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GROUND WATER QUALITY BUREAU
DISCHARGE PERMIT
Issued under 20.6.2 NMAC

Facility Name:	Fleming Liquid Waste Disposal Site
Discharge Permit Number:	DP-965
Facility Location:	North of Otero-Greentree Regional Landfill along US Highway 54, approximately 22.5 miles south of Alamogordo, NM
County:	Otero
Permittee:	Precision Septic and Pumping
Mailing Address:	PO Box 1272 La Luz, NM 88337
Facility Contact:	Danielle Fleming, Co-Owner Precision Septic and Pumping
Telephone Number/Email:	575-434-5158 / precisionsepticandpumping@gmail.com
Permitting Action:	Renewal and Modification
Permit Issuance Date:	DATE
Permit Expiration Date:	DATE
NMED Permit Contact:	Ron Sholdt, Geoscientist
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JUSTIN BALL
Acting Chief, Ground Water Quality Bureau

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I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this groundwater discharge permit Renewal and Modification (Discharge Permit or DP-965) to Precision Septic and Pumping (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 Fleming Liquid Waste Disposal Site (Facility) in order to protect groundwater and those segments of surface water gaining from groundwater inflow for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health. It is NMED's determination in issuing this Discharge Permit that the Permittee has met the requirements of Subsection C of 20.6.2.3109 NMAC. The Permittee is responsible for complying with the terms and conditions of this Discharge Permit pursuant to Section 20.6.2.3104 NMAC; failure to do so may result in enforcement action by NMED (20.6.2.1220 NMAC).

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

The Permittee receives up to 2,000 gallons per day (gpd) of food-related grease trap waste which is dewatered using an aqueous/non-aqueous waste separation system. The Permittee discharges the post-filtration aqueous portion of grease trap waste to two separate cells within the 15-acre surface disposal area. The non-aqueous portion of grease trap waste is removed from the sand filtration system and transported offsite for disposal in accordance with all local, state, and federal regulations. The Discharge Permit modification consists of the Facility receiving up to 1,200 gpd of septage from domestic septic tanks and discharging it to four separate cells within the 15-acre surface disposal area.

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 along US Highway 54, approximately 22.5 miles south of Alamogordo, NM, in Section 16, Township 20S, Range 09E, in Otero County. A discharge at the Facility is most likely to affect groundwater at a depth of approximately 215 feet which had a pre-discharge total dissolved solids (TDS) concentration of approximately 5,100 milligrams per liter. NMED issued the original Discharge Permit to the Permittee on December 13, 1994, and subsequently renewed the Permit on December 10, 1999, April 15, 2005, and February 16, 2015. The application (i.e., discharge plan) associated with this Discharge Permit consists of the materials submitted by

Danielle Fleming on behalf of the Permittee dated December 16, 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_5	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_3-N	nitrate-nitrogen
CFU	colony forming unit		NTU	nephelometric turbidity units
Cl	chloride		QA/QC	Quality Assurance/Quality Control
EPA	United States Environmental Protection Agency		TDS	total dissolved solids
gpd	gallons per day		TKN	total Kjeldahl nitrogen
LAA	land application area		total nitrogen	= TKN + NO_3-N
LADS	Land Application Data Sheet(s)		TRC	total residual chlorine
mg/L	milligrams per liter		TSS	total suspended solids
mL	milliliters		WQA	New Mexico Water Quality Act
MPN	most probable number		WQCC	Water Quality Control Commission
NMAC	New Mexico Administrative Code		WWTF	Wastewater Treatment Facility

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.

- Grease Trap Waste – This Discharge Permit authorizes the Permittee to receive and discharge up to 2,000 gpd of the aqueous portion of grease trap waste to two surface disposal cells with a total area of approximately 2 acres. The Permittee is authorized to use an onsite grease trap waste aqueous/non-aqueous separation system to separate the aqueous portion of grease trap waste prior to discharge. The non-aqueous portion of grease trap waste must be removed from the sand filtration system and transported offsite for disposal in accordance with all local, state, and federal regulations.

