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: October 6, 2021

GROUND WATER QUALITY BUREAU
DISCHARGE PERMIT
Issued under 20.6.2 NMAC

Facility Name:	Town of Silver City Wastewater Treatment Plant
Discharge Permit Number:	DP-35
Facility Location:	1660 Filaree Road Silver City, NM
County:	Grant
Permittee: Mailing Address:	Town of Silver City Robert M. Esqueda, Utilities Director P.O. Box 1188 Silver City, NM 88062
Facility Contact: Telephone Number/Email:	Manny Orosco (575) 388-4981/silvercitywwtp@powerc.net
Permitting Action:	Renewal
Permit Issuance Date:	DATE
Permit Expiration Date:	DATE
NMED Permit Contact: Telephone Number/Email:	Avery Young (505) 827-2909/avery.young@state.nm.us

JUSTIN BALL
Acting 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-35) to the Town of Silver City (Permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§ 74-6-1 to -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 Silver City Wastewater Treatment Plant (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 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 of the discharge.

A wastewater treatment plant (WWTP) receives and treats domestic wastewater at a volume of up to 3.2 million gallons per day (MGD). The Permittee discharges treated wastewater (reclaimed domestic wastewater) to seven clay-lined impoundments for storage at the Scott Park Golf Course and an unlined impoundment for storage at Glenn Ranch prior to use for irrigation (i.e., re-use areas). The Permittee also discharges treated wastewater to an unlined pond on the Lambert Property and for irrigation. The Permittee discharges treated wastewater that is not reclaimed for re-use purposes to the San Vicente Arroyo through Outfall 001 pursuant to the workplan identified in Subsection C of this Discharge Permit.

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

The Facility is located at 1660 Filaree Road, approximately 4.25 miles southeast of Silver City, in Sections 14 and 25, Township 18S, Range 14W, Grant County. A discharge at the Facility is most likely to affect groundwater at a depth of approximately 70 feet and having a pre-discharge total dissolved solids (TDS) concentration of approximately 426 milligrams per liter.

NMED issued the original Discharge Permit to the Permittee on March 21, 1979, and subsequently renewed the Permit on October 6, 1981, December 5, 1986, and January 18, 1996, renewed and modified the Permit on March 30, 2001, renewed the Permit on October 9, 2007,

and September 19, 2016, and amended the Permit on December 6, 2016. The application (i.e., discharge plan) associated with this Discharge Permit consists of the materials submitted by the Permittee dated May 12, 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 20.6.2.3103 NMAC. NMED reserves this right pursuant to 20.6.2.3109 NMAC. An NMED requirement to modify the Discharge Permit may result from a determination by NMED that structural controls and/or management practices approved under this Discharge Permit are insufficiently protective of groundwater quality and/or human health. NMED reserves the right to require the Permittee to implement abatement of water pollution and remediate groundwater quality pursuant to 20.6.2.3109 NMAC

NMED's 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		SWQB	Surface Water Quality Bureau
gpd	gallons per day		TDS	total dissolved solids
LAA	land application area		TKN	total Kjeldahl nitrogen
LADS	Land Application Data Sheet(s)		total nitrogen	= TKN + NO_3-N
mg/L	milligrams per liter		TRC	total residual chlorine
mL	milliliters		TSS	total suspended solids
MPN	most probable number		WQA	New Mexico Water Quality Act. NMSA 1978, §§ 74-6-1 to -17
NMAC	New Mexico Administrative Code		WQCC	Water Quality Control Commission
NMED	New Mexico Environment Department		WWTF	Wastewater Treatment Facility

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 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 3.2 MGD of domestic wastewater using a municipal wastewater treatment plant consisting of headworks with an influent pump station, mechanical bar screen and grit removal system, two primary clarifiers, two bio-selectors and four anoxic basins, aeration basin with four mechanical brush aerators, two secondary clarifiers, ultraviolet disinfection system, three aerobic digesters, ten sludge drying beds, three aerated septage pre-treatment basins, and four grease trap waste drying beds.

This Discharge Permit authorizes the Permittee to discharge treated wastewater (Class 1B reclaimed wastewater) to the Town-owned Scott Park Golf Course for storage in seven clay-lined impoundments prior to the Permittee irrigating up to 154 acres of turf (i.e., re-use area). In addition, this Discharge Permit authorizes the Permittee to discharge Class 1B reclaimed wastewater to an unlined impoundment on the William Jeff Glenn and Lora Nell Glenn Revocable Trust (Glenn Ranch) prior to Glen Ranch irrigating approximately 61 acres of ranchland grazed by cattle (i.e., re-use area). Lastly, this Discharge Permit authorizes the Permittee to discharge Class 1B reclaimed domestic wastewater to an unlined impoundment on the Lambert Property (Milo Richard and Evelyn Lambert) for ornamental purposes and to irrigate grasses on the property. The authorization to discharge reclaimed wastewater to the Glenn Ranch and Lambert Property is contingent upon the continued implementation of up-to-date and signed *Easement Agreements* between the Town of Silver City and the Glenn Ranch and the Town of Silver City and the Lamberts.

