



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: October 28, 2021

GROUND WATER QUALITY BUREAU
DISCHARGE PERMIT
Issued under 20.6.2 NMAC

Facility Name: Southwest Organics and Compost
Discharge Permit Number: DP-1841
Facility Location: Eight miles west of Los Lunas off NM Highway 6
Los Lunas, NM

County: Valencia

Permittee: Southwest Organics and Compost, LLC
Mailing Address: Adam Trubow, Owner
12711 Candelaria Road NE
Albuquerque, NM 87112

Facility Contact: JR Fanelli
Telephone Number/Email: (505) 238-0751/jo@atlasumping.com

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

JUSTIN BALL
Acting Chief, Ground Water Quality Bureau
New Mexico Environment Department

Date

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	FINDINGS.....	2
III.	AUTHORIZATION TO DISCHARGE	3
IV.	CONDITIONS	4
	<i>OPERATIONAL ACTIONS WITH IMPLEMENTATION DEADLINES</i>	<i>5</i>
	<i>OPERATIONAL ACTIONS - DOMESTIC SEPTAGE.....</i>	<i>8</i>
	<i>OPERATIONAL ACTIONS - DOMESTIC WASTEWATER TREATMENT FACILITY SLUDGE</i>	<i>9</i>
	<i>OPERATIONAL ACTIONS - GREASE TRAP/INTERCEPTOR WASTE.....</i>	<i>10</i>
	<i>OPERATIONAL ACTIONS - SAND FILTER AND STORAGE IMPOUNDMENT</i>	<i>10</i>
	<i>OPERATIONAL ACTIONS - AGRICULTURE AREA.....</i>	<i>12</i>
B.	MONITORING AND REPORTING	13
	<i>MONITORING ACTIONS WITH IMPLEMENTATION DEADLINES</i>	<i>15</i>
	<i>MONITORING AND REPORTING - DOMESTIC SEPTAGE</i>	<i>15</i>
	<i>MONITORING AND REPORTING - DOMESTIC WASTEWATER TREATMENT FACILITY SLUDGE.....</i>	<i>16</i>
	<i>MONITORING AND REPORTING - GREASE TRAP/INTERCEPTOR WASTE</i>	<i>17</i>
	<i>MONITORING AND REPORTING - SAND FILTER, STORAGE IMPOUNDMENT, AND AGRICULTURE AREA</i>	<i>18</i>
C.	CONTINGENCY PLAN	21
D.	CLOSURE PLAN	24
E.	GENERAL TERMS AND CONDITIONS	26

ATTACHMENTS

Discharge Permit Summary

Groundwater Discharge Permit Guidance for Synthetically Lined Lagoons – Liner

Material and Site Preparation, Revision 0.0, May 2007

Surface Disposal Data Sheet (SDDS-Septage/Sludge - <https://www.env.nm.gov/forms/>)

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this groundwater discharge permit Renewal (Discharge Permit or DP-1841) to Southwest Organics and Compost, 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 Southwest Organics and Compost (Facility) in order to protect groundwater and those segments of surface water gaining from groundwater inflow for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health. It is NMED's determination in issuing this Discharge Permit that the Permittee has met the requirements of Subsection C of 20.6.2.3109 NMAC. The Permittee is responsible for complying with the terms and conditions of this Discharge Permit pursuant to Section 20.6.2.3104 NMAC; failure to do so may result in enforcement action by NMED (20.6.2.1220 NMAC).

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

The Permittee discharges domestic septage, domestic wastewater treatment facility sludge, and grease trap/interceptor waste at the Facility at a volume up to 80,000 gallons per day (gpd) onto the land surface, which has an area of 40 acres. In addition, the Permittee filters domestic wastewater treatment facility sludge using a synthetically lined sand filter with the aqueous portion of the waste being stored in a lined storage impoundment prior to using it for silviculture or the irrigation of crops not used for human consumption or fodder for milk producing animals.

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 approximately eight miles west of Los Lunas off NM Highway 6 on the southside of the road, in Section 35, Township 07N, Range 01W, Valencia County. A discharge at the Facility is mostly likely to affect groundwater at a depth of approximately 450 feet and having a total dissolved solids (TDS) concentration of approximately 437 milligrams per liter.

NMED issued the original Discharge Permit to the Permittee on September 12, 2016. The application (i.e., discharge plan) associated with this Discharge Permit consists of the materials submitted by the Permittee dated June 11, 2021, 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 NMED 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)	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	SDDS	Surface Disposal Data Sheet
gpd	gallons per day	TDS	total dissolved solids
LAA	land application area	TKN	total Kjeldahl nitrogen
LADS	Land Application Data Sheet(s)	total nitrogen	= TKN + NO ₃ -N
mg/L	milligrams per liter	TRC	total residual chlorine
mL	milliliters	TSS	total suspended solids
MPN	most probable number	WQA	New Mexico Water Quality Act
NMAC	New Mexico Administrative Code	WQCC	Water Quality Control Commission
NMED	New Mexico Environment Department	WWTF	Wastewater Treatment Facility

II. FINDINGS

In issuing this Discharge Permit, NMED finds the following.

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

III. AUTHORIZATION TO DISCHARGE

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

- Domestic Septage – This Discharge Permit authorizes the Permittee to receive and discharge up to 40,000 gpd of domestic septage (including portable toilet waste) to six, three-acre surface disposal cells (Cells 1-5 and 9) totaling 18 acres on a rotational basis. The Permittee has yet to construct Cell 9 at the time this Discharge Permit was issued.
- Domestic Sludge – This Discharge Permit authorizes the Permittee to receive and discharge up to 10,000 gpd of liquid, semi-solid, and solid domestic wastewater treatment facility sludge to one, three-acre surface disposal cell (Cell 7).
- Grease Trap/Interceptor Waste – This Discharge Permit authorizes the Permittee to receive and discharge up to 30,000 gpd of the aqueous portion of grease trap/interceptor waste to two, three-acre surface disposal cells (Cells 6 and 8) totaling six acres on a rotational basis. The Permittee has yet to construct Cell 8 at the time this Discharge Permit was issued. This Discharge Permit only authorizes the Permittee to discharge the aqueous portion of grease trap/interceptor waste to the land surface. The Permittee separates grease trap/interceptor waste offsite under a separate Discharge Permit, DP-1389.
- In addition, this Discharge Permit authorizes the Permittee to discharge wastewater treatment facility sludge, domestic septage, and grease trap/interceptor waste through a synthetically lined sand filter and store the filtrate (the aqueous portion of the septage, sludge, and grease waste) in a synthetically lined storage impoundment prior to being used for irrigation of decorative trees or other crops not used for human consumption or fodder for milk producing animals. The Permittee has yet to construct the sand filter or synthetically lined storage impoundment at the time this Discharge Permit was issued.