- Grease Trap Waste – During the construction of the aqueous/non-aqueous separation system, the Permittee is temporarily authorized to discharge up to 2,000 gpd of non-dewatered food-related grease trap waste to two surface disposal cells with a total area of approximately 2 acres.

- Domestic Septage – This Discharge Permit authorizes the Permittee to receive and discharge up to 1,200 gpd of domestic septage to four surface disposal cells with a total area of approximately 9 acres.

The Permittee may not receive or dispose of any other waste types at the Facility.

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

IV. CONDITIONS

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

A. OPERATIONAL PLAN

#	Terms and Conditions
1.	The Permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 2 and 4 NMAC. [Subsection C of 20.6.2.3109 NMAC]
2.	The Permittee shall operate in a manner that does not violate standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC. [20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]

Operational Actions with Implementation Deadlines

#	Terms and Conditions
3.	Within 60 days following the effective date of this Discharge Permit (by **DATE**), the Permittee shall complete construction of the grease trap waste aqueous/non-aqueous separation system. [Subsections A and C of 20.6.2.1202 NMAC, Subsection C of 20.6.2.3109 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]
4.	Prior to discharging septage to surface disposal cells, 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: • a north arrow; • the issuance date of the diagram; • all components of the disposal system; • all groundwater monitoring wells; • all wastewater sampling locations. 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.

#	Terms and Conditions
	[Subsection C of 20.6.2.3106 NMAC, Subsection A of 20.6.2.3107 NMAC]
5.	Prior to discharging septage to surface disposal cells, the Permittee shall install 18 to 24-inch berms around each individual cell to prevent surface water run-on and run-off. Documentation of berm installation shall consist of a narrative statement describing the berm locations and date-stamped photographs. The Permittee shall submit the documentation to NMED in the next required periodic monitoring report. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]

Operating Conditions

#	Terms and Conditions
6.	The Permittee shall discharge only the aqueous portion of grease trap waste that the Permittee has processed to achieve at least 90% separation of grease, oil, and solids from the aqueous portion. The Permittee shall apply the aqueous portion of the grease trap waste to two dedicated disposal cells totaling approximately 2 acres. The Permittee shall incorporate the aqueous waste into the soil by disking before the end of each operating day. The Permittee shall minimize ponding of the liquid waste in the disposal cells. The Permittee shall keep records describing the date and time of aqueous grease trap waste surface disposal and the date and time of its incorporation into the soil by disking. The Permittee shall make the records available to NMED upon request. [Subsection C of 20.6.2.3109 NMAC]
7.	The Permittee may temporarily store the separated non-aqueous portion of grease trap waste at the Facility prior to disposal. While in temporary storage, the Permittee shall contain the waste within the separator. The Permittee shall dispose of the separated non-aqueous portion of the grease trap waste at an off-site location in accordance with all local, state, and federal regulations. [Subsection C of 20.6.2.3109 NMAC]
8.	The Permittee shall discharge the aqueous portion of grease trap waste and septage to the disposal cells such that the amount of total nitrogen discharged does not exceed 200 pounds per acre in any 12-month period. The Permittee shall distribute the aqueous portion of grease trap waste and septage evenly throughout the entire disposal area.

