1,000 CFU or MPN/100 ml</td><td>5,000 CFU or MPN/100 ml</td></tr>
<tr><td>TRC</td><td>Monitor Only</td><td>Monitor Only</td></tr>
</table>
If either fecal coliform limit is exceeded, the Permittee shall add chlorine to the affected Storage Pond until the limit is met.

[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</td></tr>
<tr><td>8.</td><td>The Permittee shall ensure that reclaimed wastewater discharged from the Storage Ponds to the North Land Application Area does not exceed the following Class 3 reclaimed domestic wastewater reuse discharge limits.
<table>
<tr><td>Test</td><td>30-day Average</td><td>Maximum</td></tr>
<tr><td>Fecal coliform</td><td>1,000 CFU or MPN/100 ml</td><td>5,000 CFU or MPN/100 ml</td></tr>
<tr><td>BOD_5</td><td>30 mg/L</td><td>45 mg/L</td></tr>
<tr><td>TSS</td><td>75 mg/L</td><td>90 mg/L</td></tr>
<tr><td>TRC</td><td>Monitor Only</td><td>Monitor Only</td></tr>
</table>
If either fecal coliform limit is exceeded, the Permittee shall add chlorine to the affected Storage Pond until the limit is met.

[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</td></tr>
<tr><td>9.</td><td>The Permittee shall apply reclaimed domestic wastewater evenly throughout the North Land Application Area and treated wastewater evenly throughout the South Land Application Area such that the amount of total nitrogen applied to either Area does not</td></tr>
</table>

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#	Terms and Conditions
	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. The Permittee shall prevent excessive ponding from occurring due to the discharge. [Subsection C of 20.6.2.3109 NMAC]
10.	The Permittee shall ensure adherence to the following general requirements for surface disposal of treated wastewater to the South Land Application Area. a) The Permittee shall maintain signs indicating that the wastewater discharging to the Area is not potable. The Permittee shall post signs at the entrance to the Area and at other locations where public exposure to treated wastewater may occur. The Permittee shall print all signs in English and Spanish and shall ensure all signs remain visible and legible for the term of this Discharge Permit. b) The Permittee shall not conduct disposal of treated wastewater at times when the Area is saturated or frozen. c) The discharge of treated wastewater shall confine to the Area. d) Water supply wells within 200 feet of the Area shall have adequate wellhead construction pursuant to 19.27.4 NMAC. The Permittee shall manage disposal of treated wastewater to ensure protection of groundwater quality. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
11.	The Permittee shall ensure adherence to the following general requirements for above-ground use of Class 3 reclaimed domestic wastewater at the North Land Application Area. a) The Permittee shall install and maintain signs in English and Spanish at the Area such that they are visible and legible for the term of this Discharge Permit. The Permittee shall post signs at the entrance to the Area and at other associated locations where public exposure to reclaimed domestic wastewater may occur. The signs shall state: **NOTICE: THIS AREA IS IRRIGATED WITH RECLAIMED WASTEWATER - DO NOT DRINK. AVISO: ESTA ÁREA ESTÁ REGADA CON AGUAS NEGRAS RECOBRADAS - NO TOMAR.** The Permittee may submit alternate wording and/or graphics to NMED for approval. b) Reclaimed domestic wastewater systems shall have no direct or indirect cross connections with public water systems or irrigation wells pursuant to the latest revision of the New Mexico Plumbing Code (14.8.2 NMAC) and New Mexico Mechanical Code (14.9.2 NMAC). c) Above-ground use of reclaimed domestic wastewater shall not result in excessive ponding of wastewater. The Permittee shall not discharge reclaimed domestic wastewater at times when the Area is saturated or frozen. d) The Permittee shall confine discharge of reclaimed domestic wastewater to the Area.