This Discharge Permit authorizes the Permittee to discharge treated wastewater that is not reclaimed for re-use purposes to the San Vicente Arroyo through Outfall 001.

[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 20.6.2 NMAC and 20.6.4 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]

Operational Actions with Implementation Deadlines

#	Terms and Conditions
3.	Within 90 days following the issuance date of this Discharge Permit (**by DATE**), the Permittee shall execute a signed Easement Agreement with the with Milo Richard and Evelyn Lambert (collectively the "Lamberts"), owners of the Lambert Property, in order for the Lamberts to receive Class 1B reclaimed wastewater from the Town of Silver City Wastewater Treatment Plant. The Easement Agreement shall at a minimum include provisions requiring the Lamberts to utilize the reclaimed wastewater in a manner consistent with the requirements of this Discharge Permit. [Subsection C of 20.6.2.3109 NMAC]

Operating Conditions

<table>
<tr><th>#</th><th>Terms and Conditions</th></tr>
<tr><td>4.</td><td>The Permittee shall ensure that treated wastewater discharged from the ultraviolet disinfection system does not exceed the following discharge limit.

Total Nitrogen: 10 mg/L

[Subsection C of 20.6.2.3109 NMAC]</td></tr>
<tr><td>5.</td><td>The Permittee shall ensure that Class 1B reclaimed domestic wastewater discharged from the ultraviolet disinfection system to any reuse area does not exceed the following discharge limits.

<table>
<tr><th>Test</th><th>30-day Average</th><th>Maximum</th></tr>
<tr><td>E. coli bacteria</td><td>63 CFU/100 mL</td><td>126 CFU/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>30 mg/L</td><td>45 mg/L</td></tr>
<tr><td>UV Transmissivity</td><td>Monitor Only</td><td>Monitor Only</td></tr>
</table>

[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5(D)]</td></tr>
<tr><td>6.</td><td>The Permittee shall ensure adherence to the following general requirements for above-ground use of reclaimed wastewater for any Class 1B reclaimed domestic wastewater discharge to a reuse area.
a) The Permittee shall install and maintain signs in English and Spanish at all re-use areas such that they are visible and legible for the term of this Discharge Permit. The Permittee shall post signs at the entrance to re-use areas and at other 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 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 wastewater shall not result in excessive ponding of wastewater and shall not exceed the water consumptive needs of the crop. The Permittee shall not discharge reclaimed wastewater at times when the re-use area is saturated or frozen.</td></tr>
</table>

#	Terms and Conditions
	d) The Permittee shall confine the discharge of reclaimed wastewater to the re-use area. e) The Permittee shall not discharge reclaimed wastewater to crops used for human consumption. f) Water supply wells within 200 feet of a re-use area shall have adequate wellhead construction pursuant to 19.27.4 NMAC. g) Existing and accessible portions of the reclaimed wastewater distribution system (with the exception of application equipment such as sprinklers or pivots) shall be colored purple or clearly labeled as being part of a reclaimed 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 distribution 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 1978, § 74-6–5(D)]
7.	The Permittee shall meet the following setback, access restriction, and equipment requirements for spray irrigation using Class 1B reclaimed wastewater at reuse areas. a) The Permittee shall maintain a minimum 100-foot setback between any dwellings or occupied establishments and the edge of the re-use area. b) The Permittee shall postpone irrigation using reclaimed wastewater at times when wind conditions may result in drift of reclaimed wastewater outside the re-use area. c) The Permittee shall apply reclaimed wastewater at times and in a manner that minimizes public contact. d) The Permittee shall 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)]
8.	The Permittee shall continue to utilize a backflow prevention method to protect wells and public water supply systems from contamination by reclaimed wastewater prior to discharging to any of the re-use areas. Backflow prevention shall be achieved by a total disconnect (physical air gap separation between the discharge pipe and the liquid surface

