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*Draft September 14, 2021*

**GROUND WATER QUALITY BUREAU**  
**DISCHARGE PERMIT**  
**Issued under 20.6.2 NMAC**

**Facility Name:** Pueblo de Luna Mobile Home Park  
**Discharge Permit Number:** DP-81  
**Facility Location:** 5590 Columbus Road SW  
Deming, NM

**County:** Luna

**Permittee:** Bridgett Johnson, Owner  
**Mailing Address:** P.O. Box 1482  
Mesilla Park, NM 88047

**Facility Contact:** Bridgett Johnson, Owner  
**Telephone Number/Email:** 575-496-4139 / johnsonbric@gmail.com

**Permitting Action:** Renewal

**Permit Issuance Date:** DATE  
**Permit Expiration Date:** DATE

**NMED Permit Contact:** Aracely Tellez, Technical Reviewer  
**Telephone Number/Email:** 505-629-8864 / Aracely.Tellez@state.nm.us

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**JUSTIN BALL**  
Acting Chief, Ground Water Quality Bureau

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**ATTACHMENTS**

- Discharge Permit Summary
- New Mexico Environment Department Ground Water Quality Bureau Monitoring Well Construction and Abandonment Guidelines, Revision 1.1, March 2011 (Monitoring Well Guidance)
- 20.7.3 NMAC Liquid Waste Disposal and Treatment

## I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this groundwater discharge permit Renewal (Discharge Permit or DP-81) to Bridgett Johnson, Owner (Permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Ground and Surface Water Protection Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from Pueblo de Luna Mobile Home Park (MHP or Facility) in order to protect groundwater and those segments of surface water gaining from groundwater inflow for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health. It is NMED's determination in issuing this Discharge Permit that the Permittee has met the requirements of Subsection C of 20.6.2.3109 NMAC. The Permittee is responsible for complying with the terms and conditions of this Discharge Permit pursuant to Section 20.6.2.3104 NMAC; failure to do so may result in enforcement action by NMED (20.6.2.1220 NMAC).

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

A three septic tank/leachfield wastewater treatment system receives and treats at a volume of up to 9,000 gallons per day (gpd). The storage capacity of each septic tank is approximately 4,000 gallons. Treated wastewater from each septic tank discharges to two leachfields. Each of the six leachfields covers an area of 100 ft x 60 ft.

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

The Facility is located at 5590 Columbus Hwy, approximately 4.5 miles south of Deming, in Section 22, Township 24S, Range 09W, in Luna County. A discharge at the Facility is most likely to affect groundwater at a depth of approximately 150 feet and having a pre-discharge total dissolved solids (TDS) concentration of approximately 250 milligrams per liter.

NMED issued the original Discharge Permit to the Permittee on September 25, 1979, and subsequently renewed the Permit on December 17, 1984; October 6, 1989; February 14, 1995; December 19, 2001; and January 12, 2015. The application (i.e., discharge plan) associated with this Discharge Permit consists of the materials submitted by the Permittee dated November 19, 2020, and materials contained in the administrative record prior to issuance of this Discharge Permit.

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

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

NMED issuance of this Discharge Permit does not relieve the Permittee of the responsibility to comply with the WQA, WQCC Regulations, and any other applicable federal, state and/or local laws and regulations, such as zoning requirements and nuisance ordinances.

This Discharge Permit may use the following acronyms and abbreviations.

Abbreviation	Explanation	Abbreviation	Explanation
BOD <sub>5</sub>	biochemical oxygen demand (5-day)	NMED	New Mexico Environment Department
CAP	Corrective Action Plan	NMSA	New Mexico Statutes Annotated
CFR	Code of Federal Regulations	NO <sub>3</sub> -N	nitrate-nitrogen
CFU	colony forming unit	NTU	nephelometric turbidity units
Cl	chloride	QA/QC	Quality Assurance/Quality Control
EPA	United States Environmental Protection Agency	TDS	total dissolved solids
gpd	gallons per day	TKN	total Kjeldahl nitrogen
LAA	land application area	total nitrogen	= TKN + NO <sub>3</sub> -N
LADS	Land Application Data Sheet(s)	TRC	total residual chlorine
mg/L	milligrams per liter	TSS	total suspended solids
mL	milliliters	WQA	New Mexico Water Quality Act
MPN	most probable number	WQCC	Water Quality Control Commission
NMAC	New Mexico Administrative Code	WWTF	Wastewater Treatment Facility

## 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 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 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 9,000 gpd of domestic wastewater using three septic tanks and six leachfields.

