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ENVIRONMENT DEPARTMENT
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Draft: August 13, 2021

GROUND WATER QUALITY BUREAU
DISCHARGE PERMIT
Issued under 20.6.2 NMAC

Facility Name:	Bear Canyon Recharge Project
Discharge Permit Number:	DP-1206
Facility Location:	5201 Wyoming Blvd Albuquerque, NM
County:	Bernalillo
Permittee:	Albuquerque Bernalillo County Water Utility Authority
Mailing Address:	Danielle Shuryn, Compliance Division Manager P.O. Box 568 Albuquerque, NM 87103
Facility Contact:	Danielle Shuryn
Telephone Number/Email:	(505) 289-3382/ dshuryn@abcwua.org
Permitting Action:	Renewal
Permit Issuance Date:	DATE
Permit Expiration Date:	DATE
NMED Permit Contact:	Avery Young
Telephone Number/Email:	(505) 699-8564/avery.young@state.nm.us

MICHELLE HUNTER
Chief, Ground Water Quality Bureau

Date

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I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this groundwater discharge permit Renewal (Discharge Permit or DP-1206) to the Albuquerque Bernalillo County Water Utility Authority (ABCWUA or Permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Ground and Surface Water Protection Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from the Bear Canyon Recharge Project (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 Arroyo del Oso Reservoir may discharge up to 5.6 MGD of disinfected surface water to the Bear Canyon Arroyo Infiltration Reach between October and March each year for the purpose of recharging the Middle Rio Grande Basin aquifer.

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 5201 Wyoming Blvd, Albuquerque, and in Sections 31 and 36, Township 11N, Range 04E (projected), in Bernalillo County. A discharge at the Facility is most likely to affect groundwater at a depth of approximately 450 feet and having a pre-discharge total dissolved solids (TDS) concentration of approximately 210 milligrams per liter.

NMED issued the original Discharge Permit to the Permittee on April 6, 1999 and subsequently modified the Permit on April 4, 2001, amended the Permit on April 24, 2003, renewed and modified the Permit on February 6, 2005 and September 15, 2010, renewed the Permit on February 19, 2016, and amended the Permit on September 16, 2016. The application (i.e., discharge plan) associated with this Discharge Permit consists of the materials submitted by the Permittee dated August 14, 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 fluid from the Facility so that such fluid 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 and 20.6.2.5001 NMAC, without exceeding standards of 20.6.2.3103 NMAC for any water contaminant.

2. The Permittee is allowed to discharge fluid from the Facility directly or indirectly into the subsurface through underground injection control wells pursuant to this Discharge Permit and Sections 20.6.2.5000 through 20.6.2.5399 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 discharge disinfected surface water from the Arroyo del Oso Reservoir to the Bear Canyon Arroyo Infiltration Reach between October and March each year for the purpose of recharging the Middle Rio Grande Basin aquifer.

[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]

Operating Conditions

#	Terms and Conditions
3.	Recharge water discharged into the Bear Canyon Arroyo Infiltration Reach shall not exceed the following limitations at the *Arroyo del Oso Reservoir sampling port.* a) Total Nitrogen 10 mg/L b) All New Mexico primary drinking water maximum contaminant levels (MCLs) as specified in the water supply regulations, "Drinking Water" (20.7.10 NMAC), adopted by the Environmental Improvement Board under the Environmental Improvement Act or the standards of Section 20.6.2.3103 NMAC, (whichever is more stringent). The attachment titled *Table 1: Summary of Primary Maximum Contaminant Levels and 20.6.2.3103 NMAC Standards* summarizes these standards. [20.6.2.3003 NMAC, 20.6.2.3109 NMAC, 20.6.2.5004 NMAC, 20.6.2.5006 NMAC, 20.7.10 NMAC]
4.	In the event that a cross-connection with potable water exists, the Permittee shall institute a backflow prevention method to protect wells and public water supply systems from contamination by recharge water prior to discharging to the Bear Canyon Recharge Project. Backflow prevention shall be achieved by a total disconnect (physical air gap separation between the discharge pipe and the liquid surface at least twice the diameter of the discharge pipe), or by a reduced pressure principal backflow prevention assembly (RP) installed on the line between the fresh water supply wells or public water supply and the Bear Canyon Recharge Project delivery system. The Permittee shall maintain backflow prevention at all times. The Permittee shall have RP devices inspected and tested by a certified backflow prevention assembly tester at the time of installation, repair or relocation and at least on an annual basis thereafter. The backflow prevention assembly tester shall have successfully completed a 40-hour backflow prevention course based on the University of Southern California's Backflow Prevention Standards and Test Procedures, and obtained certification demonstrating completion. The Permittee shall have all malfunctioning RP devices repaired or replaced within 30 days of discovery. Supply lines associated with the RP device shall cease usage until repair or replacement has been completed. The Permittee shall maintain copies of the inspection and maintenance records and test results for each RP device associated with the backflow prevention program at a location available for inspection by NMED. [Subsection C of 20.6.2.3109 NMAC]