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

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

IV. CONDITIONS

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

A. OPERATIONAL PLAN

#	Terms and Conditions
1.	<p>The Permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 2 and 4 NMAC.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
2.	<p>The Permittee shall operate in a manner that does not violate standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC.</p> <p>[20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
3.	<p>To prevent run-on and run-off from a storm event, the Permittee shall maintain earthen berms surrounding the perimeter of the Facility and in between disposal cells that are a minimum of 24 inches above natural grade.</p> <p>The Permittee shall inspect the berms on a regular basis and after any major rainfall event and repair as necessary. In place of a berm across the Facility entrance, the Permittee shall construct and maintain shallow (minimum depth of six inches) stormwater diversion trenches parallel to and on each side of the Facility entrance gate. The Permittee shall maintain all berms and trenches until termination of the permit and the Permittee has met the closure conditions.</p> <p>The Permittee shall keep a log of the inspection findings and repairs that includes a date of the inspection and the name of the person responsible for the inspection and shall make the log available to NMED upon request.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
4.	<p>The Permittee shall maintain fences around the entire disposal Facility to restrict access. A minimum of a three-strand barbed wire fence including a locked gate shall surround the Facility.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>

#	Terms and Conditions
5.	<p>The Permittee shall maintain the following signs at the following locations:</p> <ul style="list-style-type: none">• Signs posted at the Facility entrance(s) and every 500 feet along the F boundary that state: "Notice: Waste Disposal Area - KEEP OUT" and "Aviso: Área de Disposición - NO ENTRAR".• A sign posted at the entrance gate(s) with the name of the Facility's contact person, office phone number of the contact person, emergency contact phone number for the Facility, and physical location of the Facility including township, range, and sections.• A sign on each tank identifying its contents. Signs on tanks containing contaminated water shall indicate in English and Spanish that the water is not potable.• A sign at the boundary of each cell to identify the cell number and the waste type the Permittee is authorized discharge in the cell. <p>All signs shall be weatherproof and legible for the term of this Discharge Permit.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>
6.	<p>The Permittee shall not combine different waste types. The Permittee shall dispose of waste in separate cells that receive only a single designated waste type.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
7.	<p>The Permittee shall inspect the Facility weekly and collect any residual solid waste (trash) on the Facility site. The Permittee shall dispose of the collected materials in a manner consistent with all local, state and federal regulations.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections B and C of 20.6.2.3109 NMAC]</p>
8.	<p>The Permittee shall not discharge liquid wastes during periods of precipitation or when surface soils are frozen or saturated. The Permittee may store wastes on-site in tanker trucks during these periods.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>

Operational Actions with Implementation Deadlines

#	Terms and Conditions
9.	<p>A minimum of 90 days prior to construction of the sand filter and synthetically lined storage impoundment, the Permittee shall submit final construction plans and specifications for NMED's review of the proposed sand filter and synthetically lined</p>

#	Terms and Conditions
	<p>storage impoundment. The construction plans and specifications shall bear the seal and signature of a licensed New Mexico professional engineer (pursuant to New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority) and shall include the supporting design calculations.</p> <p>The submitted documentation shall include the following elements.</p> <ul style="list-style-type: none"> a) Details for the construction of the storage impoundment and sand filter with liners consistent with the attached <i>Groundwater Discharge Permit Guidance for Synthetically Lined Lagoons – Liner Material and Site Preparation</i>, Revision 0.0, May 2007. b) Design calculations verifying that the sand filter system shall be capable of filtering the permitted discharge volume. c) Details of all synthetically lined impoundment and sand filter system components (e.g., underdrain system, valves, transfer lines, etc.). d) Flow meter design detail - Flow meters to measure the volume of wastewater discharged from the storage impoundment to the agriculture area. e) Specifications for a sample port on the discharge line from the storage impoundment to the agriculture area. f) Specifications for all equipment, materials and installation procedures the Permittee will use in the construction of the wastewater system. g) Fences design detail around the sand filter and storage impoundment. <p>Prior to constructing the sand filter and storage impoundment and its associated components, the Permittee shall obtain written verification from NMED that the plans and specifications meet the requirements of this Discharge Permit.</p> <p>[Subsections A and C 20.6.2.1202 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection C of 20.6.2.3107 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
10.	<p>Prior to discharging to the sand filter and storage impoundment, the Permittee shall complete construction in accordance with the final construction plans and specifications required by this Discharge Permit. The Permittee shall notify NMED at least five working days prior to commencement of construction to allow NMED personnel to be onsite for inspection.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, Subsection C of 20.6.2.3109 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
11.	<p>Prior to discharging to the sand filter and storage impoundment, the Permittee shall submit written notification to NMED stating the date the discharge is to commence.</p>

#	Terms and Conditions
	[Subsection A of 20.6.2.3107 NMAC, Subsection H of 20.6.2.3109 NMAC]
12.	<p>Within 30 days of completing construction of the sand filter and storage impoundment, the Permittee shall submit record drawings to NMED 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) for the constructed sand filter and storage impoundment.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, Subsection C of 20.6.2.3109 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
13.	<p>Prior to discharging to the sand filter and storage impoundment, the Permittee shall install fences around the sand filter and storage impoundment to control access by the general public and animals. The fences shall consist of a minimum of six-foot chain link or field fencing and locking gates. Documentation of fence installation shall consist of a narrative statement describing the fences and gates and date-stamped photographs. The Permittee shall submit the documentation to NMED in the next required periodic monitoring report.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
14.	<p>Prior to discharging to the sand filter and storage impoundment, the Permittee shall post signs indicating that the wastewater at the Facility is not potable. The Permittee shall post signs at the Facility entrance and other areas where there is potential for public contact with wastewater. Posted signs shall be in English and Spanish and shall be legible during the term of this Discharge Permit.</p> <p>The Permittee shall submit documentation demonstrating sign installation that consists of date stamped photographs to NMED in the next required periodic monitoring report.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
15.	<p>Prior to discharging from the storage impoundment to the agriculture area, the Permittee shall install the infrastructure necessary to transfer, distribute and apply the filtrate. The Permittee shall ensure documentation confirming installation of the distribution system consists of a narrative statement including the system type and location, and the method of backflow prevention employed (if applicable). The Permittee shall provide this documentation to NMED prior to discharging to the agriculture area.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

