NEW MEXICO
ENVIRONMENT DEPARTMENT
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Draft: July 30, 2021

GROUND WATER QUALITY BUREAU
DISCHARGE PERMIT
Issued under 20.6.2 NMAC

Facility Name:	North Hurley Wastewater Treatment and Disposal Systems
Discharge Permit Number:	DP-1059
Facility Location:	22 Cottonwood Street and 15 Horseshoe Street North Hurley, NM
County:	Grant
Permittee:	Jason Lockett, Facilities Superintendent Grant County
Mailing Address:	1400 Hwy 180 E. Silver City, NM 88061
Facility Contact:	Jason Lockett, Facilities Superintendent
Telephone Number/Email:	(575) 574-0035/jlockett@grantcountynm.gov
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

Justin Ball
Acting Chief, Ground Water Quality Bureau
New Mexico Environment Department

Date

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ATTACHMENTS

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I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this groundwater discharge permit renewal (Discharge Permit or DP-1059) to Grant County (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 monitor the water contaminants discharged from the North Hurley Wastewater Treatment and Disposal Systems (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 produced the discharge(s), the locations of the discharge(s).

The Facility stopped receiving domestic wastewater in February 2014 and closure of Phase 1, Phase 2, and Phase 3 treatment and disposal systems were completed in June 2014. The Facility is in post-closure care and consequently this Discharge Permit is primarily for groundwater monitoring. Prior to closure, the Facility received and treated up to 22,800 gallons per day (gpd) of domestic wastewater using a treatment system consisting of two septic tanks, an equalization tank, two trickling filters in series, and two wetland cells in parallel followed by disposal to a leachfield (Phase 1); a treatment system consisting of a septic tank, two wetland cells in series, a clay lined holding pond followed by disposal to a leachfield (Phase 2); and a treatment system consisting of a septic tank, two wetland cells in parallel, a clay lined holding pond followed by disposal to a leachfield (Phase 3).

Data collected from an on-site monitoring well documents groundwater contamination attributed to one or more sources at this Facility. The on-site monitoring well has exceedances of groundwater quality standards for nitrate-nitrogen (NO_3-N) according to the criteria of Sections 20.6.2.3101 and 20.6.2.3103 NMAC. The Permittee is subject to the requirements of an NMED approved abatement plan at this site pursuant to 20.6.2.4104.A NMAC.

The Facility is located at 22 Cottonwood Street (Phase 1) and 15 Horseshoe Street (Phases 2&3), in North Hurley, in Section 19, Township 18S, Range 12W, in Grant County. The discharge at the

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Facility was most likely to affect groundwater at a depth of approximately 7.5-20 feet and having a pre-discharge total dissolved solids (TDS) concentration of 350 milligrams per liter (mg/L).

NMED issued the original Discharge Permit to the Permittee on November 23, 1992 (Phase 1) and May 10, 1996 (Phase 2), and subsequently modified the Permit on August 1, 1997 (Phases 2&3), renewed and modified the Permit on March 8, 2002, and last renewed the Permit on December 4, 2015. The application (i.e., discharge plan) associated with this Discharge Permit consists of the materials submitted by the Permittee dated March 17, 2021 and materials contained in the administrative record prior to issuance 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.

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
CAP	Corrective Action Plan		NMED	New Mexico Environment Department
CFR	Code of Federal Regulations		NMSA	New Mexico Statutes Annotated
Cl	chloride		NO_3-N	nitrate-nitrogen
EPA	United States Environmental Protection Agency		QA/QC	Quality Assurance/Quality Control
gpd	gallons per day		TDS	total dissolved solids
mg/L	milligrams per liter		TKN	total Kjeldahl nitrogen
mL	milliliters		WQA	New Mexico Water Quality Act
NMAC	New Mexico Administrative Code		WQCC	Water Quality Control Commission

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II. FINDINGS

In issuing this Discharge Permit, NMED finds the following.

1. The Permittee was discharging effluent or leachate from the Facility so that such effluent or leachate may have 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 was discharging 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 was not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

III. AUTHORIZATION

The Permittee is responsible for ensuring that groundwater monitoring authorized by this Discharge Permit is consistent with the terms and conditions herein pursuant to 20.6.2.3104 NMAC.