#	Terms and Conditions
	[Subsection C of 20.6.2.3109 NMAC]
9.	The Permittee shall incorporate discharged domestic septage into the soil by disking within six hours following surface disposal. The Permittee shall minimize ponding of septage. Treatment and disposal of domestic septage shall be in accordance with requirements set forth in 40 CFR Part 503. The Permittee shall keep records describing the date and time of septage surface disposal and the date and time of its incorporation into the soil by disking. The Permittee shall make the records available to NMED upon request. [Subsections B and C 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D, 40 CFR 503]
10.	The Permittee shall maintain 18 to 24-inch berms around each of the surface disposal cells within the 15-acre disposal area to prevent surface water run-on and run-off. The Permittee shall inspect the berms on a monthly basis and after any major precipitation event and make repairs as necessary. The Permittee shall keep a log of berm inspections that includes the date of inspection, any findings and/or repairs, and the name of the person responsible for the inspection. The Permittee shall make the log available to NMED upon request. [Subsection C of 20.6.2.3109 NMAC]
11.	The Permittee shall maintain fences around the Facility to restrict access by the general public and animals. The fences shall consist of a minimum of six-foot chain link or field fencing and locking gates. The Permittee shall maintain the fences to serve the stated purpose throughout the term of this Discharge Permit. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
12.	The Permittee shall inspect the grease trap waste aqueous/non-aqueous separation system on a monthly basis and remove accumulated grease and settled solids as necessary to prevent them from exiting the unit. The Permittee shall create and maintain a log of aqueous/non-aqueous separation system inspections which describes all findings, repairs, solids removal, inspection dates, and the name of the person responsible for the inspection. The Permittee shall make the log available to NMED upon request. The Permittee shall maintain a record of grease/solids removal and disposal, including date, volume of grease/solids removed, disposal method and disposal location. The Permittee shall make the records available to NMED upon request.

#	Terms and Conditions
	[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
13.	The Permittee shall inspect the surface disposal area weekly and collect any residual solid waste (trash) on the site. The Permittee shall dispose of the collected materials in a manner consistent with all local, state, and federal regulations. [20.6.2.3109 NMAC]
14.	The Permittee shall not discharge liquid wastes during periods of precipitation or when surface soils are frozen or saturated. The Permittee may store wastes onsite in tank(s)/tanker trucks during these periods. [20.6.2.3109 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. [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]

Due Dates for Monitoring Reports

17.	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
18.	Within 60 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 monitoring well required by Condition #19 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, and documentation and/or data supporting the determination. The Permittee must have NMED's approval of all monitoring well locations prior to their installation. [Subsection A of 20.6.2.3107 NMAC]
19.	Within 120 days of the issuance date of this Discharge Permit (**by DATE**), the Permittee shall install the following new monitoring well. a) One monitoring well (MW-1) to be located hydrologically downgradient of the Facility's surface disposal cells. The Permittee shall complete the well in accordance with the attached Monitoring Well Guidance or alternative methods submitted for approval. 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. [Subsection A of 20.6.2.3107 NMAC]
20.	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_3-N, TDS and Cl.

#	Terms and Conditions
	The Permittee shall perform groundwater sample collection, preservation, transport 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. 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 the 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]

Groundwater Monitoring Conditions

#	Terms and Conditions
21.	The Permittee shall perform quarterly groundwater sampling in the following groundwater monitoring well and analyze the samples for TKN, NO_3-N, TDS and Cl. a) MW-1, to be located hydrologically downgradient of the Facility's surface disposal cells. The Permittee shall perform groundwater sample collection, preservation, transport and analysis according to the following procedures. a) Measure the depth-to-most-shallow groundwater from the top of the well casing to the nearest 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.

#	Terms and Conditions
	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 the well, and a Facility layout map showing the location and number of the well to NMED in the quarterly monitoring reports. [Subsection A of 20.6.2.3107 NMAC]
22.	NMED shall have the option to perform downhole inspections of the groundwater monitoring well 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]

Facility Monitoring Conditions

#	Terms and Conditions
23.	The Permittee shall, on a monthly basis, complete a Surface Disposal Data Sheet for Septage (SDDS-Septage, attached) to document the amount of nitrogen in septage discharged to each surface disposal cell. The Permittee shall complete a separate SDDS for each disposal cell that reflects the volume and total nitrogen concentration of waste discharged each month. To determine the amount of nitrogen in septage applied, the Permittee may assume a total nitrogen concentration of 600 mg/L, based on average characteristics of septage (Guide to Septage Treatment and Disposal, EPA/625/R-94-002), or may use a total nitrogen value from the laboratory analysis of a composite sample from a minimum of six waste loads semi-annually using a sampling protocol approved by NMED prior to sample collection. The Permittee shall not adjust the nitrogen content to account for volatilization or mineralization processes. If the Permittee derives the total nitrogen value from laboratory analysis, the Permittee shall submit the analytical results, including the laboratory QA/QC summary report and Chain of Custody, to NMED in the quarterly monitoring reports.