[20.6.2.3104 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection D of 20.6.2.3109 NMAC]

## IV. CONDITIONS

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

### A. OPERATIONAL PLAN

#	Terms and Conditions
1.	The Permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 2 and 4 NMAC.  [Subsection C of 20.6.2.3109 NMAC]

#	Terms and Conditions
2.	<p>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.</p> <p>[20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

***Operational Actions with Implementation Deadlines***

#	Terms and Conditions
3.	<p>Within 90 days of the effective date of this Discharge Permit (<b>by DATE</b>), the permittee shall submit to NMED for its approval an evaluation of the entire wastewater disposal system using criteria in the Liquid Waste Disposal and Treatment Regulations, 20.7.3 NMAC (attached), with recommended corrective actions. The Corrective Action Plan (CAP) shall, at a minimum, include the following:</p> <ul style="list-style-type: none"> <li>• A description of any immediate repairs made to address any failing system(s).</li> <li>• Plans and specifications, certified by a licensed New Mexico professional engineer, to address/replace any failing system(s) or components.</li> <li>• A schedule for implementation through completion not to exceed 12 months from the effective date of this Discharge Permit. The schedule shall include all proposed corrective actions activities and the date that each corrective action will be completed.</li> </ul> <p>Within 30 days of the date of postal notice of NMED’s approval of the CAP, the permittee shall initiate implementation of the plan.</p> <p>[20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>
4.	<p>Prior to discharging to any improved septic tank/leachfield system, the Permittee shall complete construction in accordance with the final construction plans and specifications required by this Discharge Permit. The Permittee shall notify NMED at least five working days prior to commencement of construction to allow NMED personnel to be onsite for inspection.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, Subsection C of 20.6.2.3109 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
5.	<p>Within 90 days following completion of any additions or changes to the facility which affects the below items, the Permittee shall submit an up-to-date diagram of the layout of the entire Facility to NMED. The diagram shall include the following elements:</p>

#	Terms and Conditions
	<ul style="list-style-type: none"> <li>• the issuance date of the diagram;</li> <li>• a north arrow;</li> <li>• the property boundary;</li> <li>• all buildings, structures, and trailer spaces;</li> <li>• location of the supply well;</li> <li>• all components of the wastewater treatment and disposal system;</li> <li>• all groundwater monitoring wells;</li> <li>• all backflow prevention methods/devices;</li> <li>• all flow measurement devices; and</li> <li>• all wastewater sampling locations.</li> </ul> <p>The Permittee shall ensure that any element that cannot be directly shown due to its location inside of existing structures, or because it is buried without surface identification, shall be on the diagram in a schematic format and identified as such.</p> <p>[Subsection C of 20.6.2.3106 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>

**Operating Conditions**

#	Terms and Conditions
6.	<p>The permittee shall maintain access to each septic tank. The access openings shall be located above the inlet and outlet piping of the septic tank to facilitate inspection of the tank's interior, repair of the internal piping and removal of sludge and scum. The access openings shall be maintained above the ground surface or as approved by NMED. The access openings shall have a secured lid to deter unauthorized access, but the lid shall remain above ground, unconcealed by dirt or pavement. A secure lid shall consist of one of the following: a padlock; a twist lock cover requiring special tools for removal; a cover weighing 58 pounds or more, net weight; or a stainless steel hinge and hasp mechanism.</p> <p>[20.6.2.3107 NMAC]</p>
7.	<p>The Permittee shall visually inspect the area above the leachfields (disposal system) semi-annually to ensure proper maintenance. The Permittee shall correct any conditions that indicate damage to the disposal system. The Permittee shall ensure conditions corrected include erosion damage, animal activity/damage, woody shrubs, evidence of seepage, or any other condition indicating damage.</p>