#	Terms and Conditions
	at least twice the diameter of the discharge pipe), or by a reduced pressure principal backflow prevention assembly (RP) installed on the line between the fresh water supply wells or public water supply and the reclaimed wastewater delivery system. The Permittee shall maintain backflow prevention at all times. The Permittee shall have RP devices inspected and tested by a certified backflow prevention assembly tester at the time of installation, repair or relocation and at least on an annual basis thereafter. The backflow prevention assembly tester shall have successfully completed a 40-hour backflow prevention course based on the University of Southern California's Backflow Prevention Standards and Test Procedures, and obtained certification demonstrating completion. The Permittee shall have all malfunctioning RP devices repaired or replaced within 30 days of discovery. The Permittee shall ensure the supply lines associated with the RP device are not utilized until repair or replacement of a malfunctioning RP device has been completed. The Permittee shall maintain copies of inspection and maintenance records and test results for each RP device associated with the backflow prevention program. The documents shall identify the date of the action, the name of the person responsible for the action, any findings, and shall be maintained at a location available for inspection by NMED. [Subsection C of 20.6.2.3109 NMAC]
9.	The Permittee shall maintain fences around the WWTP 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)]
10.	The Permittee shall maintain signs indicating that the wastewater at the Facility is not potable. The Permittee shall post signs at the Facility entrance and other areas where there is potential for public contact with wastewater. The Permittee shall print the signs in English and Spanish and they 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)]
11.	The Permittee shall maintain the Scott Park Golf Course impoundment liners to avoid conditions that could affect the liner or the structural integrity of the impoundments. Characterization of such conditions may include, but is not limited to, the following: • erosion damage;

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	• 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. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
12.	The Permittee shall preserve a minimum of two feet of freeboard, i.e., the liquid level in the impoundments and the elevation of the lowest-most top of the impoundment liner at the Scott Park Golf Course. In the event that the Permittee determines that it cannot preserve two feet of freeboard 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]
13.	The Permittee shall properly manage all solids generated by the treatment system to maintain effective operation of the system by removing solids as necessary and in accordance with associated equipment manufacturer's specifications. The Permittee shall contain, transport and dispose of solids removed from the treatment process in accordance with all local, state, and federal regulations.

#	Terms and Conditions
	[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
14.	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 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
15.	The Permittee shall conduct the monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit and associated Surface Water Discharge work plan. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
16.	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]
17.	Quarterly and monthly monitoring - The Permittee shall perform monitoring and other actions required by this Discharge Permit 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.** The Permittee shall perform monitoring in accordance with the Surface Water Discharge work plan during the following periods and shall submit monthly DMR reports to NMED monthly by the 1st of each month.

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	[Subsection A of 20.6.2.3107 NMAC]

Monitoring Actions with Implementation Deadlines

#	Terms and Conditions
18.	Within 90 days following the issuance date of this Discharge Permit (**by DATE**), the Permittee shall install the following flow meters. a) One totalizing flow meter installed on the discharge line from the treatment system to the Lambert Property to measure the volume of reclaimed domestic wastewater discharged to the pond and irrigation system on the Lambert Property. 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]
19.	The Permittee shall sample reclaimed domestic wastewater for the presence of perfluorinated chemicals (PFCs). Within 180 days of the issuance date of this Discharge Permit (**by DATE**), the Permittee shall collect a single grab sample following the ultraviolet disinfection system. The Permittee shall analyze the sample for the following PFCs: • perfluorohexane sulfonic acid (PFHxS) (CAS 355-46-4) • perfluorooctane sulfonate (PFOS) (CAS 1763-23-1) • perfluorooctanoic acid (PFOA) (CAS 335-67-1) The Permittee shall properly collect, prepare, preserve, transport, and analyze the sample in accordance with ASTM D7979-17, or an equivalent method that uses liquid chromatography and tandem mass spectrometry (LC/MS/MS). The reporting limit shall be low enough to identify whether the combined concentration of the perfluorinated chemicals is less than the Tap Water Screening Level 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 take appropriate measures to avoid cross contamination while collecting and transporting the sample. The selected laboratory should be able to provide guidance that ensures sample integrity. The Permittee shall submit a copy of the laboratory report, including analytical results, the QA/QC summary, and the Chain of Custody to NMED within 30 days of laboratory report receipt.