#	Terms and Conditions
	The Permittee shall submit all SDDS forms, or a statement that no surface disposal occurred within the cell(s), to NMED in the quarterly monitoring reports. [Subsection A of 20.6.2.3107 and Subsection H of 20.6.2.3109 NMAC]
24.	The Permittee shall estimate the volume of the aqueous portion of grease trap waste discharged to each designated surface disposal cell each month by tracking the volume of the loads received. The Permittee shall submit a record of the volume of the grease trap waste received to NMED in the quarterly monitoring reports. [Subsection A of 20.6.2.3107 NMAC and Subsection H of 20.6.2.3109]
25.	The Permittee shall submit all records of the removal and disposal of the non-aqueous portion of grease to NMED in the quarterly monitoring reports. [Subsection A of 20.6.2.3107 NMAC]
26.	The Permittee shall sample the aqueous portion of grease trap waste following separation from the non-aqueous portion on a quarterly basis and analyze the samples for TKN, NO_3-N, and total suspended solids (TSS) using standard methods, and for fats, oil, and grease (FOG) using EPA Method 1664A. The Permittee shall collect samples of the aqueous waste stream from the discharge of the treatment/separator system. The Permittee shall ensure the samples be properly prepared, preserved, transported, and analyzed in accordance with the methods authorized in this Discharge Permit. The Permittee shall submit analytical results, including the laboratory QA/QC summary report and Chain of Custody, reported in mg/L for TKN, NO_3-N, TSS, and FOG, to NMED in the quarterly monitoring reports. [Subsection A of 20.6.2.3107 NMAC and Subsection H of 20.6.2.3109]
27.	The Permittee shall, on a monthly basis, document the amount of nitrogen in the aqueous portion of the grease trap waste applied to each surface disposal cell by completing a Surface Disposal Data Sheet (SDDS-Grease, attached). The Permittee shall complete a separate SDDS for each cell which shall reflect the volume of aqueous grease trap waste disposed each month and the total nitrogen concentration from the most recent analysis or the average concentration from the last two analyses. The Permittee shall submit all SDDS forms, or a statement that no surface disposal occurred within the cell(s), to NMED in the quarterly monitoring reports. [Subsection A of 20.6.2.3107 NMAC and Subsection H of 20.6.2.3109NMAC]

C. CONTINGENCY PLAN

#	Terms and Conditions
28.	In the event that groundwater monitoring indicates that groundwater exceeds a standard identified in Section 20.6.2.3103 NMAC in a monitoring well with no previous exceedances of the chemical constituent at the date of issuance of this Discharge Permit, the Permittee shall collect a confirmatory sample from the monitoring well within 15 days of receipt of the initial sampling results to confirm the initial sampling results. Within 60 days of confirmation of groundwater contamination, the Permittee shall submit to NMED a Corrective Action Plan (CAP) that proposes, at a minimum, contaminant source control measures and an implementation schedule. The Permittee shall implement the CAP as approved by NMED. Once this groundwater exceedance response condition is invoked whether during the term of this Discharge Permit or after the term of this Discharge Permit and prior to the completion of the Discharge Permit closure plan requirements, this condition shall apply until the Permittee has fulfilled the requirements of this condition and groundwater monitoring confirms for a minimum of eight (8) consecutive quarterly samples that groundwater does not exceed the standards of Section 20.6.2.3103 NMAC. Violation of the groundwater standard beyond 180 days after the confirmation of groundwater contamination may cause NMED to require the Permittee to abate water pollution consistent with the requirements and provisions of Section 20.6.2.4101, Section 20.6.2.4103, Subsections C and E of 20.6.2.4106, Section 20.6.2.4107, Section 20.6.2.4108 and Section 20.6.2.4112 NMAC. [Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]
29.	In the event that groundwater exceeds a groundwater protection standard identified in Section 20.6.2.3103 NMAC 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 to NMED a Corrective Action Plan (CAP) that proposes, at a minimum, contaminant source control measures and an implementation schedule. The Permittee shall implement the CAP as approved by NMED. The NMED may 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.

