

### **CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

August 18<sup>th</sup>, 2023

Erick Schalk, Owner Organ View Estates, LLC. 602 Weinrich Rd #13 Las Cruces, New Mexico 88005

### RE: Draft Discharge Permit Renewal and Modification, DP-754, Organ View Estates

Dear Erick Schalk:

The New Mexico Environment Department (NMED) hereby provides notice to you of the proposed approval of Ground Water Discharge Permit Renewal and Modification, DP-754, (copy enclosed), pursuant to Subsection H of 20.6.2.3108 NMAC. NMED will publish notice of the availability of the draft Discharge Permit in the near future for public review and comment and will forward a copy of that notice to you.

Prior to making a final ruling on the proposed Discharge Permit, NMED will allow 30 days from the date the public notice is published in the newspaper for any interested party, including the Discharge Permit applicant, i.e., yourself, to submit written comments and/or a request a public hearing. A hearing request shall set forth the reasons why a hearing is requested. NMED will hold a hearing in response to a timely hearing request if the NMED Secretary determines there is substantial public interest in the proposed Discharge Permit.

Please review the enclosed draft Discharge Permit carefully. Please be aware that this Discharge Permit may contain conditions that require the permittee to implement operational, monitoring or closure actions by a specified deadline.

Please submit written comments or a request for hearing to my attention at the address below, via email to Aracely.tellez@env.nm.gov or to pps.general@env.nm.gov, or directly into the NMED Public Comment Portal at <u>https://nmed.commentinput.com/comment/search</u>. If NMED does not receive written comments or a request for hearing during the public comment period, the draft Discharge Permit will become final.

Thank you for your cooperation during the review process. Feel free to contact me with any questions at (505) 629-8864.

Sincerely,

Aracely Tellez, Water Resources Professional III

Eric Schalk DATE Page 2 of 2

Encl: Draft Discharge Permit Renewal and Modification, DP-754

cc: Alex Salas, Contractor, asalas48@gmail.com



**NEW MEXICO** 

# ENVIRONMENT DEPARTMENT

Ground Water Quality Bureau

1190 Saint Francis Drive / PO Box 5469 Santa Fe, NM 87502-5469 Phone (505) 827-2900 Fax (505) 827-2965 www.env.nm.gov



## Draft: August 18, 2023

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

Facility Name: Discharge Permit Number: Facility Location:

County:

Permittee: Mailing Address:

Facility Contact: Telephone Number/Email:

Permitting Action: Permit Issuance Date: Permit Expiration Date:

**NMED Permit Contact:** Telephone Number/Email: Organ View Estates DP-754 602 Weinrich Rd #13 Las Cruces, NM

Dona Ana

Organ View Estates, LLC. Eric Schalk, Owner 602 Weinrich Rd #13 Las Cruces, NM 88005

Erick Schalk 575-921-7231 / eric\_schalk@msn.com

Renewal and Modification DATE DATE

Aracely Tellez, Water Resource Professional III 505-629-8864 / Aracely.tellez@env.nm.gov or 505-827-2900 / <u>pps.general@env.nm.gov</u>

JUSTIN D. BALL Chief, Ground Water Quality Bureau New Mexico Environment Department Date

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**Discharge Permit Summary** 

New Mexico Environment Department Ground Water Quality Bureau Monitoring Well Construction and Abandonment Guidelines, Revision 1.1, March 2011 (Monitoring Well Guidance)

### I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this groundwater discharge permit Renewal and Modification (Discharge Permit or DP-754) to Organ View Estates, LLC. (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 Organ View Estates (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.

Up to 20,000 gallons per day (gpd) of domestic wastewater is discharged from a mobile home park to six septic tank/leachfield systems.

The Discharge Permit modification consists of an increase in the maximum daily discharge volume from 15,000 to 20,000 gpd.

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 602 Weinrich Rd #13, Las Cruces, in Section 20, Township 23S, Range 01E, in Dona Ana County. A discharge at the Facility is most likely to affect groundwater at a depth of approximately 190 feet and having a pre-discharge total dissolved solids (TDS) concentration of approximately 500 milligrams per liter.

NMED issued the original Discharge Permit to the Permittee on December 13, 1990, and subsequently renewed the Permit on October 11, 1996, April 8, 2002, July 18, 2011, and December 30, 2016. The application (i.e., discharge plan) associated with this Discharge Permit consists of the materials submitted by Alex Salas on behalf of the Permittee dated July 18, 2022, 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.

