



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

January 3, 2022

Jackie Roberts, Owner
Roberts Farm
736 CR I
Clovis, New Mexico 88101

RE: Draft Discharge Permit Renewal, DP-1820, Roberts Farm

Dear Jackie Roberts:

The New Mexico Environment Department (NMED) hereby provides notice to Roberts Farm of the proposed approval of Ground Water Discharge Permit Renewal, DP-1820, (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 above or via email to aracely.tellez@state.nm.us. 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

SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

Ground Water Quality Bureau | 1190 Saint Francis Drive, PO Box 5469, Santa Fe, New Mexico 87502-5469

Telephone (505) 827-2900 | www.env.nm.gov/gwqb/

Jackie Roberts

DATE

Page 2 of 2

Environmental Scientist

Encl: Draft Discharge Permit Renewal, DP-1820



**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



January 21, 2022

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

Facility Name: Robert's Farm
Discharge Permit Number: DP-1820
Facility Location: 736 CR I
Clovis, NM 88101

County: Curry

Permittee: Robert's Farm
Jackie Roberts
Mailing Address: P.O. Box 489

Facility Contact: Tasha Roberts
Telephone Number/Email: 575-693-6502 /333tasha@gmail.com

Permitting Action: Renewal
Permit Issuance Date: DATE
Permit Expiration Date: DATE

NMED Permit Contact: Aracely Tellez
Telephone Number/Email: (505) 629-8864 / aracely.tellez@state.nm.us

JUSTIN D. 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 | 3 |
| A. | OPERATIONAL PLAN | 3 |
| | Operating Conditions | 4 |
| B. | MONITORING AND REPORTING | 6 |
| | Due Dates for Monitoring Reports | 6 |
| | Facility Monitoring Conditions | 7 |
| C. | CONTINGENCY PLAN | 8 |
| D. | CLOSURE PLAN | 10 |
| | Permanent Facility Closure Conditions | 10 |
| E. | GENERAL TERMS AND CONDITIONS | 10 |

ATTACHMENTS

Discharge Permit Summary
Land Application Data Sheet (LADS - <https://www.env.nm.gov/gwb/forms.htm>)
Fertilizer Log

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this groundwater discharge permit Renewal (Discharge Permit or DP-1820) to Roberts Farm (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 Roberts Farm (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 City of Clovis Wastewater Treatment Facility (WWTF) transfers up to 9 million gallons per day (MGD) of treated domestic wastewater (reclaimed wastewater) to Roberts Farm for irrigation of up to 1,349 acres of cropland.

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 736 CR I, approximately three miles southeast of Clovis, in Sections 28, 29, 32, 33, and 34, Township 2N, Range 36E, in Curry County. A discharge at the Facility is most likely to affect groundwater at a depth of approximately 230 feet and having a pre-discharge total dissolved solids (TDS) concentration of approximately 350 milligrams per liter.

NMED issued the original Discharge Permit to the Permittee on November 1, 2013, and subsequently renewed the Permit on September 23, 2016. The application (i.e., discharge plan) associated with this Discharge Permit consists of the materials submitted by Tasha Roberts dated June 14, 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 the department that structural controls and/or management practices approved under this Discharge Permit are insufficiently protective of groundwater quality and human health. NMED reserves the right to require the Permittee implement abatement of water pollution and remediate groundwater quality.

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

This Discharge Permit may use the following acronyms and abbreviations.

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

II. FINDINGS

In issuing this Discharge Permit, NMED finds the following.

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

III. AUTHORIZATION TO DISCHARGE

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

This Discharge Permit authorizes the Permittee to receive up to 9 MGD of domestic wastewater transferred from the City of Clovis WWTF to irrigate up to 1,349 acres of cultivated cropland.