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#	Terms and Conditions
	e) The Permittee shall prohibit discharge of reclaimed domestic wastewater to crops used for human consumption. f) Water supply wells within 200 feet of the Area shall have adequate wellhead construction pursuant to 19.27.4 NMAC. g) Existing and accessible portions of the reclaimed domestic wastewater distribution system (with the exception of application equipment such as sprinklers or pivots) shall be colored purple or clearly labeled as being part of a reclaimed domestic wastewater distribution system. Piping, valves, outlets, and other plumbing fixtures shall be purple pursuant to the latest revision of the New Mexico Plumbing Code (14.8.2 NMAC) and New Mexico Mechanical Code (14.9.2 NMAC) to differentiate piping or fixtures used to convey reclaimed wastewater from those intended for potable or other uses. h) Valves, outlets, and sprinkler heads used in reclaimed wastewater systems shall be accessible only to authorized personnel. The Permittee shall demonstrate adherence to these requirements by submitting documentation consisting of narrative statements and date-stamped photographs as appropriate. The Permittee shall submit the documentation to NMED once during the term of this Discharge Permit in the next required periodic monitoring report after the issuance of the Discharge Permit. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1–78, § 74-6–5.D]
12.	The Permittee shall meet the following setbacks, access restrictions, and equipment requirements for spray disposal of reclaimed domestic wastewater at the North Land Application Area and treated wastewater at the South Land Application Area. a) Maintain a minimum 500-foot setback between any dwellings or occupied establishments and the edge of the Areas. b) Postpone disposal of reclaimed domestic wastewater and treated wastewater at times when windy conditions may result in drift of wastewater outside the Area(s). c) Restrict access to the Areas by perimeter fencing using four-strand barbed wire, at a minimum, and a locking gate, or other access controls approved by NMED. d) Prohibit public access during times when reclaimed domestic wastewater and treated wastewater is being applied to the Area(s). e) Limit the spray irrigation system to low trajectory spray nozzles. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
13.	The Permittee shall maintain fences around all impoundments, i.e., the treatment lagoons and the storage ponds, 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.

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#	Terms and Conditions
	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]
14.	The Permittee shall install and maintain signs indicating that the wastewater at all impoundments, i.e., the treatment lagoons and the storage ponds, is not potable. The Permittee shall post signs at the WWTF entrance, at the storage ponds entrance, and at other areas where there is potential for public contact with wastewater. The Permittee shall print the signs in English and Spanish and shall ensure the signs 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]
15.	The Permittee shall maintain impoundment liners to avoid conditions that could affect the liner or the structural integrity of all impoundments, i.e., the treatment lagoons and the storage ponds. 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 growing around 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 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 date of the inspection, any findings and repairs, and the name of the person responsible for the inspection. The Permittee shall make the log available to NMED upon request.

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#	Terms and Conditions
	[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
16.	The Permittee shall preserve a minimum of two feet of freeboard, i.e., the liquid level, in all impoundments, i.e., the treatment lagoons and the storage ponds, and the elevation of the lowest-most top of the impoundment liner. In the event that the Permittee determines that it cannot preserve two feet of freeboard in any 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]
17.	The Permittee shall properly manage the Imhoff Tank by implementing the following schedule: a) Remove and dispose of accumulations in the inlet and outlet channels on a daily basis; b) "Churn" scum in the gas vents on a daily basis; c) Remove scum that will not settle from the gas vents and dispose of in the sludge drying beds on a daily basis; d) Remove all floating solids from the sediment chamber and dispose of in the sludge drying beds on a daily basis; e) Squeegee the submerged interior surface of the chamber sides, ends, and sloping walls to remove solids adhered to them on a daily basis; f) Clean the sedimentation chamber slot of obstruction with a "trace chain" on a daily basis; and g) Measure the sludge blanket in the digestion compartment hoppers on a weekly basis. If the sludge level is within 18 inches from the slot located in the bottom of the sedimentation chamber, the Permittee shall draw sludge from the hopper and discharge the sludge to the sludge drying beds. The Permittee shall maintain a log of Imhoff Tank inspections, maintenance, and sludge removal. The Permittee shall make this log available for NMED review upon request. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
18.	The Permittee shall maintain earthen berms at the perimeter of the Sludge Disposal Area to prevent stormwater run-on and run-off. The berms shall be a minimum of 24-inches above natural grade. The Permittee shall inspect the berms on a monthly basis and after any major rainfall event and repaired as necessary. The Permittee may maintain shallow (minimum depth of six inches) stormwater diversion trenches parallel to and on each side of the Sludge

