



MICHELLE LUJAN GRISHAM  
GOVERNOR

JAMES C. KENNEY  
CABINET SECRETARY

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

January 30, 2024

Amber Vaughn, Sierra County Manager  
Sierra County  
1712 North Date, Suite D  
Truth or Consequences, New Mexico 87901

**RE: Draft Discharge Permit Renewal and Modification, DP-800, Sierra County Collection Center-Septage Disposal Facility**

Dear Amber Vaughn:

The New Mexico Environment Department (NMED) hereby provides notice to the County of Sierra of the proposed approval of Ground Water Discharge Permit Renewal and Modification, DP-800, (copy enclosed), pursuant to Subsection H of 20.6.2.3108 NMAC. NMED will publish notice of the availability of the draft Discharge Permit in the near future for public review and comment and will forward a copy of that notice to you.

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

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

Please submit written comments or a request for hearing to my attention at the address below, via email to [gerald.knutson@env.nm.gov](mailto:gerald.knutson@env.nm.gov) or to [pps.general@env.nm.gov](mailto:pps.general@env.nm.gov), or directly into the NMED Public Comment Portal at <https://nmed.commentinput.com/comment/search>. 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) 660-7189.

Sincerely,

Gerald Knutson, Water Resources Professional III

enc: Draft Discharge Permit Renewal and Modification, DP-800  
cc: Billy Neeley, Road Director, [bneeley@sierraco.org](mailto:bneeley@sierraco.org)  
Michael Crepeau, PE, Parkhill, [mcrepeau@parkhill.com](mailto:mcrepeau@parkhill.com)

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/](http://www.env.nm.gov/gwqb/)





**NEW MEXICO**  
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***Draft: January 30, 2024***

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

<b>Facility Name:</b>	Sierra County Collection Center-Septage Disposal Facility
<b>Discharge Permit Number:</b>	DP-800
<b>Facility Location:</b>	New Mexico Highway 53 at the entrance to the Sierra County Collection Center Section 19, Township 12 South, Range 04 West and Section 24, Township 12 South, Range 05 West
<b>County:</b>	Sierra
<b>Permittee:</b>	County of Sierra
<b>Mailing Address:</b>	Attn: Amber Vaughn, Sierra County Manager 1712 North Date, Suite D Truth or Consequences, New Mexico 87901
<b>Facility Contact:</b>	Billy Neeley, Road Director
<b>Telephone Number/Email:</b>	(575) 894-6881 / <a href="mailto:bneeley@sierraco.org">bneeley@sierraco.org</a>
<b>Permitting Action:</b>	Renewal and Modification
<b>Permit Issuance Date:</b>	DATE
<b>Permit Expiration Date:</b>	DATE
<b>NMED Permit Contact:</b>	Gerald Knutson, Water Resources Professional III
<b>Telephone Number/Email:</b>	(505) 660-7189 / <a href="mailto:gerald.knutson@env.nm.gov">gerald.knutson@env.nm.gov</a> or 505-827-2900 / <a href="mailto:pps.general@env.nm.gov">pps.general@env.nm.gov</a>

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

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Date

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**ATTACHMENTS**

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

## I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this groundwater discharge permit Renewal and Modification (Discharge Permit or DP-800) to the County of Sierra (Permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Ground and Surface Water Protection Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from the Sierra County Collection Center-Septage Disposal Facility (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.

This Facility stopped receiving domestic septage and portable toilet waste on January 13, 2023. Prior to ceasing operations, NMED authorized the Facility to discharge up to 9,999 gallons per day (gpd) of domestic septage and portable toilet waste to two synthetically lined impoundments for by disposal by evaporation.

The Discharge Permit modification consists of the addition of an eight-acre surface disposal site and authorization to discharge up to 2,312 cubic yards dried domestic septage and portable toilet waste from the synthetically lined impoundments to the new disposal site.

### Discharge Permit Location Information:

Physical Address	New Mexico Highway 52 at the entrance to the Sierra County Collection Center
Nearest Town/City	Approximately 8.5 miles northwest of Truth or Consequences
Section, Township, Range	Section 19, Township 12 South, Range 04 West and Section 24, Township 12 South, Range 05 West
County	Sierra
Depth to Groundwater	450 feet
Pre-Discharge TDS	340 milligrams per liter (mg/L)

Discharge Permit Issuance History:

Original Permit Issuance	August 27, 1991
Permit Renewal	July 13, 2000
Permit Renewal and Modification	November 30, 2005
Permit Renewal	October 11, 2012
Permit Renewal	March 1, 2019