#	Terms and Conditions
	[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]
30.	In the event that information available to NMED indicates that a well is not constructed in a manner consistent with the 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 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 to NMED within 60 days following well completion. The Permittee shall properly plug and abandon a monitoring well requiring replacement upon completion of the replacement monitoring well. The Permittee shall complete the well plugging and abandonment, and shall document the abandonment procedures, in accordance with the 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]
31.	In the event that groundwater flow information obtained pursuant to this Discharge Permit indicates that a monitoring well is not appropriately located, e.g., hydrologically downgradient of the discharge location it is intended to monitor, the Permittee shall install a replacement well within 120 days following notification from NMED. The Permittee shall 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. The Permittee shall properly plug and abandon a monitoring well requiring replacement upon completion of the replacement monitoring well. The Permittee shall complete the well plugging and abandonment, and shall document the abandonment procedures, in accordance with the Monitoring Well Guidance and all applicable local, state, and

#	Terms and Conditions
	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]
32.	In the event that a SDDS for any cell shows that the amount of nitrogen applied in any 12-month period exceeds 200 pounds per acre, the Permittee shall propose the reduction of nitrogen loading to the affected cell by submitting a Corrective Action Plan (CAP) to NMED for approval. The Permittee shall submit the CAP, including a schedule for completion of corrective actions, within 90 days following the end of the monitoring period in which the exceedance occurred. 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]
33.	In the event that a release occurs that is not authorized under this Discharge Permit (commonly known as a "spill"), the Permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below. Within 24 hours following discovery of the unauthorized discharge, the Permittee shall verbally notify NMED and provide the following information. a) The name, address, and telephone number of the person or persons in charge of the Facility, as well as of the owner and/or operator of the Facility. b) The name and address of the Facility. c) The date, time, location, and duration of the unauthorized discharge. d) The source and cause of unauthorized discharge. e) A description of the unauthorized discharge, including its estimated chemical composition. f) The estimated volume of the unauthorized discharge. g) Any actions taken to mitigate immediate damage from the unauthorized discharge. Within one week following discovery of the unauthorized discharge, the Permittee shall submit written notification to NMED providing the information listed above and any pertinent updates. Within 15 days following discovery of the unauthorized discharge, the Permittee shall submit a CAP to NMED describing any corrective actions previously taken and corrective actions to be taken relative to the unauthorized discharge. The CAP shall include the following information.

#	Terms and Conditions
	a) A description of proposed actions to mitigate damage from the unauthorized discharge. b) A description of proposed actions to prevent future unauthorized discharges of this nature. c) A schedule for completion of proposed actions. In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, NMED may require the Permittee to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC. The Permittee shall not construe anything in this condition as relieving them of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC. [20.6.2.1203 NMAC]
34.	In the event that NMED or the Permittee identifies any failures of the discharge plan, i.e., the application, or this Discharge Permit not specifically noted herein, NMED may require the Permittee to submit a CAP and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a discharge permit modification to achieve compliance with 20.6.2 NMAC. [Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]