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#	Terms and Conditions
	Disposal Area entrance. The Permittee shall maintain all berms and trenches until termination of the Discharge Permit. The Permittee shall maintain a log of berm inspections that includes the date of inspections, any findings and repairs, and the name of the person performing the inspection. The Permittee shall make this log available for NMED review upon request. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
19.	The Permittee shall not discharge domestic wastewater treatment plant sludge to the Sludge Disposal Area during rain events or when surface soils are frozen or saturated. [Subsection A of 20.6.2.3107 NMAC, Subsections B and C of 20.6.2.3109 NMAC]
20.	The Permittee shall discharge all semi-solid and solid domestic wastewater treatment plant sludge from Lagoon #s 1, 2, 3, and 4 or sludge drying beds to the Sludge Disposal Area. The Permittee shall dispose of sludge in accordance with requirements set forth in 40 CFR Part 503. [Subsection C of 20.6.2.3109 NMAC, 40 CFR 503]
21.	The Permittee shall discharge domestic wastewater treatment plant sludge to the Sludge Disposal Area such that the amount of total nitrogen discharged does not exceed 200 pounds per acre in any 12-month period. The Permittee shall submit documentation of nitrogen loading to conform with Condition #40. The Permittee shall evenly distribute sludge throughout the Sludge Disposal Area. [Subsection C of 20.6.2.3109 NMAC]
22.	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]

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B. MONITORING AND REPORTING

#	Terms and Conditions
23.	The Permittee shall conduct the 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]
24.	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]
25.	Quarterly monitoring - The Permittee shall perform monitoring and other Permit required actions 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]

Groundwater Monitoring Conditions

#	Terms and Conditions
26.	The Permittee shall perform quarterly groundwater sampling in the following groundwater monitoring wells and analyze the samples for total Kjeldahl nitrogen (TKN), nitrate (NO_3-N), TDS, and chloride (Cl). a) MW-1, located hydrologically downgradient of Lagoon #4. b) MW-2, located hydrologically downgradient of Lagoon #3. c) MW-3, located hydrologically upgradient of the WWTF (approximately 300 feet northwest of the Facility). d) MW-4, located hydrologically upgradient of the North and South Land Application Areas. e) MW-5, located hydrologically downgradient of Storage Ponds #1 and #2. f) MW-6, located hydrologically downgradient of the North and South Land Application Areas.

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#	Terms and Conditions
	The Permittee shall perform groundwater sample collection, preservation, transportation, 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 one-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 and the laboratory analytical data results including the laboratory QA/QC summary report for each well, 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]
27.	The Permittee shall develop a groundwater elevation contour map, i.e., potentiometric surface map, on a quarterly basis using the top of casing elevation data from the monitoring well survey and quarterly the most recent depth-to-most-shallow groundwater measurements, referenced to mean sea level, obtained during the groundwater sampling required by this Discharge Permit. The groundwater elevation contour map shall depict 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 shall not be greater than two feet. Groundwater elevation contour maps shall use arrows to depict the groundwater flow direction based on the orientation of the groundwater elevation contours and shall locate and identify each monitoring well and contaminant source. The Permittee shall submit to NMED a groundwater elevation contour map in the quarterly monitoring reports. [Subsection A of 20.6.2.3107 NMAC]
28.	NMED shall have the option to perform downhole inspections of all groundwater monitoring wells identified in this Discharge Permit. NMED shall 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.

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#	Terms and Conditions
	Should the Permittee decide to install a pump monitoring well without a dedicated pump, 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

#	Terms and Conditions
29.	The Permittee shall determine the volume of wastewater received at the WWTF by measuring the total monthly volume, calculating the daily average volume, and recording the daily peak volume of wastewater received by the WWTF each month using a primary measuring device (equipped with head sensing, totalizing and chart recording/data logging mechanisms) located after the Imhoff Tank. The Permittee shall submit the totalized, average daily, and peak daily influent volumes for each month 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]
30.	The Permittee shall on a monthly basis measure the volume of reclaimed domestic wastewater from the Storage Ponds to the North Application Area and treated wastewater discharged from the Storage Ponds to the South Land Application Area during the period. To determine the discharge volume, the Permittee shall obtain readings from a totalizing flow meter located on the transfer line between the Storage Ponds and the Areas on a monthly basis and calculate the monthly and average daily discharge volume. The Permittee shall use the monthly volume discharged on the LADS to calculate nitrogen loading. The Permittee shall submit the monthly meter readings for each Area, calculated monthly discharge volumes for each Area, and average daily discharge volumes for each Area 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]
31.	All flow meters shall be 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 the respective meter. The Permittee shall perform field calibrations upon repair or replacement of the flow measurement device and, at a minimum, on an annual basis.