#	Terms and Conditions
	<p>The Permittee shall keep a log of the inspections that includes a date of the inspection, any findings and repairs, and the name of the inspector. The Permittee shall make the log available to NMED upon request.</p> <p>In the event of a failure of the disposal system, the Permittee shall implement the Contingency Plan set forth in this Discharge Permit.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
8.	<p>The Permittee shall inspect the septic tanks semi-annually for the accumulation of scum and solids. In the event that the scum layer exceeds three inches or the settled solids occupy 30% or more of the tank volume, the contents of the tanks shall be pumped by a septage pumper meeting the qualification requirements identified in Subsection D of 20.7.3.904 NMAC, Liquid Waste Disposal and Treatment Regulations.</p> <p>The Permittee shall create and maintain a log of all septic tank inspections which describes the findings, repairs, and removals, the date of the inspection, and the name of the person responsible for the inspection. The Permittee shall make the log available to NMED upon request.</p> <p>The Permittee shall maintain a record of solids removal and disposal, including the name of the septage hauler, date of off-site shipment, volume of solids removed, disposal method, and disposal location.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

**B. MONITORING AND REPORTING**

#	Terms and Conditions
9.	<p>The Permittee shall conduct the monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
10.	<p><b>METHODOLOGY</b> – 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.</p> <p>[Subsection B of 20.6.2.3107 NMAC]</p>



**Due Dates for Monitoring Reports**

11.	<p>Semi-annual monitoring - The Permittee shall perform monitoring and other Permit required actions during the following periods and shall submit semi-annual reports to NMED by the following due dates:</p> <ul style="list-style-type: none"> <li>• January 1<sup>st</sup> through June 30<sup>th</sup> – <b>due by August 1<sup>st</sup></b>; and</li> <li>• July 1<sup>st</sup> through December 31<sup>st</sup> – <b>due by February 1<sup>st</sup></b>.</li> </ul> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
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**Monitoring Actions with Implementation Deadlines**

#	Terms and Conditions
12.	<p>If the Permittee constructs MW-1R as required by Condition #20 of the Contingency Plan, the Permittee shall submit a written groundwater monitoring well location proposal for NMED review and approval within 150 days following the issuance date of this Discharge Permit (<b>by DATE</b>). The proposal shall designate the installation location of the monitoring well required by Condition #13 of this Discharge Permit. The proposal shall include, at a minimum, the following information.</p> <ol style="list-style-type: none"> <li>a) A map showing the proposed location of the monitoring well in relation to the boundary of the source it is intended to monitor.</li> <li>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.</li> <li>c) A statement describing the groundwater flow direction beneath the Facility, and documentation and/or data supporting the determination.</li> </ol> <p>The Permittee must have NMED’s approval of all monitoring well locations prior to their installation.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
13.	<p>If the Permittee constructs MW-1R as required by Condition #20 of the Contingency Plan, the Permittee shall install the following new monitoring well within 180 days of the issuance date of this Discharge Permit (<b>by DATE</b>).</p> <ol style="list-style-type: none"> <li>a) One monitoring well (MW-1R), located south of South Septic Tank, intended to be located 20 to 50 feet hydrologically downgradient of the three septic tank/leachfield systems.</li> </ol>

#	Terms and Conditions
	<p>The Permittee shall complete the well in accordance with the attached Monitoring Well Guidance.</p> <p>Unless otherwise noted in this Discharge Permit, the requirement to install a monitoring well downgradient of a source is <u>not</u> contingent upon construction of the Facility, or discharge of wastewater from the Facility.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
14.	<p>If the Permittee constructs MW-1R as required by Condition #20 of the Contingency Plan, following the installation of the monitoring well required by this Discharge Permit, the Permittee shall sample groundwater in the wells and analyze the samples for TKN, NO<sub>3</sub>-N, TDS and Cl.</p> <p>The Permittee shall perform groundwater sample collection, preservation, transport and analysis according to the following procedure.</p> <ol style="list-style-type: none"> <li>a) Measure the depth-to-most-shallow groundwater from the top of the well casing to the nearest one-hundredth of a foot.</li> <li>b) Purge three well volumes of water from the well prior to sample collection.</li> <li>c) Obtain samples from the well for analysis.</li> <li>d) Properly prepare, preserve and transport samples.</li> <li>e) Analyze samples in accordance with the methods authorized in this Discharge Permit.</li> </ol> <p>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 facility layout map 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.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