The Permittee ceased discharging domestic wastewater to the Facility in February 2014 and started discharging to the City of Bayard collection system. The Permittee completed the closure requirements for Phases 1, 2, and 3 as per the Closure Plan requirements of the Discharge Permit, DP-1059, issued in March 8, 2002. This Discharge Permit authorizes the Facility to continue post-closure care and groundwater monitoring.

[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 monitoring of groundwater 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.

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#	Terms and Conditions
	[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]

B. MONITORING AND REPORTING

#	Terms and Conditions
3.	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]
4.	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]
5.	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]

Monitoring Actions with Implementation Deadlines

#	Terms and Conditions
6.	Within 180 days following the issuance date of this Discharge Permit (**by DATE**), the Permittee shall submit a written groundwater monitoring well location proposal for NMED review and approval. The proposal shall designate the installation location of the

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#	Terms and Conditions
	monitoring well required by Condition #7 of this Discharge Permit. The proposal shall include, at a minimum, the following information. a) A map showing the proposed location of the monitoring well in relation to the boundary of the source it is intended to monitor. b) A written description of the specific location proposed for the monitoring well including the distance (in feet) and direction of the monitoring well from the edge of the source it is intended to monitor. Examples include: 35 feet north-northwest of the northern berm of the synthetically lined impoundment; 45 feet due south of the leachfield; and 30 feet southeast of the reuse area 150 degrees from north. c) A statement describing the groundwater flow direction beneath the Facility (Phase 1), and documentation and/or data supporting the determination. The Permittee must have NMED's approval of the monitoring well location prior to their installation. [Subsection A of 20.6.2.3107 NMAC]
7.	Within 1 year of the issuance date of this Discharge Permit (**by DATE**), the Permittee shall install the following new monitoring well. MW-8 (alternatively labeled Phase 1 Monitoring Well #4) located hydrologically upgradient of the closed Phase 1 treatment and disposal system. The Permittee shall complete the well in accordance with the attached Monitoring Well Guidance [or alternative methods submitted for approval]. [Subsection A of 20.6.2.3107 NMAC]
8.	Following the installation of the monitoring well required by this Discharge Permit, the Permittee shall sample groundwater in the well and analyze the samples for total Kjeldahl nitrogen (TKN), NO_3-N, TDS, and chloride (Cl). The Permittee shall perform groundwater sample collection, preservation, transportation, and analysis according to the following procedure. 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.

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#	Terms and Conditions
	Within 45 days of the installation of the monitoring well, the Permittee shall submit a well completion report to NMED. A well completion report shall at a minimum include: the Office of the State Engineer permit, well construction and lithologic logs, depth-to-most-shallow groundwater measurements, analytical results including the laboratory QA/QC summary report, and a layout map of the closed Phase 1 treatment and disposal system showing the location and number of each well. The Permittee shall insure the well completion report addresses each numbered item in the General Drilling and Well Specifications in the Monitoring Well Guidelines. [Subsection A of 20.6.2.3107 NMAC]
9.	Within 30 days following the installation of the monitoring well, the Permittee shall perform a professional survey of all groundwater monitoring wells approved by NMED for Discharge Permit monitoring purposes of the closed Phase 1 treatment and disposal system. The survey shall be tied or referenced to a U.S. Geological Survey (USGS) or other permanent benchmarks. Survey data shall include northing, easting, and elevation to the nearest one-hundredth of a foot or shall be in accordance with the "Minimum Standards for Surveying in New Mexico" (12.8.2 NMAC). The survey shall bear the seal and signature of a licensed New Mexico professional surveyor (pursuant to the New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority). The Permittee shall utilize the survey to establish an elevation at the top-of-casing, with a permanent marking indicating the point of elevation. Depth-to-most-shallow groundwater shall be measured to the nearest one-hundredth of a foot in all surveyed wells and referenced to mean sea level, and the data shall be used to develop a groundwater elevation contour, i.e., potentiometric surface, map showing the location of all monitoring wells and the direction and gradient of groundwater flow in the uppermost aquifer below the Phase 1 treatment and disposal system. The Permittee shall submit the data and groundwater elevation contour map to NMED within 30 days of survey completion. [Subsection A of 20.6.2.3107 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]

Groundwater Monitoring Conditions

#	Terms and Conditions
10.	The Permittee shall perform quarterly groundwater sampling in the following groundwater monitoring wells and analyze the samples for TKN, NO_3-N, TDS, and Cl.