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	The Permittee shall calibrate each flow meter 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. An individual knowledgeable in flow measurement shall perform field calibration and the installation/operation of the 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 calibration(s) at a location accessible for review by NMED during Facility inspections. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
32.	The Permittee shall on a monthly basis visually inspect flow meters for evidence of malfunction. The Permittee shall maintain a log of the inspections that includes a date of the inspection, findings and repairs, 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 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]

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#	Terms and Conditions
33.	The Permittee shall collect a composite wastewater sample on a quarterly basis from both Storage Ponds #1 and #2. Each composite sample shall consist of a minimum of six equal aliquots collected equidistantly around the entire perimeter of each Pond and thoroughly mixed. The Permittee shall analyze each composite sample for: • TKN; • NO_3-N; • TDS; and • Cl. The Permittee shall properly prepare, preserve, transport, and analyze the samples 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]
34.	During any month that treated wastewater is discharged to the South Land Application Area, the Permittee shall perform the following analyses on the wastewater samples collected from both Storage Ponds #1 and #2 using the following sampling method and frequency: • Fecal coliform: grab sample at peak daily flow once per month; and • TRC concentrations: record whenever collecting bacteria samples. The Permittee shall properly prepare, preserve, transport, and analyze the samples 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, and a copy of the log of TRC concentrations to NMED in the subsequent quarterly 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]
35.	During any month that Class 3 reclaimed domestic wastewater is discharged to the North Land Application Area, the Permittee shall perform the following analyses on the wastewater samples collected from both Storage Ponds #1 and #2 using the following sampling method and frequency: • Fecal coliform: grab sample at peak daily flow once per month; • BOD_5: grab sample once per month; • TSS: grab sample once per month; and • TRC concentrations: record whenever collecting bacteria samples.

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#	Terms and Conditions
	The Permittee shall properly prepare, preserve, transport, and analyze the samples 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, and a copy of the log of TRC concentrations to NMED in the subsequent quarterly 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]
36.	Within one year of the issuance date of this Discharge Permit **(by DATE)**, the Permittee shall collect a 24-hour flow weighted composite sample (except as noted for pH) of treated wastewater discharging from Lagoon #4 and analyze the sample for the following inorganic contaminants (dissolved fraction, except as noted): • aluminum (CAS 7429-90-5) • antimony (CAS 7440-36-0) • arsenic (CAS 7440-38-2) • barium (CAS 7440-39-3) • beryllium (CAS 7440-41-7) • boron (CAS 7440-42-8) • cadmium (CAS 7440-43-9) • chromium (CAS 7440-47-3) • cobalt (CAS 7440-48-4) • copper (CAS 7440-50-8) • cyanide (CAS 57-12-5) • fluoride (CAS 16984-48-8) • iron (CAS 7439-89-6) • lead (CAS 7439-92-1) • manganese (CAS 7439-96-5) • molybdenum (CAS 7439-98-7) • total mercury (nonfiltered) (CAS 7439-97-6) • pH (instantaneous) • nickel (CAS 7440-02-0) • radioactivity: combined radium-226 & radium-228 (CAS 15262-20-1) • selenium (CAS 7782-49-2) • silver (CAS 7440-224) • sulfate (CAS 14808-79-8) • thallium (CAS 7440-28-0) • uranium (CAS 7440-61-1) • zinc (CAS 7440-66-6) The Permittee shall properly collect, prepare, preserve, transport, and analyze the sample in accordance with the methods authorized in this Discharge Permit. The Permittee shall analyze the sample using methods with reporting limits that are less than the corresponding numerical groundwater standards identified in 20.6.2.3103 NMAC. The Permittee shall submit a summary of measured concentrations compared with the corresponding groundwater standards, a copy of the laboratory report including the laboratory analytical data results, the QA/QC summary and the Chain of Custody, to NMED in the subsequent quarterly monitoring report. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]