**Groundwater Monitoring Conditions**

#	Terms and Conditions
15.	<p>If the Permittee constructs MW-1R as required by Condition #20 of the Contingency Plan, the Permittee shall perform semi-annual groundwater sampling in the following groundwater monitoring wells and analyze the samples for TKN, NO<sub>3</sub>-N, TDS and Cl.</p>

#	Terms and Conditions
	<p>a) MW-1R, located south of South Septic Tank, intended to be located 20 to 50 feet hydrologically downgradient of the three septic tank/leachfield systems</p> <p>The Permittee shall perform groundwater sample collection, preservation, transport and analysis according to the following procedures.</p> <p>a) Measure the depth-to-most-shallow groundwater from the top of the well casing to the nearest one-hundredth of a foot.</p> <p>b) Purge three well volumes of water from the well prior to sample collection.</p> <p>c) Obtain samples from the well for analysis.</p> <p>d) Properly prepare, preserve and transport samples.</p> <p>e) Analyze samples in accordance with the methods authorized in this Discharge Permit.</p> <p>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 to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
16.	<p>If the Permittee constructs MW-1R as required by Condition #20 of the Contingency Plan, 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.</p> <p>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.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>

**Facility Monitoring Conditions**

#	Terms and Conditions
17.	<p>The Permittee shall on a monthly basis estimate the volume of wastewater received by the wastewater treatment system by recording meter readings for the Facility's water supply on a monthly basis and calculating the monthly and average daily usage volumes.</p>

#	Terms and Conditions
	<p>To determine the discharge volume, the Permittee shall use the estimated monthly influent volume* (based upon meter readings) to calculate the average daily volume by the formula below.</p> <p style="text-align: center;">estimated monthly volume ÷ number of days in the month = average daily volume</p> <p>Each month, the Permittee shall make note of any significant uses of the water (e.g., irrigation, evaporative cooling or leaks) that do not contribute to the volume of wastewater received.</p> <p>The Permittee shall submit the monthly meter readings, estimated monthly and average daily influent volumes, and notes and estimated volume of significant uses to NMED in the semi-annual monitoring reports.</p> <p>*Should more than one flow meter exist for the Facility's water supply, the Permittee shall calculate the estimated monthly volume for the Facility by adding the estimated monthly volume for each meter. This summation should be completed prior to calculating the average daily volume for the Facility.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
18.	<p>The Permittee shall submit all records of solids and grease removal and disposal to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
19.	<p>The permittee shall collect wastewater samples on an annual basis and analyze for TKN, NO<sub>3</sub>-N, TDS and Cl. Wastewater samples shall be collected from one of the three septic tanks each year, rotating tanks each year. Analytical results shall be submitted to NMED in the semi-annual monitoring report due by February 1.</p> <p>[20.6.2.3107 NMAC]</p>

**D. CONTINGENCY PLAN**

#	Terms and Conditions
20.	<p>If the Permittee does not complete the requirements in Condition #3 within 90 days of the effective date of this Discharge Permit (<b>by DATE</b>) the Permittee shall install and sample a replacement well (MW-1R) per Conditions #12-14.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