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

Operating Conditions

| # | Terms and Conditions | | | | | | | | | | | | |
|-------------------|---|----------------------|-----------------------|----------------|----------------|----------------------|----------------------|------------------|----------------|----------------|-------------------|----------------|----------------|
| 3. | <p>Reclaimed domestic wastewater discharged from the City of Clovis WWTF “U-shaped impoundment into the City of Clovis WWTF ‘40-acre’ storage impoundment (from which reclaimed wastewater is transferred to Roberts Farm) does not exceed the following discharge limits.</p> <table><tr><td><u>Test</u></td><td><u>30-day Average</u></td><td><u>Maximum</u></td></tr><tr><td>Fecal coliform</td><td>200 ORG/100mL</td><td>400 Org/100mL</td></tr><tr><td>BOD₅</td><td>30 mg/L</td><td>45 mg/L</td></tr><tr><td>TSS OR Turbidity:</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> | <u>Test</u> | <u>30-day Average</u> | <u>Maximum</u> | Fecal coliform | 200 ORG/100mL | 400 Org/100mL | BOD ₅ | 30 mg/L | 45 mg/L | TSS OR Turbidity: | 75 mg/L | 90 mg/L |
| <u>Test</u> | <u>30-day Average</u> | <u>Maximum</u> | | | | | | | | | | | |
| Fecal coliform | 200 ORG/100mL | 400 Org/100mL | | | | | | | | | | | |
| BOD ₅ | 30 mg/L | 45 mg/L | | | | | | | | | | | |
| TSS OR Turbidity: | 75 mg/L | 90 mg/L | | | | | | | | | | | |
| 4. | <p>The Permittee shall ensure adherence to the following general requirements for above-ground use of reclaimed domestic wastewater.</p> <p>a) The Permittee shall install and maintain signs in English and Spanish at all reuse areas such that they are visible and legible for the term of this Discharge Permit. The Permittee shall post signs at the entrance to reuse 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 TOMAR. The Permittee may submit alternate wording and/or graphics to NMED for approval.</p> <p>b) Reclaimed domestic 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).</p> <p>c) Above-ground use of reclaimed domestic wastewater shall not result in excessive ponding of wastewater and shall not exceed the water consumptive needs of the crop. The Permittee shall not discharge reclaimed domestic wastewater at times when the reuse area is saturated or frozen.</p> <p>d) The Permittee shall confine discharge of reclaimed domestic wastewater to the reuse area.</p> <p>e) The Permittee shall not discharge reclaimed domestic wastewater to crops used for human consumption.</p> <p>f) Water supply wells within 200 feet of a reuse area shall have adequate wellhead construction pursuant to 19.27.4 NMAC.</p> | | | | | | | | | | | | |

| # | Terms and Conditions |
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| | <p>g) Existing and accessible portions of the reclaimed domestic wastewater distribution system (with the exception of application equipment such as sprinklers or pivots) shall be colored purple or clearly labeled as being part of a reclaimed domestic wastewater distribution system. Piping, valves, outlets, and other plumbing fixtures shall be purple pursuant to the latest revision of the New Mexico Plumbing Code (14.8.2 NMAC) and New Mexico Mechanical Code (14.9.2 NMAC) to differentiate piping or fixtures used to convey reclaimed wastewater from those intended for potable or other uses.</p> <p>h) Valves, outlets, and sprinkler heads used in reclaimed wastewater systems shall be accessible only to authorized personnel.</p> <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> |
| 5. | <p>The Permittee shall meet the following setbacks, access restrictions and equipment requirements for spray irrigation using Class 2 reclaimed domestic wastewater.</p> <p>a) Maintain a minimum 100-foot setback between any dwellings or occupied establishments and the edge of the reuse area.</p> <p>b) Postpone irrigation using reclaimed domestic wastewater at times when windy conditions may result in drift of reclaimed domestic wastewater outside the reuse area.</p> <p>c) Restrict access to the reuse area using perimeter fencing with four-strand barbed wire and a locking gate, or other access controls approved by NMED.</p> <p>d) Prohibit public access during times when reclaimed domestic wastewater is being applied to the reuse area.</p> <p>e) Limit the spray irrigation system to low trajectory spray nozzles.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1–78, § 74-6–5.D]</p> |
| 6. | <p>The Permittee shall institute a backflow prevention method to protect wells and public water supply systems from contamination by reclaimed domestic wastewater prior to discharging to the reuse area. The Permittee shall achieve backflow prevention by a total disconnect (physical air gap separation between the discharge pipe and the liquid surface at least twice the diameter of the discharge pipe), or by a reduced pressure principal backflow prevention assembly (RP) installed on the line between the fresh water supply</p> |