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#	Terms and Conditions
37.	Within one year of the issuance date of this Discharge Permit **(by DATE)**, the Permittee shall collect a grab sample of treated wastewater discharging from Lagoon #4 and analyze the non-filtered sample for the following organic contaminants: • atrazine (CAS 1912-24-9) • benzene (CAS 71-43-2) • benzo-a-pyrene (CAS 50-32-8) • carbon tetrachloride (CAS 56-23-5) • chloroform (CAS 67-66-3) • 1,2-dichlorobenzene (CAS 95-50-1) • 1,4-dichlorobenzene (CAS 106-46-7) • 1,1-dichloroethane (CAS 75-34-3) • 1,2-dichloroethane (EDC, CAS 107-06-2) • 1,1-dichloroethene (1,1-DCE, CAS 75-35-4) • cis-1,2-dichloroethene (CAS 156-59-2) • trans-1,2-dichloroethene (CAS 156-60-5) • 1,2-dichloropropane (PDC, CAS 78-87-5) • 1,4-dioxane (CAS 123-91-1) (using EPA Method 8270D- SIM) • ethylbenzene (CAS 100-41-4) • ethylene dibromide (EDB, CAS 106-93-4) • methylene chloride (CAS 75-09-2) • PAHs: total naphthalene (CAS 91-20-3) plus monomethylnaphthalenes • phenols • polychlorinated biphenyls (PCBs, CAS 1336-36-3) • pentachlorophenol (CAS 87-86-5) • toluene (CAS 108-88-3) • styrene (CAS 100-42-5) • 1,1,2,2-tetrachloroethane (CAS 79-34-5) • tetrachloroethene (PCE, CAS 127-18-4) • 1,2,4-trichlorobenzene (CAS 120-82-1) • 1,1,1-trichloroethane (1,1,1-TCA, CAS 71-55-6) • 1,1,2-trichloroethane (CAS 79-00-5) • trichloroethene (TCE, CAS 79-01-6) • vinyl chloride (CAS 75-01-4) • total xylenes (CAS 1330-20-7) The Permittee shall properly collect, prepare, preserve, transport, and analyze the sample in accordance with the methods authorized in this Discharge Permit. The Permittee shall analyze samples using methods with reporting limits that are less than the corresponding numerical groundwater standards identified in 20.6.2.3103 NMAC. The reporting limit for 1,4-dioxane shall be less than the Tap Water Screening Level for 1,4-dioxane identified in the *NMED Risk Assessment Guidance for Site Assessments and Investigations*, Table A-1 (available on the NMED Hazardous Waste Bureau's website under Guidance Documents). The Permittee shall submit a summary of measured concentrations compared with the corresponding groundwater standards, and a copy of the laboratory report including the laboratory analytical data results, the QA/QC summary and the Chain of Custody to NMED in the subsequent quarterly monitoring report.

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#	Terms and Conditions
	[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
38.	The Permittee shall complete LADS on a monthly basis that document the amount of nitrogen applied to both the North and South Land Application 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 South Field 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]
39.	The Permittee shall maintain a log of solids/sludge transferred from the Imhoff Tank to the sludge drying beds. The log shall include the following information: • date of sludge/solids transfer to the sludge drying beds; and • volume of solids/sludge transferred to the sludge drying beds. The Permittee shall submit a copy of the log to NMED annually in the monitoring report due by August 1st each year. [Subsection A of 20.6.2.3107 NMAC]
40.	The Permittee shall analyze domestic wastewater treatment plant sludge/solids discharged to the Sludge Disposal Area in the following manner: a) Record the volume of domestic WWTF sludge/solids discharged to Area during the reporting period. b) Sample each domestic wastewater sludge type (solid, semi-solid, and liquid) from the sludge drying beds and from Lagoon #s 1, 2, 3, and 4 that is discharged to the Area and analyze the sample(s) for percent total solids (%TS). c) Sample each domestic wastewater sludge type (solid, semi-solid, and liquid) from the sludge drying beds and from Lagoon #s 1, 2, 3, and 4 that is discharged to the Area and analyze the samples for TKN and NO_3-N. The Permittee shall report analytical results as mg/kg for TKN and NO_3-N (dry weight basis). The Permittee shall properly prepare, preserve, transport, and analyze the samples in accordance with the methods authorized in this Discharge Permit. The Permittee shall submit the records of the volume of the sludge discharged, percent total solids, and analytical results, including the laboratory QA/QC summary, to NMED in the quarterly monitoring reports. [Subsection A of 20.6.2.3107 NMAC and Subsection H of 20.6.2.3109]
41.	The Permittee shall complete a Surface Disposal Data Sheet for Sludge (SDDS) on a

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	monthly basis to document the amount of nitrogen in WWTF sludge/solids discharged to the Sludge Disposal Area during the most recent 12 months. The SDDS shall reflect the most recent nitrogen analysis results and the average percent total solids for the sludge drying beds and for each treatment/facultative impoundment discharged to the Area. Nitrogen content shall not be adjusted to account for volatilization or mineralization processes. The Permittee shall submit a copy of the SDDS, or a statement that no surface disposal occurred within the cell, to NMED in the quarterly monitoring reports. [Subsection A of 20.6.2.3107 NMAC and Subsection H of 20.6.2.3109]