#	Terms and Conditions
21.	<p>In the event that the Permittee identifies failure of any leachfield, such as surfacing wastewater, the Permittee shall implement the following Contingency Plan.</p> <ul style="list-style-type: none"><li>a) Within 24 hours following the discovered failure, the Permittee shall:<ul style="list-style-type: none"><li>i) Notify NMED of the failure in accordance with the notification requirements described in the Contingency Plan for unauthorized discharges; and</li><li>ii) Restrict public access to the area.</li></ul></li><li>b) The Permittee shall conduct a physical inspection of the treatment and disposal system to identify additional potential failures and record them in the inspection log.</li><li>c) The Permittee shall propose actions to address the failure and methods of correction by submitting a Corrective Action Plan (CAP) to NMED for approval within 15 days following the discovered failure. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions. The Permittee shall initiate implementation of the CAP following NMED approval.</li></ul> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
22.	<p>In the event that a release occurs that is not authorized under this Discharge Permit (commonly known as a “spill”), the Permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below.</p> <p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the Permittee shall verbally notify NMED and provide the following information.</p> <ul style="list-style-type: none"><li>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.</li><li>b) The name and address of the Facility.</li><li>c) The date, time, location, and duration of the unauthorized discharge.</li><li>d) The source and cause of unauthorized discharge.</li><li>e) A description of the unauthorized discharge, including its estimated chemical composition.</li><li>f) The estimated volume of the unauthorized discharge.</li><li>g) Any actions taken to mitigate immediate damage from the unauthorized discharge.</li></ul> <p>Within <u>one week</u> following discovery of the unauthorized discharge, the Permittee shall submit written notification to NMED providing the information listed above and any pertinent updates.</p> <p>Within <u>15 days</u> 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.</p>

#	Terms and Conditions
	<p>a) A description of proposed actions to mitigate damage from the unauthorized discharge.</p> <p>b) A description of proposed actions to prevent future unauthorized discharges of this nature.</p> <p>c) A schedule for completion of proposed actions.</p> <p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, NMED may require the Permittee to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p> <p>The Permittee shall not construe anything in this condition as relieving them of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC.</p> <p>[20.6.2.1203 NMAC]</p>
23.	<p>In the event that NMED or the Permittee identifies any failures of the discharge plan, 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.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>

**E. CLOSURE PLAN**

***Closure Actions with Implementation Deadlines***

#	Terms and Conditions
24.	<p>Within 120 days following the issuance date of this Discharge Permit (<b>by DATE</b>), the Permittee shall properly plug and abandon the following monitoring well.</p> <p>a) MW-1, located south of South Septic Tank, intended to be located 20 to 50 feet hydrologically downgradient of the three septic tank/leachfield systems</p> <p>The Permittee shall abandon monitoring wells in accordance with the attachment titled <i>New Mexico Environment Department Ground Water Quality Bureau Monitoring Well</i></p>

#	Terms and Conditions
	<p><i>Construction and Abandonment Guidelines</i>, Revision 1.1, March 2011, and all applicable local, state, and federal regulations, including 19.27.4 NMAC.</p> <p>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 to NMED within 60 days of completion of well plugging activities.</p> <p>[Subsection A of 20.6.2.3107 NMAC, 19.27.4 NMAC]</p>

**Permanent Facility Closure Conditions**

#	Terms and Conditions
25.	<p>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, and upon ceasing discharge.</p> <p>Within <u>90 days</u> of ceasing discharge to the septic tank leachfield system(s) (or closed system components), the Permittee shall complete the following closure measures:</p> <ul style="list-style-type: none"> <li>a) Plug all lines leading to and from the closed system(s) so that a discharge can no longer occur.</li> <li>b) Wastewater, septage, and grease interceptor waste shall be pumped from the system components (e.g., septic tanks, grease trap/interceptors, lift stations, dosing chambers, distribution boxes) and it shall be contained, transported, and disposed of in accordance with all local, state, and federal regulations, including 40 CFR Part 503. The Permittee shall maintain a record of all wastes transported for off-site disposal.</li> </ul> <p>Within <u>180 days</u> of ceasing discharge to the septic tank leachfield system(s) (or closed system components), the Permittee shall complete the following closure measures:</p> <ul style="list-style-type: none"> <li>a) Remove all lines leading to and from the closed system(s) or permanently plug them and abandon them in place.</li> <li>b) Remove or demolish all closed septic tanks, grease trap/interceptors, lift stations, dosing chambers, distribution boxes or other system(s) components (with the exception of leachfields) and re-grade the area with suitable fill to blend with surface topography to promote positive drainage and prevent ponding.</li> </ul> <p>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</p>