#	Terms and Conditions
16.	<p>Prior to discharging to the agriculture area, the Permittee shall install 18 to 24-inch berms around the agriculture area to prevent surface water run-on and run-off. Documentation of berm installation shall consist of a narrative statement describing the berm locations and date-stamped photographs. The Permittee shall submit the documentation to NMED in the next required periodic monitoring report.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
17.	<p>Prior to discharging to the agriculture area, the Permittee shall post signs in English and Spanish at the agriculture area. The Permittee shall post signs at the entrance to the agriculture area and at other locations where public exposure to wastewater may occur. The signs shall state: NOTICE: THIS AREA IS IRRIGATED WITH RECLAIMED WASTEWATER - DO NOT DRINK. AVISO: ESTA ÁREA ESTÁ REGADA CON AGUAS NEGRAS RECOBRADAS - NO TOMAR. The Permittee may submit alternate wording and/or graphics to NMED for approval.</p> <p>Documentation of sign installation shall consist of a narrative statement describing the number and location of the signs and date-stamped photographs. The Permittee shall submit the documentation to NMED in the next required periodic monitoring report.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
18.	<p>At least 30 days prior to discharging from the storage impoundment to the agriculture area, via the irrigation system, the Permittee shall submit plans with detailed information about crops that the Permittee will utilize and harvest from the agriculture area for review and approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
19.	<p>Prior to discharging to Cell 8, Cell 9, or the agriculture area, the Permittee shall submit written notification to NMED stating the date the discharge is to commence.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection H of 20.6.2.3109 NMAC]</p>

Operational Actions - Domestic Septage

#	Terms and Conditions
20.	<p>The Permittee shall incorporate domestic septage (including portable toilet waste) into the soil by disking within six hours following surface disposal. The Permittee shall minimize ponding of septage. Treatment and disposal of domestic septage shall be in accordance with requirements set forth in 40 CFR Part 503.</p>

#	Terms and Conditions
	<p>The Permittee shall record on the manifest the date and time surface disposal occurred and the date and time the Permittee completes incorporation of septage into the soil by disking.</p> <p>[Subsections B and C 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D, 40 CFR 503]</p>
21.	<p>The Permittee shall discharge domestic septage to the disposal cells such that the amount of total nitrogen discharged does not exceed 200 pounds per acre in any 12-month period. The Permittee shall distribute septage evenly throughout the entire disposal area.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>

Operational Actions - Domestic Wastewater Treatment Facility Sludge

#	Terms and Conditions
22.	<p>The Permittee shall apply liquid, semi-solid and solid domestic wastewater treatment facility sludge to one surface disposal cell totaling three acres. The Permittee shall minimize ponding of liquid sludge. The Permittee shall incorporate the domestic wastewater treatment facility sludge into the soil by disking before the end of each operating day. Treatment, storage and disposal of sludge shall be in accordance with requirements set forth in 40 CFR Part 503.</p> <p>The Permittee shall record on the manifest the date and time surface disposal occurred and the date and time the Permittee completes incorporation of liquid, semi-solid and solid domestic wastewater treatment plant sludge into the soil by disking.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
23.	<p>The Permittee shall discharge domestic wastewater treatment facility sludge to the disposal cell such that the amount of total nitrogen discharged does not exceed 200 pounds per acre in any 12-month period. The Permittee shall distribute domestic wastewater treatment facility sludge evenly throughout the entire disposal area.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>

Operational Actions - Grease Trap/Interceptor Waste

#	Terms and Conditions
24.	<p>The Permittee shall discharge only the aqueous portion of the grease trap/interceptor waste that the Permittee has processed to achieve at least 90% separation of grease, oil, and solids from the aqueous portion. The Permittee shall apply the aqueous portion of the grease trap/interceptor waste to two dedicated disposal cells totaling six acres. The Permittee shall incorporate the aqueous waste into the soil by disking before the end of each operating day. The Permittee shall minimize ponding of the liquid waste in the disposal cells.</p> <p>The Permittee shall record on the manifest the date and time surface disposal occurred and the date and time the Permittee completes incorporation of the aqueous portion of grease trap/interceptor waste into the soil by disking.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
25.	<p>The Permittee shall discharge the aqueous portion of grease trap/interceptor waste to the disposal cells such that the amount of total nitrogen discharged does not exceed 200 pounds per acre in any 12-month period. The Permittee shall distribute the aqueous portion of grease trap/interceptor waste evenly throughout the entire disposal area.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>

Operational Actions - Sand Filter and Storage Impoundment

#	Terms and Conditions
26.	<p>Once constructed, the Permittee shall maintain the impoundment and sand filter liners to avoid conditions that could affect the liner or the structural integrity of the impoundments and sand filter. Characterization of such conditions may include the following:</p> <ul style="list-style-type: none">• erosion damage;• animal burrows or other damage;• the presence of vegetation including aquatic plants, weeds, woody shrubs or trees growing within five feet of the top inside edge of a sub-grade impoundment, within five feet of the toe of the outside berm of an above-grade impoundment, or within the impoundment itself;• the presence of large debris or large quantities of debris in the impoundment;• evidence of seepage; or• evidence of berm subsidence.

#	Terms and Conditions
	<p>After completing construction, the Permittee shall routinely control vegetation growing around the impoundment and sand filter by mechanical removal that is protective of the impoundment liner.</p> <p>After completing construction, the Permittee shall visually inspect the impoundment and sand filter and surrounding berms on a monthly basis to ensure proper maintenance. In the event that inspection reveals any evidence of damage that threatens the structural integrity of an impoundment or sand filter berm or liner, or that may result in an unauthorized discharge, the Permittee shall implement the Contingency Plan set forth in this Discharge Permit.</p> <p>After completing construction, the Permittee shall create and maintain a log of all impoundment and sand filter inspections which describes the date of the inspection, any findings and repairs and the name of the person responsible for the inspection. The Permittee shall make the log available to NMED upon request.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
27.	<p>After completing construction, the Permittee shall preserve a minimum of two feet of freeboard, i.e., the liquid level in the impoundment and the elevation of the lowest-most top of the impoundment liner.</p> <p>After completing construction, in the event that the Permittee determines that it cannot preserve two feet of freeboard in the impoundment, the Permittee shall implement the Contingency Plan set forth in this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection</p>
28.	<p>After completing construction, the Permittee shall inspect the sand filter on a monthly basis and remove accumulated grease and settled solids as needed to prevent them from exiting the unit in a manner that is protective of the synthetic liner. The Permittee shall remove, transport, and dispose of solids from the sand filter in accordance with all local, state, and federal regulations.</p> <p>After completing construction, the Permittee shall create and maintain a log of all sand filter inspections which describes all findings, repairs, removals, the date of the inspection, and the name of the person responsible for the inspection. The Permittee shall make the log available to NMED upon request.</p>