#	Terms and Conditions
5.	The Permittee shall maintain fences and locking doors at the Bear Canyon Recharge Project Facility to restrict unauthorized access by the general public and animals throughout the term of this Discharge Permit. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
6.	The Permittee shall maintain signs indicating that the Bear Canyon Recharge Project Facility is not potable. The Permittee shall post signs at the Facility entrance and other areas where there is potential for public contact with recharge water. The signs shall be printed in English and Spanish and shall remain visible and legible for the term of this Discharge Permit. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
7.	The Permittee shall utilize operators, certified by the State of New Mexico at the appropriate level pursuant to 20.7.4 NMAC, to operate only those parts of the disinfected river water, distribution, storage and recharge systems. A certified operator or a direct supervisee of a certified operator shall perform the operations and maintenance of all or any part of the disinfected river water system. The Permittee shall notify the NMED within 24 hours if at any time the Permittee no longer has a certified operator maintaining the system. [Subsection C of 20.6.2.3109 NMAC, 20.7.4 NMAC]

B. MONITORING AND REPORTING

#	Terms and Conditions
8.	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]
9.	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, Subsection A of 20.6.2.5004 NMAC]
10.	The Permittee shall perform monitoring and other Permit required actions during the following period and shall submit an annual report to NMED by the following due date:

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	• July 1st to June 30th (annual) – **due by August 1st** [Subsection A of 20.6.2.3107 NMAC]

Monitoring Actions with Implementation Deadlines

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11.	The Permittee shall sample the filtered and disinfected surface water for the presence of perfluorinated chemicals (PFCs). Within 180 days of the issuance date of this Discharge Permit (**by DATE**), the Permittee shall collect a single grab sample of the industrial wastewater prior to it entering the reuse distribution system. The Permittee shall analyze the samples for the following PFCs: • perfluorohexane sulfonic acid (PFHxS) (CAS 355-46-4) • perfluorooctane sulfonate (PFOS) (CAS 1763-23-1) • perfluorooctanoic acid (PFOA) (CAS 335-67-1) The Permittee shall properly collect, prepare, preserve, transport, and analyze the samples in accordance with ASTM D7979-17, or an equivalent method that uses liquid chromatography and tandem mass spectrometry (LC/MS/MS). The reporting limit shall be low enough to identify whether the combined concentration of the perfluorinated chemicals is less than the Tap Water Screening Level identified in the most up-to-date *NMED Risk Assessment Guidance for Site Assessments and Investigations*, Table A-1 available on the NMED Hazardous Waste Bureau's website under Guidance Documents. The Permittee shall take appropriate measures to avoid cross contamination while collecting and transporting the samples. The selected laboratory should be able to provide guidance that ensures sample integrity. The Permittee shall submit a copy of the laboratory report, including laboratory analytical data results, the QA/QC summary, and the Chain of Custody to NMED within 30 days of laboratory report receipt. [Subsection H of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]