Abbreviation	Explanation	Abbrevi	ation Explanation
BOD₅	biochemical oxygen demand	NMED	New Mexico Environment
	(5-day)		Department
САР	Corrective Action Plan	NMSA	New Mexico Statutes
			Annotated
CFR	Code of Federal Regulations	NO₃-N	nitrate-nitrogen
CFU	colony forming unit	NTU	nephelometric turbidity units
CI	chloride	QA/QC	Quality Assurance/Quality
			Control
EPA	United States Environmental	TDS	total dissolved solids
	Protection Agency		
Gpd	gallons per day	TKN	total Kjeldahl nitrogen
LAA	land application area	total nit	rogen = TKN + NO₃-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	WWTF	Wastewater Treatment
	Code		Facility

This Discharge Permit may use the following acronyms and abbreviations.

### II. FINDINGS

In issuing this Discharge Permit, NMED finds the following.

- 1. The Permittee is discharging effluent or leachate from the Facility so that such effluent or leachate may move into groundwater of the State of New Mexico that has an existing concentration of 10,000 mg/L or less of TDS, within the meaning of Subsection A of 20.6.2.3101 NMAC, without exceeding standards of 20.6.2.3103 NMAC for any water contaminant.
- 2. The Permittee is discharging effluent or leachate from the Facility directly or indirectly into groundwater pursuant to this Discharge Permit and Sections 20.6.2.3000 through 20.6.2.3114 NMAC.
- 3. The discharge from the Facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

### III. AUTHORIZATION TO DISCHARGE

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

This Discharge Permit authorizes the Permittee to receive and discharge up to 20,000 gpd of domestic wastewater to six septic/leachfield systems.

[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.

#	Terms and Conditions
	[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 the term of this Discharge Permit, the Permittee shall conduct an inspection and test for water-tight construction on each of the six septic tanks by inspecting one tank per year for the first four years of the term of this Discharge Permit and two tanks during the fifth year of the term of this Discharge Permit. A person meeting the qualification requirements identified in Paragraph (2), Subsection B of 20.7.3.904 NMAC, Liquid Waste Disposal and Treatment Regulations shall perform the inspection and test.
	<ul> <li>The Permittee shall perform the water-tightness inspection according to the following procedures:</li> <li>a) Sampling of the contents of the unit and disposal of the contents in accordance with all local, state, and federal regulations, including 40 CFR Part 503. Ispection of the interior of the unit to determine the construction material, interior dimensions and structural integrity.</li> <li>b) Collect photographic documentation of the condition of the interior of the unit while the unit is empty.</li> </ul>
	<ul> <li>Completion of water-tightness testing shall use one of the two following procedures.</li> <li>a) <u>Conducting hydrostatic testing</u> using the following procedure.</li> <li>1) Plug the inlet and outlet piping of the unit.</li> <li>2) Fill the unit with water to the normal operating level.</li> <li>3) Measure the water level.</li> <li>4) Allow the water to stand for 60 minutes without the addition of water.</li> <li>5) Measure the water level at the end of 60 minutes.</li> </ul>
	<ul> <li>A unit that does not allow a drop-in water level of greater than 0.01 feet in 60 minutes is considered to be watertight.</li> <li>OR –</li> <li>b) <u>Conducting vacuum testing</u> using the following procedure.</li> <li>1) Seal all openings to the unit.</li> <li>2) Apply a vacuum of 50 millimeters (mm) of mercury to the unit.</li> <li>3) Allow the unit to stand for two minutes without the application of additional vacuum.</li> </ul>