#	Terms and Conditions
	<p>After completing construction, the Permittee shall maintain a record of grease/solids removal and disposal, including date, volume of grease/solids removed, disposal method and disposal location.</p> <p>The Permittee shall not store any solids at the Facility.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

Operational Actions - Agriculture Area

#	Terms and Conditions															
29.	<p>The Permittee shall ensure that filtrate discharged from the storage impoundment does not exceed the following discharge limits.</p> <table><tr><th>Test</th><th>30-day Average</th><th>Maximum</th></tr><tr><td>Fecal coliform</td><td>1,000 CFU or MPN/100 mL</td><td>5,000 CFU or MPN/100 mL</td></tr><tr><td>OR</td><td>OR</td><td>OR</td></tr><tr><td>E. coli bacteria</td><td>630 CFU or MPN/100 mL</td><td>3,150 CFU or MPN/100 mL</td></tr><tr><td>TSS:</td><td>75 mg/L</td><td>90 mg/L</td></tr></table> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>	Test	30-day Average	Maximum	Fecal coliform	1,000 CFU or MPN/100 mL	5,000 CFU or MPN/100 mL	OR	OR	OR	E. coli bacteria	630 CFU or MPN/100 mL	3,150 CFU or MPN/100 mL	TSS:	75 mg/L	90 mg/L
Test	30-day Average	Maximum														
Fecal coliform	1,000 CFU or MPN/100 mL	5,000 CFU or MPN/100 mL														
OR	OR	OR														
E. coli bacteria	630 CFU or MPN/100 mL	3,150 CFU or MPN/100 mL														
TSS:	75 mg/L	90 mg/L														
30.	<p>The Permittee shall discharge the filtrate to the agriculture area such that the amount of total nitrogen discharged does not exceed 200 pounds per acre in any 12-month period. The Permittee shall distribute the filtrate evenly throughout the entire disposal area.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>															
31.	<p>The Permittee shall ensure adherence to the following general requirements for above-ground use of the aqueous portions of septage, sludge and grease waste filtrate.</p> <p>a) The Permittee shall install and maintain signs in English and Spanish at the agriculture area such that they are visible and legible for the term of this Discharge Permit. The Permittee shall post signs at the entrance to agriculture areas and at other locations where public exposure to reclaimed domestic wastewater may occur. The signs shall state: NOTICE: THIS AREA IS IRRIGATED WITH RECLAIMED WASTEWATER - DO NOT DRINK. AVISO: ESTA ÁREA ESTÁ REGADA CON AGUAS NEGRAS RECOBRADAS - NO</p>															

#	Terms and Conditions
	<p>TOMAR. The Permittee may submit alternate wording and/or graphics to NMED for approval.</p> <ul style="list-style-type: none"> b) Wastewater systems shall have no direct or indirect cross connections with public water systems or irrigation wells pursuant to the latest revision of the New Mexico Plumbing Code (14.8.2 NMAC) and New Mexico Mechanical Code (14.9.2 NMAC). c) Above-ground use of the filtrate shall not result in excessive ponding of wastewater and shall not exceed the water consumptive needs of the crop. The Permittee shall not discharge filtrate at times when the agriculture area is saturated or frozen. d) The Permittee shall confine discharge of filtrate to the agriculture area. e) The Permittee shall not discharge filtrate to crops used for human consumption or fodder for milk producing animals. f) Water supply wells within 200 feet of the agriculture area shall have adequate wellhead construction pursuant to 19.27.4 NMAC. <p>The Permittee shall demonstrate adherence to these requirements by submitting documentation consisting of narrative statements and date-stamped photographs as appropriate. The Permittee shall submit the documentation to NMED once during the term of this Discharge Permit in the next required periodic monitoring report after the issuance of the Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1–78, § 74-6–5.D]</p>
32.	<p>The Permittee shall meet the following setbacks and access restrictions for flood irrigation.</p> <ul style="list-style-type: none"> a) Maintain a minimum 100-foot setback between any dwellings or occupied establishments and the edge of the agriculture area. b) Flood and drip irrigation of filtrate shall only occur in a manner that minimizes public contact. c) Restrict public access to the agriculture area by perimeter fencing using four-strand barbed wire and a locking gate, or other access controls approved by NMED. d) Prohibit the irrigation of fodder, fiber and seed crops for milk producing animals with filtrate. <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>

B. MONITORING AND REPORTING

#	Terms and Conditions
33.	The Permittee shall conduct the monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit.

#	Terms and Conditions
	[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
34.	<p>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.</p> <p>[Subsection B of 20.6.2.3107 NMAC]</p>
35.	<p>Semi-annual monitoring - The Permittee shall perform monitoring and other Permit required actions during the following periods and shall submit semi-annual reports to NMED by the following due dates:</p> <ul style="list-style-type: none"> • January 1st through June 30th – due by August 1st; and • July 1st through December 31st – due by February 1st. <p>[Subsection A of 20.6.2.3107 NMAC]</p>
36.	<p>The Permittee shall retain on-site a manifest for each load of waste received. The manifest shall record the following information:</p> <ul style="list-style-type: none"> • date of receipt; • name of the hauling company; • name and address of the waste origin; • type of waste or description of contamination (differentiate between soil and water); • volume of waste; • confirmation of inspection for acceptable waste type; • signature of person conducting the inspection; and • cell identification and location within the cell where the Permittee discharged the waste. <p>The Permittee shall make the manifests available for inspection by NMED upon request. The Permittee shall submit a summary listing the information from each manifest for wastes received during the reporting period to NMED in the semi-annual monitoring reports.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection A 20.6.2.3107 NMAC]</p>

Monitoring Actions with Implementation Deadlines

#	Terms and Conditions
37.	<p>After completing construction and prior to discharging from the storage impoundment to the agriculture area, the Permittee shall install the following flow meter.</p> <ul style="list-style-type: none">• One totalizing flow meter installed on the discharge line to measure the volume of filtrate discharged from the storage impoundment to the agriculture area. <p>The Permittee shall submit confirmation of meter installation, type, calibration, and locations within 30 days of completed installations.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