D. CLOSURE PLAN

Permanent Facility Closure Conditions

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35.	The Permittee shall complete the following closure measures in the event they propose to permanently close the septage and/or grease trap waste disposal portion of the Facility or any individual surface disposal cell: a) Notify NMED of any waste type the Permittee will no longer be accepting at the Facility or the closure of a surface disposal cell. b) Within 60 days of ceasing to discharge to a disposal cell, backfill the disposal cell(s) with clean fill (as necessary) and re-grade to allow for positive storm water drainage. c) Within 90 days of ceasing to receive grease trap waste at the Facility, remove all liquid from the aqueous/non-aqueous separation equipment and properly dispose

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	of it in accordance with this Discharge Permit. Remove any tanks and piping from the applicable portion of the Facility and re-grade the area to match the surrounding topography and promote positive drainage. d) Re-vegetate the cells and disturbed areas at the Facility by establishing a vegetative cover equal to 70% of the native perennial vegetative cover consisting of at least three native plant species including at least one grass, but not including noxious weeds. The permittee shall maintain the vegetative cover through two consecutive growing seasons. 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 well in accordance with the attachment Monitoring Well Guidance. When the Permittee has met all closure and post-closure requirements and verified appropriate actions with date stamped photographic evidence or an associated NMED inspection, the Permittee may submit to NMED a written request, including photographic evidence, for termination of the Discharge Permit. [Subsection A of 20.6.2.3107 NMAC]

E. GENERAL TERMS AND CONDITIONS

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36.	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;

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	• The operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater; • Facility record drawings (plans and specifications) showing the actual construction of the Facility and bear the seal and signature of a licensed New Mexico professional engineer; • Copies of logs, inspection reports, and monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit; • The volume of wastewater or other wastes discharged pursuant to this Discharge Permit; • Groundwater quality and wastewater quality data collected pursuant to this Discharge Permit; • Copies of construction records (well log) for all sampled groundwater monitoring wells pursuant to this Discharge Permit; • The maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and • Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including: o the dates, location and times of sampling or field measurements; o the name and job title of the individuals who performed each sample collection or field measurement; o the sample analysis date of each sample o the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis; o the analytical technique or method used to analyze each sample or collect each field measurement; o the results of each analysis or field measurement, including raw data; o the results of any split, spiked, duplicate or repeat sample; and o a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. The Permittee shall maintain the written record at a location accessible to NMED during a Facility inspection for 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]
37.	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.

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	[Subsection A of 20.6.2.3107 NMAC]
38.	INSPECTION and ENTRY – The Permittee shall allow NMED to inspect the Facility and its operations that are subject to this Discharge Permit and the WQCC regulations. NMED may upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which any maintained records required by this Discharge Permit, the regulations of the federal government, or the WQCC are located. The Permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling or monitoring during an inspection for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations. No person shall construe anything in this Discharge Permit as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state or federal regulations. [Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]
39.	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]
40.	MODIFICATIONS and/or AMENDMENTS – In the event the Permittee proposes a change to the Facility or the Facility's discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated or discharged by the Facility, the Permittee shall notify NMED prior to implementing such changes. The Permittee shall obtain NMED's approval (which may require modification of this Discharge Permit) prior to implementing such changes. [Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]
41.	PLANS and SPECIFICATIONS – In the event the Permittee proposes to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the Permittee shall submit construction plans and specifications of the

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	proposed system or process unit to NMED for approval prior to the commencement of construction. In the event the Permittee implements changes to the wastewater system authorized by this Discharge Permit that result in only a minor effect on the character of the discharge, the Permittee shall report such changes (including the submission of record drawings where applicable) to NMED prior to implementation. [Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]
42.	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]
43.	CRIMINAL PENALTIES – No person shall: • Make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or maintained under the WQA; • Falsify, tamper with or render inaccurate any monitoring device, method or record maintained under the WQA; or • Fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation. Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third-degree felony and shall be sentenced in accordance with the provisions

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	of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. [20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]
44.	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]
45.	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]
46.	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]
47.	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

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	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]