The application (i.e., discharge plan) associated with this Discharge Permit consists of the materials submitted by the Permittee dated August 22, 2023 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 to 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
CAP	Corrective Action Plan	NMED	New Mexico Environment Department
CFR	Code of Federal Regulations	NMSA	New Mexico Statutes Annotated
Cl	chloride	NO <sub>3</sub> -N	nitrate-nitrogen
EPA	United States Environmental Protection Agency	QA/QC	Quality Assurance/Quality Control
gpd	gallons per day	SDDS	Surface Disposal Data Sheet(s)
LAA	land application area	TKN	total Kjeldahl nitrogen
LADS	Land Application Data Sheet(s)	total nitrogen	= TKN + NO <sub>3</sub> -N
mg/L	milligrams per liter	WQA	New Mexico Water Quality Act

Abbreviation	Explanation		Abbreviation	Explanation
mL	milliliters		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 this Facility has the potential to 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 NMAC.

## III. AUTHORIZATION TO DISCHARGE

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

This Discharge Permit authorizes the Permittee to discharge up to 2,312 cubic yards of dried domestic septage and portable toilet waste to an eight-acre surface disposal site.

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

## IV. CONDITIONS

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

**A. OPERATIONAL PLAN**

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

***Operational Actions with Implementation Deadlines***

#	Terms and Conditions
3.	Prior to discharging to the eight-acre surface disposal site, the Permittee shall submit an up-to-date diagram of the layout of the entire Facility to NMED. The diagram shall include the following elements: <ul style="list-style-type: none"> <li>• a north arrow;</li> <li>• the issuance date of the diagram;</li> <li>• all components of the Septage Disposal Facility including the synthetically lined impoundment(s) site and the surface disposal site; and</li> <li>• all access roads to each site.</li> </ul> The Permittee shall ensure that any element that cannot be directly shown due to its location inside of existing structures, or because it is buried without surface identification, shall be on the diagram in a schematic format and identified as such.  [Subsection C of 20.6.2.3106 NMAC, Subsection A of 20.6.2.3107 NMAC]
4.	Prior to discharging to the surface disposal site, the Permittee shall install an 18 to 24-inch earthen berm surrounding the perimeter of the disposal site to prevent run-on and run-off from a storm event. In place of a berm across the facility entrance, the Permittee shall construct and maintain shallow (minimum depth of six inches) stormwater diversion bar trenches parallel to and on each side of the surface disposal site entrance gate.  [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]



#	Terms and Conditions
5.	<p>Prior to discharging to the surface disposal site, the Permittee shall install fences around the disposal site to prevent unrestricted access. The fences shall consist of a minimum of a three-strand barbed wire fence and a locked gate. 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>
6.	<p>Prior to discharging to the surface disposal site, the Permittee shall post the following signs at the following locations:</p> <ul style="list-style-type: none"> <li>• Signs posted at the disposal site entrance and every 500 feet along the Facility boundary that state: "Notice: Waste Disposal Area - KEEP OUT" and "Aviso: Área de Disposición - NO ENTRAR".</li> <li>• A sign posted at the disposal site entrance gate with the following information:             <ul style="list-style-type: none"> <li>○ the name of the Facility,</li> <li>○ the name of a Facility contact person,</li> <li>○ the office phone number of the contact person,</li> <li>○ the emergency contact phone number for the Facility, and</li> <li>○ New Mexico Environment Department, Discharge Permit #800 – dial 505-827-2900.</li> </ul> </li> </ul> <p>All signs shall be weatherproof and remain legible for 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>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>
7.	<p>Prior to discharging to the surface disposal site, the Permittee shall submit a plan to NMED that contains the following:</p> <ol style="list-style-type: none"> <li>a) A proposed method for measuring the volume of dried domestic septage and portable toilet waste to be discharged to the disposal site.</li> <li>b) A proposed method for transferring and distributing dried domestic septage and portable toilet waste from the septage impoundments to the disposal site.</li> </ol> <p>The plan shall be implemented upon approval, or approval with conditions, by NMED.</p> <p>[20.6.2.3109 NMAC]</p>