Monitoring and Reporting - Domestic Septage

#	Terms and Conditions
38.	<p>The Permittee shall, on a monthly basis, complete a Surface Disposal Data Sheet for Septage (SDDS-Septage, attached) to document the amount of nitrogen in septage discharged to each surface disposal cell. The Permittee shall complete a SDDS for each cell and shall reflect the volume and total nitrogen concentration of waste discharged to the disposal cells for each month. To determine the amount of nitrogen in septage applied, the Permittee may assume a total nitrogen concentration of 600 mg/L, based on average characteristics of septage (Guide to Septage Treatment and Disposal, EPA/625/R-94-002), or may use a total nitrogen value from the laboratory analysis of a composite sample from a minimum of six waste loads semi-annually using a sampling protocol approved by NMED prior to sample collection.</p> <p>The Permittee shall not adjust the nitrogen content to account for volatilization or mineralization processes. If the Permittee derives the total nitrogen value from laboratory analysis, the Permittee shall submit the analytical results, including the laboratory QA/QC summary report and Chain of Custody, to NMED in the semi-annual monitoring reports.</p> <p>The Permittee shall submit the SDDSs, or a statement that no surface disposal occurred within the cells, to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 and Subsection H of 20.6.2.3109 NMAC]</p>

Monitoring and Reporting - Domestic Wastewater Treatment Facility Sludge

#	Terms and Conditions
39.	<p>The Permittee shall analyze domestic wastewater treatment facility sludge disposed of at the Facility in the following manner:</p> <ul style="list-style-type: none">• Record the volume of domestic wastewater treatment facility sludge discharged to each surface disposal cell during the reporting period;• Sample each domestic wastewater sludge type (solid, semi-solid, and liquid) transported to the surface disposal facility on a semi-annual basis and analyze the sample(s) for percent total solids (%TS); and• Sample each domestic wastewater sludge type (solid, semi-solid, and liquid) transported to the surface disposal Facility on a semi-annual basis and analyze the samples for TKN and NO₃-N. The Permittee shall report the analytical results as mg/kg for TKN and NO₃-N (dry weight basis). <p>The Permittee shall ensure the samples are properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. The Permittee shall submit records of the volume of the sludge discharged, percent total solids, and analytical results, including the laboratory QA/QC summary, to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC and Subsection H of 20.6.2.3109]</p>
40.	<p>The Permittee shall complete a Surface Disposal Data Sheet for Sludge (SDDS-Sludge, attached) on a monthly basis to document the amount of nitrogen discharged to the surface disposal cell(s). The Permittee shall complete a SDDS for each cell designation and for each sludge type (solid, semi-solid, and liquid) disposed of in each cell. The SDDS shall reflect the most recent nitrogen analysis results and the average percent total solids for each sludge type for each cell. The Permittee shall not adjust the nitrogen content to account for volatilization or mineralization processes.</p> <p>The Permittee shall submit the SDDSs, or a statement that no surface disposal occurred within the cell, to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC and Subsection H of 20.6.2.3109]</p>

Monitoring and Reporting - Grease Trap/Interceptor Waste

#	Terms and Conditions
41.	<p>The Permittee shall estimate the volume of the aqueous portion of grease trap/interceptor waste discharged to each designated surface disposal cell each month by tracking the volume of the loads received. The Permittee shall submit a record of the volume of the grease trap waste received to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC and Subsection H of 20.6.2.3109]</p>
42.	<p>The Permittee shall sample the aqueous portion of grease trap/interceptor waste following separation from the non-aqueous portion on a quarterly basis and analyze the samples for TKN, NO₃-N, and total suspended solids (TSS) using standard methods, and for fats, oil, and grease (FOG) using EPA Method 1664A. The Permittee shall collect samples of the aqueous waste stream from the discharge of the treatment/separator system.</p> <p>The Permittee shall ensure the samples be properly prepared, preserved, transported, and analyzed in accordance with the methods authorized in this Discharge Permit. The Permittee shall submit analytical results, including the laboratory QA/QC summary report and Chain of Custody, reported in mg/L for TKN, NO₃-N, TSS, and FOG, to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC and Subsection H of 20.6.2.3109]</p>
43.	<p>The Permittee shall, on a monthly basis, document the amount of nitrogen in the aqueous portion of the grease trap waste applied to each surface disposal cell by completing a Surface Disposal Data Sheet (SDDS-Grease, attached). The Permittee shall complete a SDDS for each cell and shall reflect the volume of aqueous grease trap waste disposed each month and the total nitrogen concentration from the most recent analysis required by Condition 42 or the average concentration from the last two analyses.</p> <p>The Permittee shall submit the SDDSs, or a statement that no surface disposal occurred within the cells, to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC and Subsection H of 20.6.2.3109NMAC]</p>

Monitoring and Reporting - Sand Filter, Storage Impoundment, and Agriculture Area

#	Terms and Conditions
44.	<p>After completing construction, the Permittee shall on a monthly basis measure the volume discharged to the agriculture area using a totalizing flow meter. The meter shall be located on the transfer line between the storage impoundment and the agriculture area.</p> <p>After completing construction, the Permittee shall maintain a log that records the date that discharges occur to the agriculture area and the monthly totalizing meter readings and units of measurement. The Permittee shall use the log to calculate the total monthly volume of wastewater discharged to the agriculture area. The Permittee shall also use the monthly volume discharged to <i>each</i> location on the LADS (copy enclosed) to calculate nitrogen loading. The Permittee shall submit a copy of the log to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
45.	<p>All flow meters shall be capable of having their accuracy verified under working (i.e., real-time in-the-field) conditions. The Permittee shall develop a field verification method for each flow meter and shall utilize that method to check the accuracy of each respective meter. The Permittee shall perform field calibrations, at a minimum, on an annual basis. The Permittee shall also perform field calibrations upon repair or replacement of a flow measurement device.</p> <p>The Permittee shall calibrate each flow meter to its manufacturer's recommended specification which shall be no less accurate than plus or minus 10 percent of actual flow, as measured under field conditions. An individual knowledgeable in flow measurement shall perform field calibration and the installation/operation of the device in use. The Permittee shall prepare a flow meter calibration report for each flow measurement device calibration event. The flow meter calibration report shall include the following information:</p> <ol style="list-style-type: none">The location and meter identification.The method of flow meter field calibration employed.The measured accuracy of each flow meter prior to adjustment indicating the positive or negative offset as a percentage of actual flow as determined by an in-field calibration check.The measured accuracy of each flow meter following adjustment, if necessary, indicating the positive or negative offset as a percentage of actual flow of the meter.Any flow meter repairs made during the previous year or during field calibration.The name of the individual performing the calibration and the date of the calibration.