#	Terms and Conditions
	A watertight unit maintains at least 90% of the vacuum (i.e., greater than 45 mm of mercury) after two minutes.
	The Permittee shall keep a record of all inspection findings and water-tightness testing, including but not limited to a narrative description of the processes and date-stamped photographs.
	The Permittee shall submit a report for each unit inspected/tested to NMED in the next required periodic monitoring report. The report shall include the date of the inspection/test, the name of the individual that conducted the test, written inspection findings, photographic documentation of the unit's interior and water-tightness test results.
	In the event that water-tightness testing reveals that a unit is not watertight, or should inspection reveal damage to the unit that could result in structural failure, the Permittee shall notify NMED within 30 days of the inspection/test date.
	<ul> <li>The Permittee shall implement the following corrective actions upon notification from NMED.</li> <li>a) Within 90 days following notification from NMED, repair or replace the unit. If notified to do so by NMED, the Permittee shall submit plans and specifications for the proposed repair or replacement that bear the seal and signature of a licensed New Mexico professional engineer (pursuant to the New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority). The Permittee shall submit plans and specifications to NMED prior to construction for evaluation of compliance with the requirements of 20.6.2 NMAC.</li> <li>b) Within 30 days following repair or replacement of the unit, repeat the water-tightness testing to verify the effectiveness of the repair or replacement, and submit a report to NMED. The report shall include the date of the inspection/test, the name of the individual that performed the inspection/test, written inspection findings, photographic documentation of the unit's interior and water tightness test results. If notified to do so by NMED, the Permittee shall also submit record drawings that bear the seal and signature of a licensed New Mexico professional engineer (pursuant to the New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority) that include the final, construction details of the unit.</li> </ul>
	[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]

# **Operating Conditions**

#	Terms and Conditions
	The Permittee shall maintain locking lids on all septic tanks at the 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]
4.	The Permittee shall visually inspect the area above the leachfields (disposal systems) semi-annually to ensure proper maintenance. The Permittee shall correct any conditions that indicate damage to the disposal system(s). The Permittee shall ensure conditions corrected include erosion damage, animal activity/damage, evidence of seepage, or any other condition indicating damage.
	The Permittee shall keep a log of the inspections that includes a date of the inspection, any findings and repairs, and the name of the inspector. The Permittee shall make the log available to NMED upon request.
	In the event of a failure of the disposal system, the Permittee shall implement the Contingency Plan set forth in this Discharge Permit.
	[Subsections A and D of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
5.	The Permittee shall inspect the septic tanks annually for the accumulation of scum and solids. In the event that the scum layer exceeds three inches or the settled solids occupy 30% or more of the tank volume, the contents of the tanks shall be pumped by a septage pumper meeting the qualification requirements identified in Subsection D of 20.7.3.904 NMAC, Liquid Waste Disposal and Treatment Regulations.
	The Permittee shall create and maintain a log of all septic tank inspections which describes the findings, repairs, and removals, the date of the inspection, and the name of the person responsible for the inspection. The Permittee shall make the log available to NMED upon request.
	The Permittee shall maintain a record of solids removal and disposal, including the name of the septage hauler, date of off-site shipment, volume of solids removed, disposal method, and disposal location.
	[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]

#### MONITORING AND REPORTING Β.

#	Terms and Conditions		
6.	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]		
7.	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 D	Due Dates for Monitoring Reports		

# Due Dates for Monitoring Reports

#	Terms and Conditions
8.	<ul> <li>Semi-annual monitoring - The Permittee shall perform monitoring and other Permit required actions during the following periods and shall submit semi-annual reports to NMED by the following due dates:</li> <li>January 1<sup>st</sup> through June 30<sup>th</sup> - due by August 1<sup>st</sup>; and</li> <li>July 1<sup>st</sup> through December 31<sup>st</sup> - due by February 1<sup>st</sup>.</li> </ul>

# Monitoring Actions with Implementation Deadlines

#	Terms and Conditions
9.	<ul> <li>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 locations of the monitoring well required by this Discharge Permit. The proposal shall include, at a minimum, the following information.</li> <li>a) A map showing the proposed location of the monitoring well in relation to the boundary of the source it is intended to monitor.</li> <li>b) A written description of the specific location proposed for the monitoring well from the edge of the source it is intended to monitor and the latitude and longitude coordinates for each well in decimal format. Examples include: 35 feet north-northwest of the northern berm of the synthetically lined impoundment and 35.898306 and -</li> </ul>