Groundwater Monitoring Conditions

#	Terms and Conditions
12.	The Permittee shall measure the depth to groundwater in each monitoring well (MW-01R and MW-03) to within 0.01 feet during the recharge period from October and March and prior to collection of a groundwater sample. The Permittee shall prepare the data for submission to NMED in the following manner. a) Develop hourly temporal plots using depth-to-water data for the recharge period. b) Highlight depth-to-water measurements that were taken immediately prior to collection of a groundwater sample. c) Using depth-to-water measurements, develop groundwater elevation maps that depict the groundwater elevation, inferred contours and predominant direction(s) of groundwater flow on the first day of each month. The Permittee shall submit the depth-to-water measurements, temporal plots and groundwater elevation/flow direction maps to NMED in the annual monitoring report. [20.6.2.3107 NMAC, 20.6.2.5004 NMAC]
13.	The Permittee shall perform groundwater sampling two times each year during the recharge period in two monitoring wells (MW-01R and MW-03). The Permittee shall sample: • MW-01R, located approximately 0.25 miles west of the Arroyo del Oso Reservoir of the North I-25 Corridor Facility and just south of the Bear Canyon Arroyo Infiltration Reach; and • MW-03, located approximately 0.5 miles west of the Arroyo del Oso Reservoir of the North I-25 Corridor Facility and just south of the Bear Canyon Arroyo Infiltration Reach. The Permittee shall collect groundwater sample(s) from each monitoring well approximately three months prior to the commencement of the recharge period each year. The Permittee shall analyze the samples for the parameters identified on the attached list, titled *Table 2: Subset of Recharge Water and Groundwater Analyses.* The Permittee shall collect groundwater sample(s) from each monitoring well approximately one month prior to the estimated cessation of the recharge period each year. The Permittee shall analyze the samples for the parameters identified on the attached list, titled *Table 2: Subset of Recharge Water and Groundwater Analyses.* The Permittee shall have the samples analyzed for the dissolved portion of the contaminants specified in the standards in Section 20.6.2.3103 NMAC, with the definition of dissolved being that given in the publication "*methods for chemical analysis*

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	of water and waste of the U.S. environmental protection agency," with the exception that standards for mercury, organic compounds and non-aqueous phase liquids shall apply to the total unfiltered concentrations of the contaminants. 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. 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 annual monitoring reports. [Subsection A of 20.6.2.3107 NMAC, Subsection A of 20.6.2.5004 NMAC]
14.	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 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

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15.	The Permittee shall measure and record the total daily and monthly volume of recharge water discharged from the Arroyo del Oso Reservoir into the Bear Canyon Arroyo Infiltration Reach for the purpose of aquifer recharge using a totalizing flow meter located at the Arroyo del Oso pump station. The Permittee may utilize an alternative totalizing flow meter located at the Coronado Pump Station for purposes of

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	measurement of the monthly volume of recharge water discharge from the Arroyo del Oso Reservoir into the Bear Canyon Arroyo Infiltration Reach. The Permittee shall submit the totalized discharge volumes for each day and month to NMED in the annual monitoring reports. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
16.	The Permittee shall visually inspect flow meters on a monthly basis for evidence of malfunction. The Permittee shall maintain a log of the inspections that includes a date of the inspection, findings and repairs, and the name of the inspector. The Permittee shall make the log available to NMED upon request. If a visual inspection indicates a flow meter is not functioning as required by this Discharge Permit, the Permittee shall repair or replace the meter within 30 days of discovery. For *repaired* meters, the Permittee shall submit a report to NMED with the next monitoring report following the repair that includes a description of the malfunction; a statement verifying the repair; and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit. For *replacement* meters, the Permittee shall submit a report to NMED with the next monitoring report following the replacement that includes a design schematic for the device and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
17.	The Permittee shall visually inspect the Bear Canyon Arroyo Infiltration Reach weekly during the recharge period to ensure proper maintenance. The Permittee shall notify NMED within 24 hours of discovery of any conditions that indicate damage to the Infiltration Reach or unusual operating conditions. Such conditions include, but not limited to, erosion damage or unauthorized spills into the Infiltration Reach by the Permittee or others. The Permittee shall keep a log of the weekly inspection findings that includes the time and date of inspection and the name of the person responsible for the inspection. [20.6.2.3107 NMAC]
18.	During years that recharge occurs, the Permittee shall evaluate the estimated average length of time that recharge water resides in the Middle Rio Grande aquifer, prior to recovery by the ABCWUA public water supply wells. The Permittee shall employ a generally accepted hydrogeologic contaminant transport methodology (for example, introduction and recovery of conservative tracers; fate and transport modeling; etc.) to