#	Terms and Conditions
	<p>The Permittee shall maintain records of flow meter calibration(s) at a location accessible for review by NMED during Facility inspections.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
46.	<p>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.</p> <p>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 <i>repaired</i> 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 <i>replacement</i> 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.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
47.	<p>After completing construction, the Permittee shall collect samples of filtrate from the sample port located on the discharge line from the storage impoundment to the agriculture area on a semi-annual basis and analyze the samples for:</p> <ul style="list-style-type: none">• TDS;• Cl;• TKN; and• NO₃-N. <p>After completing construction, in the event that no effluent discharge occurs during the entire quarterly period, the Permittee shall collect a composite wastewater sample from the storage impoundment and analyze the sample for TDS, Cl, TKN, and NO₃-N. The composite sample shall consist of a minimum of six equal aliquots collected equidistantly around the entire perimeter of the impoundment and thoroughly mixed.</p> <p>After completing construction, 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</p>

#	Terms and Conditions																										
	<p>data results, including the QA/QC summary and Chain of Custody, to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>																										
48.	<p>After completing construction, during any month that the discharge of filtrate occurs, the Permittee shall perform the following analyses on the wastewater samples collected from the sample port located on the discharge line from the storage impoundment to the agriculture area using the following sampling method and frequency:</p> <ul style="list-style-type: none"> • Fecal coliform or E. coli bacteria: grab sample at peak daily flow once per month; and • TSS: grab sample once per month. <p>The Permittee shall ensure the samples are 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 summary and Chain of Custody, to NMED in the subsequent semi-annual monitoring report.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections B, C and H of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>																										
49.	<p>After completing construction, on an annual basis, the Permittee shall collect a sample (except as noted for pH) of filtrate wastewater from the sample port located on the discharge line from the storage impoundment to the agriculture area and analyze the sample for the following inorganic contaminants (dissolved fraction, except as noted):</p> <table border="0"> <tbody> <tr> <td>• aluminum (CAS 7429-90-5)</td><td>• lead (CAS 7439-92-1)</td></tr> <tr> <td>• antimony (CAS 7440-36-0)</td><td>• manganese (CAS 7439-96-5)</td></tr> <tr> <td>• arsenic (CAS 7440-38-2)</td><td>• molybdenum (CAS 7439-98-7)</td></tr> <tr> <td>• barium CAS 7440-39-3)</td><td>• total mercury (nonfiltered) (CAS 7439-97-6)</td></tr> <tr> <td>• beryllium (CAS 7440-41-7)</td><td>• pH (instantaneous)</td></tr> <tr> <td>• boron (CAS 7440-42-8)</td><td>• nickel (CAS 7440-02-0)</td></tr> <tr> <td>• cadmium (CAS 7440-43-9)</td><td>• selenium (CAS 7782-49-2)</td></tr> <tr> <td>• chromium (CAS 7440-47-3)</td><td>• silver (CAS 7440-224)</td></tr> <tr> <td>• cobalt (CAS 7440-48-4)</td><td>• sulfate (CAS 14808-79-8)</td></tr> <tr> <td>• copper (CAS 7440-50-8)</td><td>• thallium (CAS 7440-28-0)</td></tr> <tr> <td>• cyanide CAS 57-12-5)</td><td>• uranium (CAS 7440-61-1)</td></tr> <tr> <td>• fluoride (CAS 16984-48-8)</td><td>• zinc (CAS 7440-66-6)</td></tr> <tr> <td>• iron (CAS 7439-89-6)</td><td></td></tr> </tbody> </table>	• aluminum (CAS 7429-90-5)	• lead (CAS 7439-92-1)	• antimony (CAS 7440-36-0)	• manganese (CAS 7439-96-5)	• arsenic (CAS 7440-38-2)	• molybdenum (CAS 7439-98-7)	• barium CAS 7440-39-3)	• total mercury (nonfiltered) (CAS 7439-97-6)	• beryllium (CAS 7440-41-7)	• pH (instantaneous)	• boron (CAS 7440-42-8)	• nickel (CAS 7440-02-0)	• cadmium (CAS 7440-43-9)	• selenium (CAS 7782-49-2)	• chromium (CAS 7440-47-3)	• silver (CAS 7440-224)	• cobalt (CAS 7440-48-4)	• sulfate (CAS 14808-79-8)	• copper (CAS 7440-50-8)	• thallium (CAS 7440-28-0)	• cyanide CAS 57-12-5)	• uranium (CAS 7440-61-1)	• fluoride (CAS 16984-48-8)	• zinc (CAS 7440-66-6)	• iron (CAS 7439-89-6)	
• aluminum (CAS 7429-90-5)	• lead (CAS 7439-92-1)																										
• antimony (CAS 7440-36-0)	• manganese (CAS 7439-96-5)																										
• arsenic (CAS 7440-38-2)	• molybdenum (CAS 7439-98-7)																										
• barium CAS 7440-39-3)	• total mercury (nonfiltered) (CAS 7439-97-6)																										
• beryllium (CAS 7440-41-7)	• pH (instantaneous)																										
• boron (CAS 7440-42-8)	• nickel (CAS 7440-02-0)																										
• cadmium (CAS 7440-43-9)	• selenium (CAS 7782-49-2)																										
• chromium (CAS 7440-47-3)	• silver (CAS 7440-224)																										
• cobalt (CAS 7440-48-4)	• sulfate (CAS 14808-79-8)																										
• copper (CAS 7440-50-8)	• thallium (CAS 7440-28-0)																										
• cyanide CAS 57-12-5)	• uranium (CAS 7440-61-1)																										
• fluoride (CAS 16984-48-8)	• zinc (CAS 7440-66-6)																										
• iron (CAS 7439-89-6)																											

#	Terms and Conditions
	<p>The Permittee shall properly collect, prepare, preserve, transport and analyze the samples in accordance with the methods authorized in this Discharge Permit. The Permittee shall analyze the sample using methods with reporting limits that are less than the corresponding numerical groundwater standards identified in 20.6.2.3103 NMAC.</p> <p>The Permittee shall submit a summary of measured concentrations compared with the corresponding groundwater standards, a copy of the laboratory report including the laboratory analytical data results, the QA/QC summary and the Chain of Custody, to NMED in the monitoring reports due by August 1st each year.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
50.	<p>After completing construction, the Permittee shall complete LADS (copy enclosed) on a monthly basis that document the amount of nitrogen applied to agriculture area during the most recent 12 months. The LADS shall reflect the total nitrogen concentration from the most recent wastewater analysis and the measured discharge volumes to the agriculture area for each month. The Permittee shall complete the LADS with the information above or include a statement that application of wastewater did not occur. The Permittee shall submit the LADS to NMED in the subsequent semi-annual monitoring report.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
51.	<p>After completing construction, the Permittee shall submit all records of solids and grease removal and disposal to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