#	Terms and Conditions
	<ul><li>107.281519; 45 feet due south of the leachfield; and 30 feet southeast of the reuse area 150 degrees from north and 35.898306 and -107.281519.</li><li>c) A statement describing the groundwater flow direction beneath the Facility, and documentation and/or data supporting the determination.</li></ul>
	The Permittee must have NMED's approval of all monitoring well locations prior to their installation.
	[Subsection A of 20.6.2.3107 NMAC]
10.	<ul> <li>Within 120 days of the issuance date of this Discharge Permit (by DATE), the Permittee shall install the following new monitoring well.</li> <li>a) One monitoring well (MW-3) located hydrologically downgradient of septic tank/leachfield system #6.</li> </ul>
	The Permittee shall complete the well in accordance with the attached Monitoring Well Guidance.
	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]
11.	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.
	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
	<ul> <li>the nearest one-hundredth of a foot.</li> <li>b) Purge three well volumes of water from the well prior to sample collection.</li> <li>c) Obtain samples from the well for analysis.</li> <li>d) Properly prepare, preserve, and transport samples.</li> </ul>
	e) Analyze samples in accordance with the methods authorized in this Discharge Permit.
	Within 45 days of the installation of the monitoring wells 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, latitude and longitude coordinates for each well in decimal format, depth-to-most-shallow groundwater measurements, analytical results including the laboratory QA/QC summary

#	Terms and Conditions
	report, and a facility layout map showing the location and number of each well. The Permittee shall insure the well completion report addresses each numbered item in the General Drilling and Well Specifications in the attached Monitoring Well Guidelines.
	[Subsection A of 20.6.2.3107 NMAC]
12.	Within 150 days following the issuance date of this Discharge Permit ( <b>by DATE</b> ), the Permittee shall perform a professional survey of all groundwater monitoring wells approved by NMED for Discharge Permit monitoring purposes. The survey shall be tied or referenced to a U.S. Geological Survey (USGS) or other permanent benchmark. Survey data shall include northing, easting, and elevation to the nearest one-hundredth of a foot or shall be in accordance with the "Minimum Standards for Surveying in New Mexico" (12.8.2 NMAC). The survey shall bear the seal and signature of a licensed New Mexico professional surveyor (pursuant to the New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority). The Permittee shall utilize the survey to establish an elevation at the top-of-casing, with a permanent marking indicating the point of elevation. The Permittee shall measure the depth-to-most-shallow groundwater to the nearest one- hundredth of a foot in all surveyed wells and referenced to mean sea level, and the data shall be used to develop a groundwater elevation contour, i.e., potentiometric surface, map showing the location of all monitoring wells and the direction and gradient of groundwater flow in the uppermost aquifer below the Facility. The Permittee shall submit the data and groundwater elevation contour map to NMED within 30 days of survey completion.
	[Subsection A of 20.6.2.3107 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]

# Groundwater Monitoring Conditions

#	Terms and Conditions
13.	<ul> <li>The Permittee shall perform semi-annual groundwater sampling in the following groundwater monitoring wells and analyze the samples for TKN, NO<sub>3</sub>-N, TDS, and Cl.</li> <li>a) MW-1, located hydrologically downgradient of septic tank/leachfield system #5.</li> <li>b) MW-2, located hydrologically downgradient of septic/leachfield systems #3 and #4 in the southeast corner of the facility.</li> <li>b) MW-3, intended to be located hydrologically downgradient of septic tank/leachfield system #6.</li> </ul>

#	Terms and Conditions
	<ul> <li>The Permittee shall perform groundwater sample collection, preservation, transport, and analysis according to the following procedures.</li> <li>a) Measure the depth-to-most-shallow groundwater from the top of the well casing to the nearest one-hundredth of a foot.</li> <li>b) Purge three well volumes of water from the well prior to sample collection.</li> <li>c) Obtain samples from the well for analysis.</li> <li>d) Properly prepare, preserve, and transport samples.</li> <li>e) Analyze samples in accordance with the methods authorized in this Discharge Permit.</li> <li>The Permittee shall submit the depth-to-most-shallow groundwater measurements and the laboratory analytical data results including the laboratory QA/QC summary report and Chain of Custody for each well, and a Facility layout map showing the location and number of each well to NMED in the semi-annual monitoring reports.</li> </ul>
	[Subsection A of 20.6.2.3107 NMAC]
14.	The Permittee shall develop a groundwater elevation contour map, i.e., potentiometric surface map, on a semi-annual basis using the top of casing elevation data from the monitoring well survey and the most recent depth-to-most-shallow groundwater measurements, referenced to mean sea level, obtained during the groundwater sampling required by this Discharge Permit. The groundwater elevation contour map shall depict the groundwater flow direction based on the groundwater elevation contours. The Permittee shall estimate groundwater elevations between monitoring well locations using common interpolation methods. The Permittee shall use a contour interval appropriate to the data but shall not be greater than two feet. Groundwater elevation contour maps shall use arrows to depict the groundwater flow direction based on the orientation of the groundwater elevation contours and shall locate and identify each monitoring well and contaminant source. The Permittee shall submit to NMED a groundwater elevation contour map in the semi-annual monitoring reports. [Subsection A of 20.6.2.3107 NMAC]
15.	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 notify the Permittee. 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.