C. CONTINGENCY PLAN

#	Terms and Conditions
42.	In the event that groundwater monitoring indicates that groundwater exceeds a standard identified in Section 20.6.2.3103 NMAC in a monitoring well with no previous exceedances of the chemical constituent at the date of issuance of this Discharge Permit, 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, contaminant source control measures and an implementation schedule. The Permittee shall enact the CAP as approved by NMED. Once this groundwater exceedance response 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. Violation of the groundwater standard beyond 180 days after the confirmation of groundwater contamination may cause NMED to require the Permittee to abate water pollution consistent with the requirements and provisions of Section 20.6.2.4101, Section 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]

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#	Terms and Conditions
43.	In the event that information available to NMED indicates that a well is not constructed in a manner consistent with the Monitoring Well Guidance attachment; 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 survey the replacement monitoring well(s) within 30 days following well completion. The Permittee shall install replacement wells at locations approved by NMED prior to installation and shall complete replacement wells in accordance with the attachment Monitoring Well Guidance. The Permittee shall submit well 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 a 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 attachment Monitoring Well Guidance and all applicable local, state, and federal regulations. The Permittee shall submit a copy of the well abandonment documentation to NMED within 60 days following the replacement well completion. [Subsection A of 20.6.2.3107 NMAC]
44.	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 survey the replacement monitoring well within 30 days following well completion. The Permittee shall install replacement wells at locations approved by NMED prior to installation and shall complete replacement wells in accordance with the attachment Monitoring Well Guidance. The Permittee shall submit construction and lithologic logs, survey data and a groundwater elevation contour map within 60 days following well completion. [Subsection A of 20.6.2.3107 NMAC]
45.	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

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	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]
46.	In the event that analytical results of a reclaimed domestic wastewater sample indicate an exceedance of any of the **maximum** discharge limits for BOD_5, TSS, or 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 confirm the exceedance of the maximum discharge limits, the Permittee shall implement the Contingency Plan below.

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	In the event that analytical results of a reclaimed domestic wastewater sample indicate an exceedance of any of the **30-day average** discharge limits for BOD_5, TSS, or 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 a 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 re-use area, additional sampling of any stored reclaimed domestic wastewater in response to the submitted CAP. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
47.	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 North Land Application Area and South Land Application Area by submitting a CAP to NMED for approval. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions and submit the CAP to NMED within 90 days following the end of the monitoring 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]

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#	Terms and Conditions
48.	In the event that the SDDS show that the amount of nitrogen in sludge applied in any 12-month period exceeds 200 pounds per acre, the Permittee shall propose the reduction of nitrogen loading to the Sludge 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 submit the CAP to NMED within 90 days following the end of the monitoring 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]
49.	In the event that an inspection reveals significant damage has occurred or is likely to affect the structural integrity of an impoundment or an associated liner, or its ability to contain contaminants, the Permittee shall propose the repair or replacement by submitting a CAP to NMED for approval. The Permittee shall submit the CAP to NMED within 30 days after discovery of the damage or following notification from NMED that significant 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]
50.	In the event that an impoundment cannot preserve a minimum of two feet of freeboard, the Permittee shall take actions to restore the required freeboard as authorized by this Discharge Permit and all applicable local, state, and federal regulations. 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 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. The Permittee shall submit the CAP within 15 days following the date the Permittee or the NMED discover the exceedance. The Permittee shall implement the CAP following NMED approval. In the event that the short-term corrective actions fail to restore two feet of freeboard, the Permittee shall submit to NMED a proposal for permanent corrective actions in a long-term CAP. The Permittee shall submit the long-term CAP within 90 days following failure of the short-term CAP. Examples corrective actions include the installation of an additional storage impoundment or a significant and permanent reduction in the volume of wastewater discharged to the impoundment. The Permittee shall ensure the long-

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#	Terms and Conditions
	term CAP includes a schedule for completion of corrective actions. The Permittee shall implement the CAP following NMED approval. [Subsection A of 20.6.2.3107 NMAC]
51.	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 <u>24 hours</u> following discovery of the unauthorized discharge, the Permittee shall verbally notify NMED and provide the following information. a) The name, address, and telephone number of the person or persons in charge of the Facility, as well as of the owner and/or operator of the Facility. b) The name and address of the Facility. c) The date, time, location, and duration of the unauthorized discharge. d) The source and cause of unauthorized discharge. e) A description of the unauthorized discharge, including its estimated chemical composition. f) The estimated volume of the unauthorized discharge. g) Any actions taken to mitigate immediate damage from the unauthorized discharge. Within <u>one week</u> following discovery of the unauthorized discharge, the Permittee shall submit written notification to NMED providing the information listed above and any pertinent updates. Within <u>15 days</u> following discovery of the unauthorized discharge, the Permittee shall submit a CAP to NMED describing any corrective actions previously taken and corrective actions to be taken relative to the unauthorized discharge. The CAP shall include the following information. 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 groundwater 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