C. CONTINGENCY PLAN

#	Terms and Conditions
52.	<p>In the event that groundwater exceeds a groundwater protection standard identified in Section 20.6.2.3103 NMAC as a result of this discharge during the term of this Discharge Permit, upon closure of the Facility or during the implementation of post-closure requirements, the Permittee shall submit to NMED a Corrective Action Plan (CAP) that proposes, at a minimum, contaminant source control measures and an implementation schedule. The Permittee shall implement the CAP as approved by NMED.</p> <p>The NMED may require the Permittee to abate water pollution consistent with the requirements and provisions of Section 20.6.2.4101, Section 20.6.2.4103, Subsections C</p>

#	Terms and Conditions
	<p>and E of 20.6.2.4106, Section 20.6.2.4107, Section 20.6.2.4108 and Section 20.6.2.4112 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>
53.	<p>In the event that a SDDS for any cell shows that the amount of nitrogen applied in any 12-month period exceeds 200 pounds per acre, the Permittee shall propose the reduction of nitrogen loading to the affected cell by submitting a CAP to NMED for approval. The Permittee shall submit the CAP, including a schedule for completion of corrective actions, within 90 days following the end of the monitoring period in which the exceedance occurred. The Permittee shall initiate implementation of the CAP following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
54.	<p>Once constructed, in the event that an inspection reveals significant damage has occurred or is likely to affect the structural integrity of an impoundment or liner or their ability to contain contaminants, the Permittee shall propose the repair or replacement by submitting a CAP to NMED for approval. The Permittee shall submit the CAP to NMED within 30 days after discovery of the damage or following notification from NMED that significant damage is evident. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions. The Permittee shall initiate implementation of the CAP following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
55.	<p>Once constructed, in the event that an impoundment cannot preserve a minimum of two feet of freeboard, the Permittee shall take actions to restore the required freeboard as authorized by this Discharge Permit and all applicable local, state, and federal regulations.</p> <p>In the event that two feet of freeboard cannot be restored within a period of 72 hours following discovery, the Permittee shall propose actions to restore two feet of freeboard by submitting a short-term CAP to NMED for approval. Examples of short-term corrective actions include the pumping and hauling of excess wastewater from the impoundment or reducing the volume of wastewater discharged to the impoundment. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions. The Permittee shall submit the CAP within 15 days following the date the Permittee or the NMED discover the exceedance. The Permittee shall implement the CAP following NMED approval.</p>

#	Terms and Conditions
	<p>In the event that the short-term corrective actions fail to restore two feet of freeboard, the Permittee shall submit to NMED a proposal for permanent corrective actions in a long-term CAP. The Permittee shall submit the long-term CAP within 90 days following failure of the short-term CAP. Examples corrective actions include the installation of an additional storage impoundment or a significant and permanent reduction in the volume of wastewater discharged to the impoundment. The Permittee shall ensure the long-term CAP includes a schedule for completion of corrective actions. The Permittee shall implement the CAP following NMED approval.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
56.	<p>In the event that a release occurs that is not authorized under this Discharge Permit (commonly known as a “spill”), the Permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below.</p> <p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the Permittee shall verbally notify NMED and provide the following information.</p> <ul style="list-style-type: none">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. <p>Within <u>one week</u> following discovery of the unauthorized discharge, the Permittee shall submit written notification to NMED providing the information listed above and any pertinent updates.</p> <p>Within <u>15 days</u> following discovery of the unauthorized discharge, the Permittee shall submit a CAP to NMED describing any corrective actions previously taken and corrective actions to be taken relative to the unauthorized discharge. The CAP shall include the following information.</p> <ul style="list-style-type: none">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.

#	Terms and Conditions
	<p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, NMED may require the Permittee to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p> <p>The Permittee shall not construe anything in this condition as relieving them of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC.</p> <p>[20.6.2.1203 NMAC]</p>
57.	<p>In the event that NMED or the Permittee identifies any failures of the discharge plan, i.e., the application, or this Discharge Permit not specifically noted herein, NMED may require the Permittee to submit a 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.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>

D. CLOSURE PLAN

#	Terms and Conditions
58.	<p>The Permittee shall complete the following closure measures in the event they are proposing to permanently close the septage, sludge, or grease interceptor waste disposal portion of the Facility or a surface disposal cell:</p> <ul style="list-style-type: none">a) Notify NMED of any waste types the Permittee will no longer be accepting at the Facility or the closure of a surface disposal cell.b) Within 60 days of ceasing to discharge to a disposal cell, backfill the disposal cell(s) with clean fill (as necessary) and re-grade to allow for positive storm water drainage.c) Re-vegetate the cells and disturbed areas at the Facility by establishing a vegetative cover equal to 70% of the native perennial vegetative cover consisting of at least three native plant species including at least one grass, but not including noxious weeds. The permittee shall maintain the vegetative cover through two consecutive growing seasons. <p>When the Permittee has met all closure and post-closure requirements and verified appropriate actions with date stamped photographic evidence or an associated NMED</p>

#	Terms and Conditions
	<p>inspection, the Permittee may submit to NMED a written request, including photographic evidence, for termination of the Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
59.	<p>The Permittee shall perform the following closure measures in the event the Facility, or a component thereof, is proposed to be permanently closed.</p> <p>Within <u>60 days</u> of ceasing to discharge to the storage impoundment and sand filter, the Permittee shall plug the impoundment influent lines so that a discharge can no longer occur.</p> <p>Within <u>60 days</u> of ceasing to discharge to the impoundment, the Permittee shall discharge wastewater from the impoundment and any other wastewater system component to the agriculture area. The Permittee shall not discharge accumulated solids (sludge) from the impoundment to the agriculture area.</p> <p>Within <u>90 days</u> of ceasing to discharge to the impoundments, the Permittee shall submit a sludge removal and disposal plan to NMED for approval. The Permittee shall implement the plan within 30 days following approval by NMED. The sludge removal and disposal plan shall include the following information.</p> <ol style="list-style-type: none"> The estimated volume and dry weight of sludge planned for removal and disposal, including measurements and calculations. Analytical results for samples of the sludge taken from the impoundment for TKN, NO₃-N, percent total solids, and any other parameters tested (reported in mg/kg, dry weight basis). The method of sludge <i>removal</i> from the impoundment. The method of <i>disposal</i> for all the sludge (and its contents) removed from the impoundments. The method shall comply with all local, state and federal regulations, including 40 CFR Part 503. <i>Note: A proposal that includes the surface disposal of sludge may be subject to Groundwater Discharge Permitting requirements pursuant to 20.6.2.3104 NMAC that are separate from the requirements of this Discharge Permit.</i> A schedule for completion of sludge removal and disposal not to exceed two years from the date discharge to the impoundments ceased. <p>Within <u>one year</u> following completion of the sludge removal and disposal, the Permittee shall complete the following closure measures.</p> <ol style="list-style-type: none"> Remove all lines leading to and from the impoundment, or permanently plug and abandon the lines in place. Remove or demolish any other wastewater system components and re-grade area