#	Terms and Conditions
	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 inspections prior to pump placement.
	[Subsections A and D of 20.6.2.3107 NMAC]

# Facility Monitoring Conditions

#	Terms and Conditions
16.	The Permittee shall on a monthly basis estimate the volume of wastewater received by the septic tank/leachfield systems by recording meter readings for the Facility's water supply on a monthly basis and calculating the monthly and average daily usage volumes. To determine the discharge volume, the Permittee shall use the estimated monthly influent volume <sup>*</sup> (based upon meter readings) to calculate the average daily volume by the formula below. estimated monthly volume ÷ number of days in the month = average daily volume
	Each month, the Permittee shall make note of any significant uses of the water (e.g., irrigation, evaporative cooling or leaks) that do not contribute to the volume of wastewater received.
	The Permittee shall submit the monthly meter readings, estimated monthly and average daily influent volumes, and notes and estimated volume of significant uses to NMED in the semi-annual monitoring reports.
	*Should more than one flow meter exist for the Facility's water supply, the Permittee shall calculate the estimated monthly volume for the Facility by adding the estimated monthly volume for each meter. This summation should be completed prior to calculating the average daily volume for the Facility.
	[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
17.	The Permittee shall collect samples of wastewater from one septic tank each year, rotating among each of the six septic tanks at the Facility and analyze the samples for: TKN, NO <sub>3</sub> -N, TDS, and Cl.
	The Permittee shall ensure the sample is properly prepared, preserved, transported, and analyzed in accordance with the methods authorized in this Discharge Permit. The Permittee shall submit the laboratory analytical data results, including the QA/QC

#	Terms and Conditions
	summary and Chain of Custody, to NMED in the monitoring reports due by February 1 <sup>st</sup> each year.
	[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
18.	The Permittee shall submit all records of solids removal and disposal to NMED in the semi- annual monitoring reports.
	[Subsection A of 20.6.2.3107 NMAC]

# C. CONTINGENCY PLAN

#	Terms and Conditions
19.	In the event that groundwater monitoring indicates that groundwater exceeds a standard identified in Section 20.6.2.3103 NMAC, 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]
20.	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

#	Terms and Conditions
	manner that is protective of groundwater quality, the Permittee shall install a replacement well(s) within 120 days following notification from NMED. The Permittee shall survey the replacement monitoring well(s) within 30 days following well completion.
	The Permittee shall install replacement wells at locations approved by NMED prior to installation and shall complete replacement wells in accordance with the Monitoring Well Guidance. The Permittee shall submit well construction and lithologic logs survey data and a groundwater elevation contour map to NMED within 60 days following well completion.
	The Permittee shall properly plug and abandon 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]
21.	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 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]

#	Terms and Conditions
22.	<ul> <li>In the event that the Permittee identifies failure of leachfield, such as surfacing wastewater, the Permittee shall implement the following Contingency Plan.</li> <li>a) Within 24 hours following the discovered failure, the Permittee shall: <ul> <li>i) Notify NMED of the failure in accordance with the notification requirements described in the Contingency Plan for unauthorized discharges; and</li> <li>ii) Restrict public access to the area.</li> </ul> </li> <li>b) The Permittee shall conduct a physical inspection of the treatment and disposal system to identify additional potential failures and record them in the inspection log.</li> <li>c) The Permittee shall propose actions to address the failure and methods of correction by submitting a CAP to NMED for approval within 15 days following the discovered failure. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions. The Permittee shall initiate implementation of the CAP following NMED approval.</li> </ul> [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
23.	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. A release is defined as such quantity as may with reasonable probability injure or be detrimental to human health, animal or plant life, or property, or unreasonably interfere with the public welfare or the use of property.
	<ul> <li>Within <u>24 hours</u> following discovery of the unauthorized discharge, the Permittee shall verbally notify NMED and provide the following information.</li> <li>a) The name, address, and telephone number of the person or persons in charge of the Facility, as well as of the owner and/or operator of the Facility.</li> <li>b) The name and address of the Facility.</li> <li>c) The date, time, location, and duration of the unauthorized discharge.</li> <li>d) The source and cause of unauthorized discharge.</li> <li>e) A description of the unauthorized discharge, including its estimated chemical composition.</li> <li>f) The estimated volume of the unauthorized discharge.</li> <li>g) Any actions taken to mitigate immediate damage from the unauthorized discharge.</li> </ul>
	Within <u>one week</u> following discovery of the unauthorized discharge, the Permittee shall submit written notification to NMED providing the information listed above and any pertinent updates.
	Within <u>15 days</u> following discovery of the unauthorized discharge, the Permittee shall submit a Corrective Action Plan (CAP) to NMED describing any corrective actions