| # | Terms and Conditions |
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| | <p>wells or public water supply and the reclaimed domestic wastewater delivery system. The Permittee shall maintain backflow prevention at all times.</p> <p>The Permittee shall have RP devices inspected and tested by a certified backflow prevention assembly tester at the time of installation, repair, or relocation and at least on an annual basis thereafter. The backflow prevention assembly tester shall have successfully completed a 40-hour backflow prevention course based on the University of Southern California's Backflow Prevention Standards and Test Procedures and obtained certification demonstrating completion. The Permittee shall have all malfunctioning RP devices repaired or replaced within 30 days of discovery. The Permittee shall cease using supply lines associated with the RP device until repair or replacement is complete.</p> <p>The Permittee shall maintain copies of the inspection and maintenance records and test results for each RP device associated with the backflow prevention program at a location available for inspection by NMED.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p> |

B. MONITORING AND REPORTING

| # | Terms and Conditions |
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| 7. | <p>The Permittee shall conduct the monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p> |
| 8. | <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> |

Due Dates for Monitoring Reports

| | |
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| 9. | <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. |
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| | [Subsection A of 20.6.2.3107 NMAC] |
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Facility Monitoring Conditions

| # | Terms and Conditions |
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| 10. | <p>The Permittee shall on a monthly basis measure the volume discharged to <i>each</i> field within the irrigation system with the totalizing flow meters. The meters located on the transfer line between the “40 acre” storage impoundment to the re-use area (Meter 1) and the transfer line between the storage impoundment and the western re-use areas (Meter 2).</p> <p>The Permittee shall maintain a log that records the date that discharges occur to <i>each</i> field, the monthly totalizing meter readings and units of measurement. The Permittee shall use the log to calculate the total monthly volume of treated wastewater discharged to <i>each</i> field. 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> |
| 11. | <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> |
| 12. | <p>The Permittee shall complete LADS (copy enclosed) on a monthly basis for any month the City of Clovis reports transferring TN >10mg/L until notified that the total nitrogen concentration is less than 10 mg/L. The permittee should document the amount of</p> |

| # | Terms and Conditions |
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| | <p>nitrogen applied to <i>each</i> field during the time of exceedance and most recent 12 months. The LADS shall reflect the total nitrogen concentration from the most recent wastewater analysis and the measured discharge volumes to <i>each</i> field for each month. The Permittee shall complete the LADS with the information above or include a statement that application of wastewater with TN above 10 mg/L did not occur. The Permittee shall submit the LADS to NMED in the subsequent semiannual monitoring report.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p> |
| 13. | <p>The Permittee shall keep a Fertilizer Log (copy enclosed) of all additional nitrogenous fertilizer applied to <i>each</i> field within the reuse area. The Log shall contain the date of fertilizer application, the type (organic or inorganic) and form (granular or liquid), nitrogen concentration (in percent), the amount of fertilizer applied (in pounds per acre), and the amount of nitrogen applied (in pounds per acre) for each location. The Permittee shall submit the log, or a statement that application of fertilizer did not occur, to NMED in the subsequent semi-annual monitoring report.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p> |

C. CONTINGENCY PLAN

| # | Terms and Conditions |
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| 14. | <p>In the event that the LADS submitted pursuant to Condition 12 (copy enclosed) show that the amount of nitrogen in wastewater applied in any 12-month period exceeds 200 pounds per acre, the Permittee shall propose the reduction of nitrogen loading to the fields by submitting a Corrective Action Plan (CAP) to NMED for approval. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions and submit the CAP within 90 days following the end of the monitoring period in which the exceedance occurred. The Permittee shall implement 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> |
| 15. | <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> |

| # | Terms and Conditions |
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| | <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 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> |
| 16. | <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> <ol style="list-style-type: none">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.The name and address of the Facility.The date, time, location, and duration of the unauthorized discharge.The source and cause of unauthorized discharge.A description of the unauthorized discharge, including its estimated chemical composition.The estimated volume of the unauthorized discharge.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 Corrective Action Plan (CAP) to NMED describing any corrective actions previously taken and corrective actions to be taken relative to the unauthorized discharge. The CAP shall include the following information.</p> <ol style="list-style-type: none">A description of proposed actions to mitigate damage from the unauthorized discharge.A description of proposed actions to prevent future unauthorized discharges of this nature.A schedule for completion of proposed actions. <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</p> |