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#	Terms and Conditions
	a) MW-1 (Phase 1 Monitoring Well #1), located hydrologically side gradient of the closed Phase 1 treatment and disposal system. b) MW-2 (Phase 1 Monitoring Well #2), located hydrologically downgradient of the closed Phase 1 treatment and disposal system. c) MW-3 (Phase 1 Monitoring Well #3), located at an alternate location from MW-2 and hydrologically downgradient of the closed Phase 1 treatment and disposal system. d) MW-4 (Phases 2 & 3 Monitoring Well #3), located hydrologically downgradient of the closed Phase 2 and Phase 3 treatment and disposal systems. e) MW-5 (Phase 2 Monitoring Well #2), located hydrologically downgradient of the closed Phase 2 treatment and disposal system. f) MW-6 (Phase 2 Monitoring Well #1), located hydrologically upgradient of the closed Phase 2 treatment and disposal system. g) MW-7 (Phase 3 Monitoring Well #4), located hydrologically downgradient of the closed Phase 3 treatment and disposal system. h) MW-8 (Phase 1 Monitoring Well #4), located hydrologically upgradient of the closed Phase 1 treatment and disposal system. 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. The Permittee shall perform quarterly groundwater sampling in MW-1, MW-4, MW-5, MW-6, and MW-7 until the monitoring wells are properly plugged and abandoned as required by Condition #17. [Subsection A of 20.6.2.3107 NMAC]
11.	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 the most recent depth-to-most-shallow groundwater

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#	Terms and Conditions
	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]
12.	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. Should the Permittee decide to install a pump in a 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]

C. CONTINGENCY PLAN

#	Terms and Conditions
13.	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. Once this groundwater exceedance response condition is invoked whether during the term of this Discharge Permit, this condition shall apply until the Permittee has fulfilled

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#	Terms and Conditions
	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. The 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]
14.	In the event that information available to NMED indicates that a well is not constructed in a manner consistent with the attached Monitoring Well Guidance; contains insufficient water to effectively monitor groundwater quality; or is otherwise not completed in a manner that is protective of groundwater quality, the Permittee shall install a replacement well(s) within 120 days following notification from NMED. The Permittee shall 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 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 the monitoring well requiring replacement upon completion of the replacement monitoring well. The Permittee shall complete the well plugging and abandonment, and shall document the abandonment procedures, in accordance with the Monitoring Well Guidance and all applicable local, state, and federal regulations. The Permittee shall submit 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]
15.	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

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#	Terms and Conditions
	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 attached 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]
16.	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 and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a discharge permit modification to achieve compliance with 20.6.2 NMAC. [Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]

D. CLOSURE PLAN

Closure Actions with Implementation Deadlines

#	Terms and Conditions
17.	Within 1 year following the issuance date of this Discharge Permit (**by DATE**), the Permittee shall properly plug and abandon the following monitoring wells. a) MW-1 (Phase 1 Monitoring Well #1), located hydrologically side gradient of the closed Phase 1 treatment and disposal system. b) MW-4 (Phases 2 & 3 Monitoring Well #3), located hydrologically downgradient of the closed Phase 2 and Phase 3 treatment and disposal systems. c) MW-5 (Phase 2 Monitoring Well #2), located hydrologically downgradient of the closed Phase 2 treatment and disposal system. d) MW-6 (Phase 2 Monitoring Well #1), located hydrologically upgradient of the closed Phase 2 treatment and disposal system. e) MW-7 (Phase 3 Monitoring Well #4), located hydrologically downgradient of the closed Phase 3 treatment and disposal system. The Permittee shall abandon the monitoring wells in accordance with the attached Monitoring Well Guidance, and all applicable local, state, and federal regulations, including 19.27.4 NMAC.