#	Terms and Conditions
	[Subsection H of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]

Facility Monitoring Conditions

#	Terms and Conditions
20.	The Permittee shall measure the total monthly volume, calculate the daily average volume, and record the daily peak volume of wastewater received by the treatment facility each month using a primary measuring device (equipped with head sensing, totalizing and chart recording/data logging mechanisms) located on the Facility's influent line. 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]
21.	The Permittee shall measure the monthly volume of reclaimed domestic wastewater discharged from the treatment system to the Scott Park Golf Course and Lambert Property. The Permittee shall obtain readings from a totalizing flow meter located on the transfer lines from the Facility on a monthly basis and calculate the monthly and average daily discharge volumes. The Permittee shall submit the 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]
22.	The Permittee shall measure the totalized and average daily volume of wastewater discharged from the Facility to the San Vicente Arroyo through Outfall 001 each month using a primary measuring device (equipped with head sensing, totalizing and chart recording/data logging mechanisms) located on the Facility's outfall discharge line. The Permittee shall submit totalized and average daily discharge 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]
23.	The Permittee shall calculate the volume of reclaimed domestic wastewater discharged from the Facility to the Glenn Ranch (by subtracting the monthly discharge volumes to the golf course, Lambert Property, and the San Vicente Arroyo from the total monthly volume of influent) on a monthly basis. The Permittee shall submit estimated volumes and calculations to NMED in the quarterly monitoring reports.

#	Terms and Conditions
	[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
24.	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 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. 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]
25.	The Permittee shall visually inspect flow meters on a monthly basis 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

#	Terms and Conditions
	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 Class 1B reclaimed domestic wastewater from after the ultraviolet (UV) disinfection system discharged to the reuse areas on a quarterly basis and analyze the samples for: • TKN; • NO_3-N; • TDS; and • Cl. 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 summary and 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]
27.	During any week that the discharge of Class 1B reclaimed domestic wastewater occurs, the Permittee shall perform the following analyses on the wastewater samples collected from after the UV disinfection system using the following sampling method and frequency: • Fecal coliform or E. coli bacteria: grab sample at peak daily flow three times per week; • BOD_5: six-hour composite sample three times per week; • TSS: six-hour composite sample three times per week; and • UV transmissivity values: record whenever collecting bacteria samples. 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 summary and Chain of Custody, and a copy of the log of UV transmissivity values 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)]

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28.	On an annual basis, the Permittee shall collect a 24-hour flow weighted composite sample (except as noted for pH) of Class 1B reclaimed domestic wastewater from after the UV disinfection system 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 ensure the sample is properly collected, prepared, preserved, transported and analyzed 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 monitoring reports due by August 1 of each year. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
29.	On an annual basis, the Permittee shall collect a grab sample of Class 1B reclaimed domestic wastewater from after the UV disinfection system 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) • ethylene dibromide (EDB, CAS 106-93-4) • methylene chloride (CAS 75-09-2)

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	• 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) • ethylbenzene (CAS 100-41-4) • PAHs: total naphthalene (CAS 91-20-3) plus monomethylnaphthalenes • phenols (CAS 108-95-2) • 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 ensure the sample is properly collected, prepared, preserved, transported and analyzed 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 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 monitoring reports due by August 1 of each year. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
30.	The Permittee shall keep a Fertilizer Log (copy enclosed) of all additional nitrogenous fertilizer applied to each re-use area. The Log shall contain the date of fertilizer application, the type (organic or inorganic) and form (granular or liquid), nitrogen concentration (in percent), the amount of fertilizer applied (in pounds per acre), and the amount of nitrogen applied (in pounds per acre) for each location. The Permittee shall

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	submit the log, or a statement that application of fertilizer did not occur, to NMED in the subsequent quarterly monitoring report. [Subsection A of 20.6.2.3107 NMAC]
31.	The Permittee shall submit records of solids disposal, including a copy of all Discharge Monitoring Reports (DMRs) required by the EPA pursuant to 40 C.F.R. 503, for the previous calendar year, to NMED annually in the monitoring report due by August 1 of each year. [Subsection A of 20.6.2.3107 NMAC]

C. SURFACE WATER QUALITY BUREAU WORK PLAN

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32.	Discharges of wastewater by the Permittee through Outfall 001 have been identified as a discharge to a surface water of the state that may affect groundwater and is no longer subject to any of the exemptions of 20.6.2.3105 NMAC. The Permittee shall discharge to Outfall 001 in a manner that does not directly or potentially cause an exceedance of a surface water standard (20.6.4 NMAC) or a groundwater standard (20.6.2.3103 NMAC). The Permittee shall discharge treated domestic wastewater through Outfall 001 into Saint Vincent Arroyo in accordance with the attached Surface Water Discharge work plan. The Permittee and the NMED Surface Water Quality Bureau shall identify the necessary reporting, sampling and monitoring requirements in the workplan. The workplan is an attachment of this permit. [Subsection A of 20.6.2.3107 NMAC]

D. CONTINGENCY PLAN

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33.	In the event that a groundwater standard identified in 20.6.2.3103 NMAC is exceeded as a result of this discharge during the term of this Discharge Permit, upon closure of the Facility or during the implementation of post-closure requirements, the Permittee shall submit a Corrective Action Plan (CAP) to NMED that proposes, at a minimum, contaminant source control measures and an implementation schedule. The Permittee shall implement the CAP as approved by NMED.