#	Terms and Conditions
	<p>with suitable fill to blend with surface topography, promote positive drainage and prevent ponding.</p> <p>c) Characterize, remove and dispose of all solids from the impoundment in accordance with local, state, and federal regulations, and maintain a record of solids transported for off-site disposal, including the volume of solids transported and the disposal location.</p> <p>d) Remove and dispose of the impoundment liners at a solid waste facility. If there is evidence of contaminated soil below the liners, assess the impact, report that assessment to NMED, and mitigate the impacts following NMED approval.</p> <p>e) Fill the impoundment with suitable fill.</p> <p>f) Re-grade the impoundment site and the locations of ancillary equipment, e.g., influent piping, to blend with surface topography, promote positive drainage and prevent ponding.</p> <p>When the Permittee has met all closure and post-closure requirements and verified appropriate actions with date stamped photographic evidence or an associated NMED inspection, the Permittee may submit to NMED a written request, including photographic evidence, for termination of the Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]</p>

E. GENERAL TERMS AND CONDITIONS

#	Terms and Conditions
60.	<p>RECORD KEEPING - The Permittee shall maintain a written record of the following:</p> <ul style="list-style-type: none">• 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;

#	Terms and Conditions
	<ul style="list-style-type: none"> • 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: <ol style="list-style-type: none"> a. the dates, location and times of sampling or field measurements; b. the name and job title of the individuals who performed each sample collection or field measurement; c. the sample analysis date of each sample d. the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis; e. the analytical technique or method used to analyze each sample or collect each field measurement; f. the results of each analysis or field measurement, including raw data; g. the results of any split, spiked, duplicate or repeat sample; and h. a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. <p>The Permittee shall maintain the written record at a location accessible to NMED during a Facility inspection for a lifetime of the Discharge Permit. The Permittee shall make the record available to the department upon request.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>
61.	<p>SUBMITTALS – The Permittee shall submit both a paper copy and an electronic copy of all notification and reporting documents required by this Discharge Permit, e.g., monitoring reports. The paper and electronic documents shall be submitted to the NMED Permit Contact identified on the Permit cover page.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
62.	<p>INSPECTION and ENTRY – The Permittee shall allow NMED to inspect the Facility and its operations that are subject to this Discharge Permit and the WQCC regulations. NMED may upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which any maintained</p>

#	Terms and Conditions
	<p>records required by this Discharge Permit, the regulations of the federal government, or the WQCC are located.</p> <p>The Permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling or monitoring during an inspection for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations.</p> <p>No person shall construe anything in this Discharge Permit as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state or federal regulations.</p> <p>[Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>
63.	<p>DUTY to PROVIDE INFORMATION - The Permittee shall, upon NMED's request, allow for NMED's inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.</p> <p>[Subsection D of 20.6.2.3107 NMAC]</p>
64.	<p>MODIFICATIONS and/or AMENDMENTS – In the event the Permittee proposes a change to the Facility or the Facility's discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated or discharged by the Facility, the Permittee shall notify NMED prior to implementing such changes. The Permittee shall obtain NMED's approval (which may require modification of this Discharge Permit) prior to implementing such changes.</p> <p>[Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]</p>
65.	<p>PLANS and SPECIFICATIONS – In the event the Permittee proposes to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the Permittee shall submit construction plans and specifications of the proposed system or process unit to NMED for approval prior to the commencement of construction.</p> <p>In the event the Permittee implements changes to the wastewater system authorized by this Discharge Permit that result in only a minor effect on the character of the discharge, the Permittee shall report such changes (including the submission of record drawings where applicable) to NMED prior to implementation.</p>

#	Terms and Conditions
	[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]
66.	<p>CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the Permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the Permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]</p>
67.	<p>CRIMINAL PENALTIES – No person shall:</p> <ul style="list-style-type: none"> • 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. <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death</p>

#	Terms and Conditions
	<p>or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
68.	<p>COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the Permittee of the obligation to comply with any other applicable federal, state, and/or local laws, regulations, zoning requirements, nuisance ordinances, permits or orders.</p> <p>[NMSA 1978, § 74-6-5.L]</p>
69.	<p>RIGHT to APPEAL - The Permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues raised and the relief sought. Unless the Permittee files a timely petition for review, the decision of NMED shall be final and not subject to judicial review.</p> <p>[20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]</p>
70.	<p>TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this Facility or any portion thereof, the Permittee shall:</p> <ul style="list-style-type: none"> • 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. <p>The Permittee shall continue to be responsible for any discharge from the Facility, until both ownership and possession of the Facility have been transferred to the transferee.</p> <p>[20.6.2.3111 NMAC]</p>
71.	<p>PERMIT FEES – The Permittee shall be aware that the payment of permit fees is due at the time of Discharge Permit approval. The Permittee may pay the permit fees in a single payment or they may pay the fee in equal installments on a yearly basis over the term of the Discharge Permit. The Permittee shall remit single payments to NMED no later than 30 days after the Discharge Permit issuance date. The Permittee shall remit initial installment payments to NMED no later than 30 days after the Discharge Permit issuance date; with subsequent installment payments remitted to NMED no later than the anniversary of the Discharge Permit issuance date.</p>

#	Terms and Conditions
	<p>Permit fees are associated with <u>issuance</u> of this Discharge Permit. No person shall construe anything in this Discharge Permit as relieving the Permittee of the obligation to pay all permit fees assessed by NMED. A Permittee that ceases discharging or does not commence discharging from the Facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. NMED shall suspend or terminate an approved Discharge Permit if the Permittee fails to remit an installment payment by its due date.</p> <p>[Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]</p>