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	evaluate recent, site-specific data and other data sources. The Permittee shall submit the updated average residence time estimation to NMED in the annual report. [20.6.2.3109 NMAC, 20.6.2.5004 NMAC]
19.	The Permittee shall collect recharge water samples from the Arroyo del Oso Reservoir sampling port prior to discharge into the Bear Canyon Arroyo Infiltration Reach during the recharge period as follows. a) The Permittee shall collect one recharge water sample within one week of the commencement of the recharge period each year. The Permittee shall analyze the sample for the parameters identified on the attached list, titled *Table 2: Subset of Recharge Water and Groundwater Analyses.* b) The Permittee shall collect one recharge water sample approximately one month prior to the estimated cessation of the recharge period each year. The Permittee shall analyze the sample for the parameters identified on the attached list, titled *Table 3: Recharge Water and Groundwater Analyses.* The Permittee shall submit a copy of the laboratory analytical data results, including the QA/QC summary and Chain of Custody, to NMED in the annual monitoring report. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC, 20.6.2.5004 NMAC]
20.	In the event that discharge to the Bear Canyon Arroyo Reach will not occur during a given recharge period, the Permittee shall perform the following. a) Submit written notification to NMED stating that discharge of recharge water to the Bear Canyon Arroyo Infiltration Reach will not occur during the six-month recharge period. [Subsection A of 20.6.2.3107 NMAC, Subsections B, C and H of 20.6.2.3109 NMAC, 20.6.2.5004 NMAC, NMSA 1978, § 74-6-5.D]

C. CONTINGENCY PLAN

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21.	In the event that groundwater monitoring indicates that groundwater exceeds a New Mexico primary drinking water MCL, as specified in the water supply regulations, "Drinking Water" (20.7.10 NMAC), adopted by the Environmental Improvement Board under the Environmental Improvement Act or a standards identified in Section 20.6.2.3103 NMAC, (whichever is more stringent), the Permittee shall collect a

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	confirmatory sample from the monitoring well within 15 days of receipt of the initial sampling results to confirm the initial sampling results. Within 24 hours of confirmation of the groundwater exceedance(s), the Permittee shall notify NMED of the violation and shall cease discharging into the Bear Canyon Arroyo Infiltration Reach. The permittee may submit evidence to NMED that the exceedance is not a result of the recharge activities. Upon concurrence from NMED, the permittee may resume discharging into the Bear Canyon Arroyo Infiltration Reach. Otherwise, within 90 days of confirmation of groundwater exceedance(s), the Permittee shall submit to NMED a 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 effective standards that are to be protected in groundwater are summarized in the attachment titled *Table 1: Summary of Primary Maximum Contaminant Levels* and *20.6.2.3103 NMAC Standards.*** For the purposes of this Discharge Permit, the New Mexico primary drinking water MCLs and the standards in Section 20.6.2.3103 NMAC are written so that in general: • if the existing concentration of any water contaminant in groundwater is less than the standard of the New Mexico primary drinking water MCLs or of the standards in Section 20.6.2.3103 NMAC, degradation of the groundwater up to the limit of the standard will be allowed; and • if the existing concentration of any water contaminant in groundwater exceeds the standard of the New Mexico primary drinking water MCLs or of the standards in Section 20.6.2.3103 NMAC, no degradation of the groundwater beyond the existing concentration will be allowed. 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.

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	[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC, Subsection A of 20.6.2.5004 NMAC]
22.	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 attached *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 attached *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]
23.	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. [Subsection A of 20.6.2.3107 NMAC]
24.	In the event that analytical results of a Bear Canyon Arroyo Infiltration Reach recharge water sample exceed any of the New Mexico primary drinking water MCLs as specified in the water supply regulations, "Drinking Water" (20.7.10 NMAC), adopted by the Environmental Improvement Board under the Environmental Improvement Act or the