#	Terms and Conditions
	<p>exceed the standards of Section 20.6.2.3103 NMAC. This period is referred to as “post-closure.”</p> <p>If at any time monitoring results show an exceedance of a groundwater quality standard in Section 20.6.2.3103 NMAC or the total nitrogen concentration is greater than 10 mg/L in groundwater, the Permittee shall implement the Contingency Plan required by this Discharge Permit.</p> <p>Following notification from NMED that the Permittee may cease post-closure monitoring, the Permittee shall plug and abandon the monitoring well(s) in accordance with the attached Monitoring Well Guidance.</p> <p>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.</p> <p>[Subsection A of 20.6.2.3107 NMAC, 40 CFR Part 503</p>

**F. GENERAL TERMS AND CONDITIONS**

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26.	<p><b>RECORD KEEPING</b> - The Permittee shall maintain a written record of the following:</p> <ul style="list-style-type: none"> <li>• Information and data used to complete the application for this Discharge Permit;</li> <li>• Information, data, and documents demonstrating completion of closure activities;</li> <li>• Any releases (commonly known as “spills”) not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC;</li> <li>• The operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater;</li> <li>• 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;</li> <li>• Copies of logs, inspection reports, and monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit;</li> <li>• The volume of wastewater or other wastes discharged pursuant to this Discharge Permit;</li> <li>• Groundwater quality and wastewater quality data collected pursuant to this Discharge Permit;</li> </ul>



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	<ul style="list-style-type: none"> <li>• Copies of construction records (well log) for all sampled groundwater monitoring wells pursuant to this Discharge Permit;</li> <li>• The maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and</li> <li>• Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including:                         <ul style="list-style-type: none"> <li>○ the dates, location and times of sampling or field measurements;</li> <li>○ the name and job title of the individuals who performed each sample collection or field measurement;</li> <li>○ the sample analysis date of each sample</li> <li>○ the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis;</li> <li>○ the analytical technique or method used to analyze each sample or collect each field measurement;</li> <li>○ the results of each analysis or field measurement, including raw data;</li> <li>○ the results of any split, spiked, duplicate or repeat sample; and</li> <li>○ a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used.</li> </ul> </li> </ul> <p>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.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>
27.	<p>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.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
28.	<p>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.</p> <p>The Permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling or monitoring during an inspection</p>

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	<p>for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations.</p> <p>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.</p> <p>[Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>
29.	<p>DUTY to PROVIDE INFORMATION - The Permittee shall, upon NMED's request, allow for NMED's inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.</p> <p>[Subsection D of 20.6.2.3107 NMAC]</p>
30.	<p>MODIFICATIONS and/or AMENDMENTS – In the event the Permittee proposes a change to the Facility or the Facility's discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated or discharged by the Facility, the Permittee shall notify NMED prior to implementing such changes. The Permittee shall obtain NMED's approval (which may require modification of this Discharge Permit) prior to implementing such changes.</p> <p>[Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]</p>
31.	<p>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.</p> <p>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.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
32.	<p>CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the</p>

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	<p>Permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the Permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]</p>
33.	<p><b>CRIMINAL PENALTIES – No person shall:</b></p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• Falsify, tamper with or render inaccurate any monitoring device, method or record maintained under the WQA; or</li> <li>• Fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation.</li> </ul> <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>

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34.	<p>COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the Permittee of the obligation to comply with any other applicable federal, state, and/or local laws, regulations, zoning requirements, nuisance ordinances, permits or orders.</p> <p>[NMSA 1978, § 74-6-5.L]</p>
35.	<p>RIGHT to APPEAL - The Permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues 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.</p> <p>[20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]</p>
36.	<p>TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this Facility or any portion thereof, the Permittee shall:</p> <ul style="list-style-type: none"><li>• Notify the proposed transferee in writing of the existence of this Discharge Permit;</li><li>• Include a copy of this Discharge Permit with the notice; and</li><li>• Deliver or send by certified mail to NMED a copy of the notification and proof that the proposed transferee has received such notification.</li></ul> <p>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.</p> <p>[20.6.2.3111 NMAC]</p>
37.	<p>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.</p> <p>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</p>

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	<p>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.</p> <p>[Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]</p>

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