| # | Terms and Conditions |
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| | <p>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> |
| 17. | <p>In the event that NMED or the Permittee identifies any failures of the discharge plan, i.e., the application, or this Discharge Permit not specifically noted herein, NMED may require the Permittee to submit a Corrective Action Plan and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a discharge permit modification to achieve compliance with 20.6.2 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p> |

D. CLOSURE PLAN

Permanent Facility Closure Conditions

| # | Terms and Conditions |
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| 18. | <p>In the event the facility no longer receives reclaimed domestic water from the City of Clovis WWTF, or the facility is proposing to permanently close, the permittee shall perform the following closure measure.</p> <p>Within <u>90 days</u> of ceasing discharge to the reuse area, the Permittee shall complete the following closure measures:</p> <p>a) Remove or plug the transfer line from the City of WWTF “40-acre” storage impoundment to the facility’s re-use areas so that a discharge can no longer occur.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC]</p> |

E. GENERAL TERMS AND CONDITIONS

| # | Terms and Conditions |
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| 19. | <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; |

| # | Terms and Conditions |
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| | <ul style="list-style-type: none">• Information, data, and documents demonstrating completion of closure activities;• Any releases (commonly known as “spills”) not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC;• The operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater;• Facility record drawings (plans and specifications) showing the actual construction of the Facility and bear the seal and signature of a licensed New Mexico professional engineer;• Copies of logs, inspection reports, and monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit;• The volume of wastewater or other wastes discharged pursuant to this Discharge Permit;• Groundwater quality and wastewater quality data collected pursuant to this Discharge Permit;• Copies of construction records (well log) for all sampled groundwater monitoring wells pursuant to this Discharge Permit;• The maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and• Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including:<ul style="list-style-type: none">○ the dates, location and times of sampling or field measurements;○ the name and job title of the individuals who performed each sample collection or field measurement;○ the sample analysis date of each sample○ the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis;○ the analytical technique or method used to analyze each sample or collect each field measurement;○ the results of each analysis or field measurement, including raw data;○ the results of any split, spiked, duplicate or repeat sample; and○ 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 the lifetime of the Discharge Permit. The Permittee shall make the record available to the department upon request.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p> |

| # | Terms and Conditions |
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| 20. | <p>SUBMITTALS – The Permittee shall submit both a paper copy and an electronic copy of all notification and reporting documents required by this Discharge Permit, e.g., monitoring reports. The Permittee shall submit paper and electronic documents to the NMED Permit Contact identified on the Permit cover page.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p> |
| 21. | <p>INSPECTION and ENTRY – The Permittee shall allow NMED to inspect the Facility and its operations that are subject to this Discharge Permit and the WQCC regulations. NMED may upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which any maintained records required by this Discharge Permit, the regulations of the federal government, or the WQCC are located.</p> <p>The Permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling or monitoring during an inspection 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> |
| 22. | <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> |
| 23. | <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> |

| # | Terms and Conditions |
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| 24. | <p>PLANS and SPECIFICATIONS – In the event the Permittee proposes to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the Permittee shall submit construction plans and specifications of the proposed system or process unit to NMED for approval prior to the commencement of construction.</p> <p>In the event the Permittee implements changes to the wastewater system authorized by this Discharge Permit that result in only a minor effect on the character of the discharge, the Permittee shall report such changes (including the submission of record drawings where applicable) to NMED prior to implementation.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p> |
| 25. | <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> |
| 26. | <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. |

| # | Terms and Conditions |
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| | <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p> |
| 27. | <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> |
| 28. | <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> |
| 29. | <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> |