#	Terms and Conditions
	<ul> <li>previously taken and corrective actions to be taken relative to the unauthorized discharge. The CAP shall include the following information.</li> <li>a) A description of proposed actions to mitigate damage from the unauthorized discharge.</li> <li>b) A description of proposed actions to prevent future unauthorized discharges of this nature.</li> <li>c) A schedule for completion of proposed actions.</li> <li>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</li> </ul>
	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]
24.	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

#	Terms and Conditions
25.	The Permittee shall perform the following closure measures in the event the Facility, or a component of the Facility, is proposed to be permanently closed, and upon ceasing discharge.
	Within <u>90 days</u> of ceasing discharge to the septic tank/leachfield system(s) (or closed system components), the Permittee shall complete the following closure measures: a) Plug all lines leading to and from the closed system(s) so that a discharge can no longer

#	Terms and Conditions
	<ul> <li>occur.</li> <li>b) Wastewater, septage, and grease interceptor waste shall be pumped from the system components (e.g., septic tanks, grease trap/interceptors, lift stations, dosing chambers, distribution boxes) and it shall be contained, transported, and disposed of in accordance with all local, state, and federal regulations, including 40 CFR Part 503. The Permittee shall maintain a record of all wastes transported for off-site disposal.</li> </ul>
	<ul> <li>Within <u>180 days</u> of ceasing discharge to the septic tank/leachfield system(s) (or closed system components), the Permittee shall complete the following closure measures:</li> <li>a) Remove all lines leading to and from the closed system(s) or permanently plug them and abandon them in place.</li> <li>b) Remove or demolish all closed septic tanks, grease trap/interceptors, lift stations, dosing chambers, distribution boxes or other system(s) components (with the exception of leachfields) and re-grade the area with suitable fill to blend with surface topography to promote positive drainage and prevent ponding.</li> </ul>
	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 or the total nitrogen concentration is greater than 10 mg/L in groundwater, the Permittee shall implement the Contingency Plan required by this Discharge Permit.
	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, 40 CFR Part 503

# E. GENERAL TERMS AND CONDITIONS

#	Terms and Conditions
# 26.	<ul> <li>RECORD KEEPING - The Permittee shall maintain a written record of the following: <ul> <li>Information and data used to complete the application for this Discharge Permit;</li> <li>Information, data, and documents demonstrating completion of closure activities;</li> <li>Any releases (commonly known as "spills") not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC;</li> <li>The operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater;</li> <li>Facility record drawings (plans and specifications) showing the actual construction of the Facility and bear the seal and signature of a licensed New Mexico professional engineer;</li> <li>Copies of logs, inspection reports, and monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit;</li> <li>The volume of wastewater or other wastes discharged pursuant to this Discharge Permit;</li> <li>Groundwater quality and wastewater quality data collected pursuant to this Discharge Permit;</li> <li>Copies of construction records (well log) for all sampled groundwater monitoring wells pursuant to this Discharge Permit;</li> <li>The maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and</li> <li>Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit; including: <ul> <li>the name and job title of the individuals who performed each sample collection or field measurement;</li> <li>the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis;</li> <li>the results of each analysis or field measurement, including raw data;</li> <li>the results of any split, spiked, duplicate or repeat sample; and</li> <li>a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used.</li> </ul> </li> </ul></li></ul>
	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]
27.	SUBMITTALS – The Permittee shall submit both a paper copy and an electronic copy of all notification and reporting documents required by this Discharge Permit, e.g., monitoring reports. The Permittee shall submit paper and electronic documents to the NMED Permit Contact identified on the Permit cover page.
	[Subsection A of 20.6.2.3107 NMAC]
28.	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]
29.	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]
30.	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
31.	<ul> <li>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.</li> <li>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.</li> <li>[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</li> </ul>
32.	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]
33.	<ul> <li>CRIMINAL PENALTIES – No person shall:</li> <li>Make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or maintained under the WQA;</li> <li>Falsify, tamper with or render inaccurate any monitoring device, method or record maintained under the WQA; or</li> <li>Fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation.</li> </ul>