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	standards of Section 20.6.2.3103 NMAC, (whichever is more stringent), the Permittee shall enact the following contingency plan. a) Notify NMED that the contingency plan has been enacted. b) Collect a confirmatory sample within 24 hours of becoming aware of the potential violation. The confirmatory recharge water sample shall be analyzed for all parameters that exceeded the contaminant levels in the initial sample. c) Within 24 hours of confirmation of the exceedance(s), the Permittee shall cease discharging into the Bear Canyon Arroyo Infiltration Reach. Prior to resuming discharge to the Bear Canyon Arroyo Infiltration Reach, the Permittee shall submit a CAP for NMED approval that proposes measures to address the exceedance(s) in order to prevent groundwater contamination. At a minimum, the CAP shall include increased monitoring of recharge water and groundwater obtained from the monitoring wells approved by this Discharge Permit for the parameters that exceeded the contaminant levels. The Permittee shall implement the CAP as approved by NMED. When analytical results of recharge water no longer indicate any exceedances, and upon NMED approval, the Permittee may resume discharging recharge water into the Bear Canyon Arroyo Infiltration Reach. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC, 20.6.2.5004 NMAC]
25.	In the event that a release occurs that is not authorized under this Discharge Permit (commonly known as a "spill"), the Permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below. Within <u>24 hours</u> following discovery of the unauthorized discharge, the Permittee shall verbally notify NMED and provide the following information. a) The name, address, and telephone number of the person or persons in charge of the Facility, as well as of the owner and/or operator of the Facility. b) The name and address of the Facility. c) The date, time, location, and duration of the unauthorized discharge. d) The source and cause of unauthorized discharge. e) A description of the unauthorized discharge, including its estimated chemical composition. f) The estimated volume of the unauthorized discharge. g) Any actions taken to mitigate immediate damage from the unauthorized discharge.

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	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. 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]
26.	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

Permanent Facility Closure Conditions

#	Terms and Conditions
27.	Prior to closure of the Bear Canyon Arroyo Infiltration Reach as an aquifer recharge system (permanent cessation of intentional recharge activities), the Permittee must submit pre-closure notification to the department at least 30 days prior to closure. The Permittee shall initiate implementation of the well closure activities following NMED approval. Within 30 days of the date that pre-closure notification is submitted to NMED, the Permittee shall collect groundwater samples from monitoring wells MW-01R, and MW-03 and analyze the samples for the parameters identified on the attached list, titled *Table 3: Recharge Water and Groundwater Analyses*. The Permittee shall perform groundwater sampling in accordance with the procedure required by this Discharge Permit. Within one year of the date that notification of closure was submitted to NMED, the permittee shall collect groundwater samples from monitoring wells MW-01Rand MW-03 and analyze the samples for the parameters identified on the attached list, titled *Table 3: Recharge Water and Groundwater Analyses*. The Permittee shall perform groundwater sampling in accordance with the procedure required by this Discharge Permit. If both groundwater monitoring events confirm that the contaminant levels specified in the attachment titled *Table 1: Summary of Primary Maximum Contaminant Levels and 20.6.2.3103 NMAC Standards* are not being exceeded in groundwater, the Permittee may request to terminate the Discharge Permit. 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*. 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, 20.6.2.5004 NMAC,20.6.2.5005 NMAC 40 CFR Part 503]

E. GENERAL TERMS AND CONDITIONS

#	Terms and Conditions
28.	RECORD KEEPING - The Permittee shall maintain a written record of the following: • Information and data used to complete the application for this Discharge Permit; • Information, data, and documents demonstrating completion of closure activities; • Any releases (commonly known as "spills") not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC; • The operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater; • Facility record drawings (plans and specifications) showing the actual construction of the Facility and bear the seal and signature of a licensed New Mexico professional engineer; • Copies of logs, inspection reports, and monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit; • The volume of wastewater or other wastes discharged pursuant to this Discharge Permit; • Groundwater quality and wastewater quality data collected pursuant to this Discharge Permit; • Copies of construction records (well log) for all sampled groundwater monitoring wells pursuant to this Discharge Permit; • The maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and • Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including: 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.

#	Terms and Conditions
	[Subsections A and D of 20.6.2.3107 NMAC]
29.	SUBMITTALS – The Permittee shall submit both a paper copy and an electronic copy of all notification and reporting documents required by this Discharge Permit, e.g., monitoring reports. The paper and electronic documents shall be submitted to the NMED Permit Contact identified on the Permit cover page. [Subsection A of 20.6.2.3107 NMAC]
30.	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]
31.	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]
32.	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]

#	Terms and Conditions
33.	PLANS and SPECIFICATIONS – In the event the Permittee proposes to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the Permittee shall submit construction plans and specifications of the proposed system or process unit to NMED for approval prior to the commencement of construction. In the event the Permittee implements changes to the wastewater system authorized by this Discharge Permit that result in only a minor effect on the character of the discharge, the Permittee shall report such changes (including the submission of record drawings where applicable) to NMED prior to implementation. [Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]
34.	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]
35.	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.

#	Terms and Conditions
	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]
36.	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]
37.	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]
38.	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.

#	Terms and Conditions
	[20.6.2.3111 NMAC]
39.	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]