| # | Terms and Conditions |
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| | [20.6.2.3111 NMAC] |
| 30. | <p>PERMIT FEES – The Permittee shall be aware that the payment of permit fees is due at the time of Discharge Permit approval. The Permittee may pay the permit fees in a single payment or they may pay the fee in equal installments on a yearly basis over the term of the Discharge Permit. The Permittee shall remit single payments to NMED no later than 30 days after the Discharge Permit issuance date. The Permittee shall remit initial installment payments to NMED no later than 30 days after the Discharge Permit issuance date; with subsequent installment payments remitted to NMED no later than the anniversary of the Discharge Permit issuance date.</p> <p>Permit fees are associated with <u>issuance</u> of this Discharge Permit. No person shall construe anything in this Discharge Permit as relieving the Permittee of the obligation to pay all permit fees assessed by NMED. A Permittee that ceases discharging or does not commence discharging from the Facility during the term of the Discharge Permit shall 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> |



New Mexico Environment Department Ground Water Quality Bureau Discharge Permit Summary

Facility Information

Facility Name Roberts Farm
Discharge Permit Number DP-1820
Legally Responsible Party Jackie Roberts, Owner
Roberts Farm
736 CR I
Clovis, NM 88101
(575)760-9210

Treatment, Disposal and Site Information

Primary Waste Type Reclaimed Domestic Water
Facility Type Farm

Discharge Locations

| Type | Designation | Description & Comments |
|-------------|-------------|---|
| Re-use Area | Field A | 70 acres; center pivot; south of Field B and west of Field M; SW¼ Section 32, Township 02N, Range 36E |
| Re-use Area | Field B | 107 acres; center pivot; west of Field C; NW¼ Section 32, Township 02N, Range 36E |
| Re-use Area | Field C | 122 acres; center pivot; south of Field D; NE¼ Section 32, Township 02N, Range 36E |
| Re-use Area | Field D | 120 acres; center pivot; west of Field E; SE¼ Section 29, Township 02N, Range 36E |
| Re-use Area | Field E | 120 acres; center pivot; west of Field F; SW¼ Section 28, Township 02N, Range 36E |
| Re-use Area | Field F | 120 acres; center pivot; east of Field E; SE¼ Section 28, Township 02N, Range 36E |
| Re-use Area | Field G | 120 acres; center pivot; south of Field F; NE¼ Section 33, Township 02N, Range 36E |
| Re-use Area | Field H | 120 acres; center pivot; south of Field G; SE¼ Section 33, Township 02N, Range 36E |
| Re-use Area | Field I | 120 acres; center pivot; east of Field H; SW¼ Section 34, Township 02N, Range 36E |
| Re-use Area | Field J | 120 acres; center pivot; east of Field I; SE¼ Section 34, Township 02N, Range 36E |
| Re-use Area | Field M | 100 acres; center pivot; south of Field C; SE¼ Section 32, Township 02N, Range 36E |
| Re-use Area | Field N | 110 acres; center pivot; west of Field D; SW¼ Section 29, Township 02N, Range 36E |

Flow Metering Locations

| Type | Designation | Description & Comments |
|-----------------------|-------------|--|
| Totalizing Flow Meter | Meter 1 | located on the transfer line between the northwest pumping unit at the Clovis "40-acre" storage impoundment and the western re-use areas (Fields F, G, H, I & J) |



New Mexico Environment Department Ground Water Quality Bureau
Discharge Permit Summary

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|-----------------------|---------|--|
| Totalizing Flow Meter | Meter 2 | located on the transfer line between the northeast pumping unit at the Clovis "40-acre" storage impoundment and the eastern re-use areas (Fields A, B, C, D, E, M & N) |
|-----------------------|---------|--|

Depth-to-Ground Water 230 feet
Total Dissolved Solids (TDS) 350 mg/L

Permit Information

Original Permit Issued November 1, 2013
Permit Renewal September 23, 2016

Current Action
Application Received
Public Notice Published
Permit Issued (Effective Date)
Permitted Discharge Volume

Renewal
June 14, 2021
September 21, 2021
[effective date]
9 MGD

NMED Contact Information

Mailing Address
Ground Water Quality Bureau
P.O. Box 5469
Santa Fe, New Mexico 87502-5469

GWQB Telephone Number (505) 827-2900

NMED Lead Staff Aracely Tellez
Lead Staff Telephone Number (505) 629-8864
Lead Staff Email aracely.tellez@state.nm.us