#	Terms and Conditions
	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 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.
34.	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]
35.	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, § 74-6-5.0]
36.	<ul> <li>TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this Facility or any portion thereof, the Permittee shall: <ul> <li>Notify the proposed transferee in writing of the existence of this Discharge Permit;</li> <li>Include a copy of this Discharge Permit with the notice; and</li> <li>Deliver or send by certified mail to NMED a copy of the notification and proof that the proposed transferee has received such notification.</li> </ul> </li> <li>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.</li> </ul>
	[20.6.2.3111 NMAC]

#	Terms and Conditions
37.	<ul> <li>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. 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 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.</li> <li>[Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]</li> </ul>





## **Facility Information**

Facility Name Discharge Permit Number		iew Estates
Legally Responsible Party	Organ V 602 Wei	nalk, Owner iew Estates, LLC. nrich Rd #13 es, NM 88005 1-7231
	Treatment, Dispo	osal and Site Information
Primary Waste Type Facility Type	Domesti MUNI-W	c /astewater
	Treatr	ment Methods
Туре	Designation	Description & Comments
Septic Tank	ST-1	Two concrete septic tanks in series, serving spaces 1-6 on the northwest side of the facility
Septic Tank	ST-2	Three concrete septic tanks in series, serving spaces 7-11 and 32-34 on the southwest side of the facility
Septic Tank	ST-3	Three concrete septic tanks in series, serving spaces 18-24 and 35 on the south-central part of the facility
Septic Tank	ST-4	Two concrete septic tanks in series, serving spaces 13-17 on the northeast side of the facility
Septic Tank	ST-5	One concrete septic tank, serving space 25 on the southeast side of the facility
Septic Tank	ST-6	Two concrete septic tanks, serving spaces 26-31 on the south side of the facility

## Discharge Locations

Туре	Designation	Description & Comments
Injection Well/UIC	LF-1	Conventional leachfield serving ST-1
Injection Well/UIC	LF-2	Conventional leachfield serving ST-2
Injection Well/UIC	LF-3	Conventional leachfield serving ST-3
Injection Well/UIC	LF-4	Conventional leachfield serving ST-4
Injection Well/UIC	LF-5	Conventional leachfield serving ST-5
Injection Well/UIC	LF-6	Conventional leachfield serving ST-6



### Ground Water Monitoring Locations

	1	
Туре	Designation	Description & Comments
Supply Well	MW-1	Located hydrologically upgradient of the facility.
Monitoring Well	MW-2	Located hydrologically downgradient of septic/leachfield system in the southeast corner of the facility.
Monitoring Well	MW-3	Intended to be located hydrologically downgradient of septic/leachfield in the southwest corner of the facility.
Depth-to-Ground Water	19	0 feet
otal Dissolved Solids (TD	<b>S)</b> 50	0 mg/L
	F	Permit Information
Driginal Permit Issued	De	cember 13, 1990
Permit Renewal	Oc	tober 11, 1996
Permit Renewal and Mod		ril 8, 2002
Permit Modification		y 18, 2011
Permit Renewal	De	cember 30, 2016
Current Action		
Application Received	Jul	y 18, 2022
Public Notice Publishe		ot yet published]
Permit Issued (Issuand		suance date]
Permitted Discharge \	/olume 20	,000 gallons per day
	NME	D Contact Information
Aailing Address		
Aailing Address	Gr	<b>D Contact Information</b> ound Water Quality Bureau D. Box 5469
Aailing Address	Gr P.C	ound Water Quality Bureau
Nailing Address GWQB Telephone Numbe	Gr P.C Sa	ound Water Quality Bureau D. Box 5469
	Gri P.C Sai er (50	ound Water Quality Bureau D. Box 5469 nta Fe, New Mexico 87502-5469
GWQB Telephone Numbe	Gr P.C Sa er (50 Ara	ound Water Quality Bureau D. Box 5469 nta Fe, New Mexico 87502-5469 D5) 827-2900