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#	Terms and Conditions
	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]
52.	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

Permanent Facility Closure Conditions

#	Terms and Conditions
53.	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 impoundment(s), the Permittee shall plug the impoundment influent lines so that a discharge can no longer occur. Within 60 days of ceasing to discharge to the impoundment(s), the Permittee shall evaporate or drain all wastewater from the impoundment(s) and any other wastewater system component and disposed of it in accordance with all local, state, and federal regulations. Alternatively, the Permittee shall discharge wastewater from the impoundment and any other wastewater system component to the Land Application Areas as appropriate. The Permittee shall not discharge accumulated solids (sludge) from the impoundment(s) to the Land Application Areas. Within 90 days of ceasing to discharge to the impoundment(s), 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.

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	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 impoundment(s). d) The method of *disposal* for all the sludge removed from the impoundment(s). The method shall comply with all local, state, and federal regulations, including 40 CFR Part 503. e) A schedule for completion of sludge removal and disposal not to exceed two years from the date discharge to the impoundment(s) ceased. Within <u>one year</u> 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 impoundment(s), or permanently plug and abandon the lines 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) Characterize, remove, and dispose of all solids from the impoundments in accordance with local, state, and federal regulations. A record of solids transported for off-site disposal shall be maintained and shall include the volume of solids transported and the disposal location. d) Remove and dispose of the impoundment liners at a solid waste facility. If there is evidence of contaminated soil below the liners, assess the impact, report that assessment to NMED, and mitigate the impacts following NMED approval. e) Fill the impoundment(s) with suitable fill. f) Re-grade the impoundment site and the locations of ancillary equipment, e.g., influent piping, to blend with surface topography, promote positive drainage, and prevent ponding. The Permittee shall continue groundwater monitoring until the Permittee meets the requirements of this condition and groundwater monitoring confirms for a minimum of eight consecutive quarterly groundwater sampling events that groundwater does not exceed the standards of Section 20.6.2.3103 NMAC. 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.

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#	Terms and Conditions
	Following notification from NMED that the Permittee may cease post-closure monitoring, the Permittee shall plug and abandon the monitoring well(s) in accordance with the attachment Monitoring Well Guidance. When the Permittee has met all closure and post-closure requirements and verified appropriate actions 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]
54.	The Permittee shall perform the following closure measures in the event the Sludge Disposal Area is proposed to be permanently closed. a) Notify NMED that sludge/solids are no longer being disposed at the Area. b) Within 60 days of ceasing to discharge to the Sludge Disposal Area, backfill the Area with clean fill (as necessary) and re-grade to allow for positive storm water drainage. c) Re-vegetate the Area 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 demonstrate to NMED the maintenance of the vegetative cover through two consecutive growing seasons. d) Following final grading and re-seeding of the Area, the Permittee shall maintain the impoundment 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 Area under 40 CFR 503 have been completed. When the Permittee has met all closure requirements and demonstrated this to NMED'S satisfaction 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, 40 CFR Part 503]

E. GENERAL TERMS AND CONDITIONS

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55.	RECORD KEEPING - The Permittee shall maintain a written record of the following: • Information and data used to complete the application for this Discharge Permit; • Information, data, and documents demonstrating completion of closure activities;

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	• 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, shipping documents, 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 logs) 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 the following:
	  ○ the dates, locations, and times of sampling or field measurements;
	  ○ the name and job title of the individuals who performed each sample collection or field measurement;
	  ○ the sample analysis date of each sample;
	  ○ the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis;
	  ○ the analytical technique or method used to analyze each sample or collect each field measurement;
	  ○ the results of each analysis or field measurement, including raw data;
	  ○ the results of any split, spiked, duplicate or repeat sample; and
	  ○ 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 the lifetime of the Discharge Permit. The Permittee shall make the record available to NMED upon request.
	