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	The NMED may require the Permittee to abate water pollution consistent with the requirements and provisions of 20.6.2.4101 NMAC, 20.6.2.4103 NMAC, Subsections C and E of 20.6.2.4106, 20.6.2.4107 NMAC, 20.6.2.4108 NMAC and 20.6.2.4112 NMAC. [Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]
34.	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 to NMED of the first and second analytical results indicating an exceedance. 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 Corrective Action Plan (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, 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]

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35.	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 E. coli bacteria 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. **AND / OR** 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 E. coli bacteria set by this Discharge Permit (i.e., confirmed exceedance), the Permittee shall implement the Contingency Plan below. <u>Contingency Plan</u> a) Within 24 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 immediately cease discharging reclaimed domestic wastewater to the re-use area if the E. coli bacteria maximum limit is exceeded. 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 and shall correct any abnormalities discovered. The Permittee shall submit a report detailing the corrections made to NMED within 30 days following correction. When the analytical results from samples of reclaimed domestic wastewater, sampled as required by this Discharge Permit, no longer indicate an exceedance of any of the maximum discharge limits, the Permittee may resume discharging reclaimed domestic wastewater to the re-use area. 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 Corrective Action Plan (CAP) for NMED approval. The Permittee shall ensure the CAP includes a schedule for completion of

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	corrective actions and is 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. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
36.	In the event that an inspection reveals significant damage has occurred or is likely to affect the structural integrity of an impoundment or liner or their ability to contain contaminants, the Permittee shall propose the repair or replacement by submitting a Corrective Action Plan (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 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]
37.	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 Corrective Action Plan (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-term CAP includes a schedule for completion of corrective actions. The Permittee shall implement the CAP following NMED approval.

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	[Subsection A of 20.6.2.3107 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 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 providing the information listed above and any pertinent updates. Within 15 days following discovery of the unauthorized discharge, the Permittee shall submit a Corrective Action Plan (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 water pollution in excess of the standards and requirements of 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 20.6.2.4000 through 20.6.2.4115 NMAC.

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	The Permittee shall not construe anything in this condition as relieving them of the obligation to comply with all requirements of 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 Corrective Action Plan (CAP) and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a discharge permit modification to comply with the requirements of with 20.6.2 NMAC. [Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]

E. CLOSURE PLAN

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40.	The Permittee shall perform the following closure measures in the event the Facility, or a component of the Facility, is proposed to be permanently closed. Within 90 days of ceasing to discharge to the treatment system, the Permittee shall complete the following closure measures: a) Plug the line leading to the system so that a discharge can no longer occur. b) Evaporate wastewater in the system components and re-use storage impoundments, or drain and disposed of the wastewater in accordance with all local, state, and federal regulations, or discharge wastewater from the system to the re-use area as authorized by this Discharge Permit. The discharge of accumulated solids (sludge) to the re-use area is prohibited. c) Contain, transport, and dispose of solids removed from the treatment system in accordance with all local, state, and federal regulations, including 40 C.F.R. Part 503. The Permittee shall maintain a record of all solids transported for off-site disposal. Within 180 days of ceasing to discharge to the treatment system (or unit), the Permittee shall complete the following closure measures: a) Remove all lines leading to and from the treatment system, or permanently plug and abandon them in place. b) Remove or demolish all treatment system components, and re-grade the area with suitable fill to blend with surface topography, promote positive drainage and prevent ponding. c) Perforate or remove the storage impoundment liners; fill the impoundments with suitable fill; and re-grade the impoundment sites to blend with surface topography,

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	promote positive drainage and prevent ponding. 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]

F. GENERAL TERMS AND CONDITIONS

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41.	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;
	• 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:
	  ○ the dates, location 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

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	○ 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 the department upon request. [Subsections A and D of 20.6.2.3107 NMAC]
42.	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 reports. The paper and electronic documents shall be submitted to the NMED Permit Contact identified on the Permit cover page. [Subsection A 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 (E)]

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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 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]
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. 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 to -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 NMSA 1978, Sections 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 NMSA 1978, Sections 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 NMSA 1978, Section 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 New Mexico Water Quality Act, or any

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	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 New Mexico Water Quality Act; • 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 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 (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

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	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 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 <u>issuance</u> 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)]