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#	Terms and Conditions
	The Permittee shall submit documentation describing the well abandonment procedures in accordance with the above-mentioned Guidelines. The Permittee shall submit the well abandonment documentation including date stamped photographic evidence to NMED within 60 days of completion of well plugging activities. [Subsection A of 20.6.2.3107 NMAC, 19.27.4 NMAC]

Permanent Facility Closure Conditions

#	Terms and Conditions
18.	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. Following notification from NMED that the Permittee may cease post-closure monitoring, the Permittee shall plug and abandon the monitoring wells in accordance with the attached Monitoring Well Guidance. When the Permittee has met all 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]

E. GENERAL TERMS AND CONDITIONS

#	Terms and Conditions
19.	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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#	Terms and Conditions
	• Copies of logs, inspection reports, and monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit; • Groundwater 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 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: o the dates, locations, and times of sampling or field measurements; o the name and job title of the individuals who performed each sample collection or field measurement; o the sample analysis date of each sample; o the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis; o the analytical technique or method used to analyze each sample or collect each field measurement; o the results of each analysis or field measurement, including raw data; o the results of any split, spiked, duplicate, or repeat sample; and o a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. The Permittee shall maintain the written record at a location accessible to NMED during a Facility inspection for 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]
20.	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 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]
21.	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.

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#	Terms and Conditions
	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]
22.	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]
23.	PLANS and SPECIFICATIONS - In the event the Permittee proposes to construct a wastewater treatment system, 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. [Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]
24.	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]

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#	Terms and Conditions
25.	CRIMINAL PENALTIES - No person shall: • Make any false material statement, representation, certification, or omission of material fact in an application, record, report, plan, or other document filed, submitted, or maintained under the WQA; • Falsify, tamper with, or render inaccurate any monitoring device, method, or record maintained under the WQA; or • Fail to monitor, sample, or report as required by a permit issued pursuant to a state or federal law or regulation. Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this 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]
26.	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]
27.	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]
28.	TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this Facility or any portion thereof, the Permittee shall:

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#	Terms and Conditions
	• 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]
29.	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 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 North Hurley Wastewater Treatment and Disposal Systems
Discharge Permit Number DP-1059

Legally Responsible Party
Jason Lockett, Facilities Superintendent
Grant County
1400 Hwy 180 E.
Silver City, NM 88061
(575) 574-0035

Treatment, Disposal and Site Information

Facility Type
The Permittee stopped discharging wastewater to the Facility in February 2014.
The Permittee properly closed the wastewater treatment and disposal systems in June 2014.

Ground Water Monitoring Locations

Type	Designation	Description & Comments
Monitoring Well	MW-1	Phase 1 Monitoring Well #1, located side gradient of the closed Phase 1 treatment and disposal system. The Permittee is authorized to plug and abandon this monitoring well.
Monitoring Well	MW-2	Phase 1 Monitoring Well #2, located downgradient of the closed Phase 1 treatment and disposal system.
Monitoring Well	MW-3	Phase 1 Monitoring Well #3, located downgradient of the closed Phase 1 treatment and disposal system.
Monitoring Well	MW-4	Phase 2/3 Monitoring Well #3, located downgradient of the closed Phase 2 and Phase 3 treatment and disposal systems. The Permittee is authorized to plug and abandon this monitoring well.
Monitoring Well	MW-5	Phase 2 Monitoring Well #2, located downgradient of the closed Phase 2 treatment and disposal system. The Permittee is authorized to plug and abandon this monitoring well.
Monitoring Well	MW-6	Phase 2 Monitoring Well #1, located upgradient of the closed Phase 2 treatment and disposal system. The Permittee is authorized to plug and abandon this monitoring well.
Monitoring Well	MW-7	Phase 3 Monitoring Well #4, located downgradient of the closed Phase 3 treatment and disposal system. The Permittee is authorized to plug and abandon this monitoring well.
Monitoring Well	MW-8	Phase 1 Monitoring Well #4, to be located upgradient of the closed Phase 1 treatment and disposal system.

Depth-to-Ground Water 7.5 to 20 feet
Total Dissolved Solids (TDS) 350 mg/L

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Permit Information

Original Permit Issued	November 23, 1992 (Phase 1) May 10, 1996 (Phase 2)
Permit Renewal and Modification	August 1, 1997
Permit Renewal and Modification	March 8, 2002
Permit Renewal	December 4, 2015
Current Action	**Permit Renewal**
Application Received	March 17, 2021
Public Notice Published	[not yet published]
Permit Issued (Effective Date)	[effective date]

NMED Contact Information

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