	[Subsections A and D of 20.6.2.3107 NMAC]

56.	SUBMITTALS - The Permittee shall submit both a paper copy and an electronic copy of all notification and reporting documents required by this Discharge Permit, e.g., monitoring

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#	Terms and Conditions
	reports. The Permittee shall submit paper and electronic documents to the NMED Permit Contact identified on the Permit cover page. [Subsection A of 20.6.2.3107 NMAC]
57.	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]
58.	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]
59.	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 NMED's approval (which may require modification of this Discharge Permit) prior to implementing such changes. [Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]
60.	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

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#	Terms and Conditions
	proposed system or process unit to NMED for approval prior to the commencement of construction. 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]
61.	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]
62.	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

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	of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. [20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]
63.	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]
64.	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]
65.	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]
66.	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 issuance date. The Permittee shall remit initial installment payments to NMED no later than 30 days after the Discharge Permit issuance date; with subsequent installment payments remitted to NMED no later than the anniversary of the Discharge Permit issuance 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]

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New Mexico Environment Department Ground Water Quality Bureau
Discharge Permit Summary

Facility Information

Facility Name	Town of Clayton Wastewater Treatment Facility
Discharge Permit Number	DP-229
Legally Responsible Party	Ferron Lucero, City Manager Town of Clayton 1 Chestnut Street Clayton, NM 88415 575-374-8331

Treatment, Disposal and Site Information

Primary Waste Type	Domestic
Facility Type	MUNI-Wastewater

Treatment Methods

Type	Designation	Description & Comments
Wastewater Treatment System	Wastewater Treatment System	Headworks that consist of a mechanical fine screen, auger, and Imhoff Tank; two aerated impoundments (Lagoon #1 and Lagoon #2) in parallel with concrete sides and bentonite bottoms; and two facultative impoundments (Lagoon #3 and Lagoon #4) in series with concrete sides and bentonite bottoms. All four impoundments are scheduled to be synthetically lined.

Discharge Locations

Type	Designation	Description & Comments
Impoundment	Storage Impoundment #1	Synthetically lined storage impoundment receiving treated wastewater.
Impoundment	Storage Impoundment #2	Synthetically lined storage impoundment receiving treated wastewater.
Sludge Drying Beds	Sludge Drying Beds	Sludge drying beds that receives sludge and solids from the Imhoff Tank and the aerated/facultative impoundments.
Treated Wastewater Surface Disposal Area	South Field	100-acre surface disposal area that receives treated wastewater from Storage Impoundments #1 and #2.
Re-use Area	North Field	100 acres of agricultural rangeland that receives treated wastewater as reclaimed domestic wastewater from Storage Impoundments #1 and #2.
Sludge Surface Disposal Area	Sludge Disposal Area	Four-acre surface disposal area that receives dried sludge from the sludge drying beds and sludge from the aerated/facultative impoundments.

Flow Metering Locations

Type	Designation	Description & Comments
Primary Measurement Device	Influent Meter	A Parshall Flume with an ultrasonic sensor and data logger located after the Imhoff Tank.

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Totalizing Flow Meter	Treated Wastewater/ Reclaimed Domestic Wastewater Meter	Totalizing flow meter located in the transfer line between the two synthetically lined storage impoundments and the North Field and the South Field.

Ground Water Monitoring Locations

Type	Designation	Description & Comments
Monitoring Well	MW-1	Located hydrologically downgradient of Lagoon #4.
Monitoring Well	MW-2	Located hydrologically downgradient of Lagoon #3.
Monitoring Well	MW-3	Located hydrologically upgradient of the Facility.
Monitoring Well	MW-4	Located hydrologically upgradient of the North Field and the South Field.
Monitoring Well	MW-5	Located hydrologically downgradient of Storage Impoundment #1 and Storage Impoundment #2.
Monitoring Well	MW-6	Located hydrologically downgradient of the North Field and the South Field.

Depth-to-Ground Water 56 feet
Total Dissolved Solids (TDS) 362 mg/L

Permit Information

Original Permit Issued August 20, 1982
Permit Renewal July 8, 1987
Permit Renewal July 24, 1992
Permit Renewal and Modification January 7, 1998
Permit Renewal March 24, 2003
Permit Renewal and Modification May 27, 2010
Permit Renewal June 30, 2015

Current Action **Permit Renewal**
Application Received April 21, 2020
Public Notice Published [not yet published]
Permit Issued (Issuance Date) [issuance date]
Permitted Discharge Volume 250,000 gallons per day

NMED Contact Information

Mailing Address Ground Water Quality Bureau
P.O. Box 5469
Santa Fe, New Mexico 87502-5469

GWQB Telephone Number 505-827-2900

NMED Lead Staff Gerald Knutson
Lead Staff Telephone Number 505-660-7189
Lead Staff Email gerald.knutson@state.nm.us

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