**Operating Conditions**

#	Terms and Conditions
8.	<p>The Permittee shall maintain 18 to 24-inch berms around the surface disposal site to prevent surface water run-on and run-off. The Permittee shall inspect the berms on a monthly basis and after any major precipitation event and repaired as necessary.</p> <p>The Permittee shall keep a log of the inspections that includes 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 C of 20.6.2.3109 NMAC]</p>
9.	<p>The Permittee shall maintain fences around the entire Facility to restrict access by the general public and animals. The fences shall consist of a minimum of three-stranded barbed wire and locking gates at the impoundment site and surface disposal site. The Permittee shall maintain the fences to serve the stated purpose throughout the term of this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
10.	<p>The Permittee shall maintain the following signs at the following locations:</p> <ul style="list-style-type: none"> <li>• Signs posted at the disposal site entrance and every 500 feet along the Facility’s boundary that state: "Notice: Waste Disposal Area - KEEP OUT" and "Aviso: Área de Disposición - NO ENTRAR".             <ul style="list-style-type: none"> <li>○ A sign posted at the synthetically lined impoundment site and surface disposal site entrance gates with the following information:                 <ul style="list-style-type: none"> <li>○ the name of the Facility,</li> <li>○ the name of a Facility contact person,</li> <li>○ the office phone number of the contact person,</li> <li>○ the emergency contact phone number for the Facility, and</li> <li>○ New Mexico Environment Department, Discharge Permit #800 – dial 505-827-2900.</li> </ul> </li> </ul> </li> </ul> <p>All signs shall be weatherproof and remain 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>
11.	<p>The Permittee shall apply dried domestic septage and portable toilet waste to surface disposal site totaling 8 acres. The Permittee shall evenly distribute the waste throughout the site.</p>

#	Terms and Conditions
	<p>The Permittee shall keep records describing the date and time of waste surface disposal.</p> <p>[Subsections B and C 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D, 40 CFR 503]</p>
12.	<p>The Permittee shall incorporate the dried domestic septage and portable toilet waste into the soil by disking or other NMED approved method within six hours following surface disposal.</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 dried domestic septage and portable toilet waste into the soil by disking.</p> <p>[20.6.2.3109 NMAC, 74-6-5 WQA]</p>
13.	<p>With the completion of the surface disposal of dried domestic septage and portable waste to the Facility's surface disposal site, the Permittee shall inspect the disposal site and collect any residual solid waste (trash) on the site. The Permittee shall dispose of the collected materials in a manner consistent with all local, state, and federal regulations.</p> <p>The Permittee shall maintain a log of inspection findings at the Sierra County office and make the log available to a NMED representative upon request.</p> <p>[20.6.2.3109 NMAC]</p>
14.	<p>The Permittee shall not discharge dried domestic septage and portable toilet waste during periods of precipitation or when surface disposal site soils are frozen or saturated.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>

**B. MONITORING AND REPORTING**

#	Terms and Conditions
15.	<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>

#	Terms and Conditions
16.	<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**

#	Terms and Conditions
17.	<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"> <li>• January 1<sup>st</sup> through June 30<sup>th</sup> – <b>due by August 1<sup>st</sup></b>; and</li> <li>• July 1<sup>st</sup> through December 31<sup>st</sup> – <b>due by February 1<sup>st</sup></b>.</li> </ul> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

**Facility Monitoring Conditions**

#	Terms and Conditions
18.	<p>The Permittee shall maintain a monthly log/summary detailing dried domestic septage and portable toilet waste discharged to the surface disposal site. The log shall include the following information:</p> <ul style="list-style-type: none"> <li>• date of each waste load discharged to the disposal site; and</li> <li>• volume of waste discharged in cubic yards.</li> </ul> <p>The Permittee shall submit copies of the monthly logs for the waste discharged to the surface disposal site to NMED in the semi-annual monitoring reports.</p> <p>[20.6.2.3107 NMAC]</p>
19.	<p>The Permittee shall collect samples of dried domestic septage and portable toilet waste from the vehicle transporting the waste to the disposal site every 300 cubic yards of waste and analyze each sample for:</p> <ul style="list-style-type: none"> <li>• TKN;</li> <li>• NO<sub>3</sub>-N; and</li> <li>• % Total Solids (TS)</li> </ul>

#	Terms and Conditions
	<p>The Permittee shall report the analytical results as mg/Kg for TKN and NO<sub>3</sub>-N (dry weight basis).</p> <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 reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
20.	<p>The Permittee shall complete a SDDS (SDDS-Sludge, attached) to document the amount of nitrogen in the dried domestic septage and portable toilet waste discharged to the surface disposal site. The SDDS shall reflect the total nitrogen (TN) analysis results for each 300 cubic yards of waste, the total discharge volume of waste discharged to the disposal area, and the TN discharged to the disposal area. The Permittee shall not adjust the nitrogen content to account for volatilization or mineralization processes.</p> <p>The Permittee shall submit the SDDS to NMED in the semi-annual monitoring report following the completion of the surface disposal.</p> <p>[Subsection A of 20.6.2.3107 NMAC and Subsection H of 20.6.2.3109]</p>

**C. CONTINGENCY PLAN**

#	Terms and Conditions
21.	<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, 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 following approval 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 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>[20.6.2.3103 NMAC, Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>

#	Terms and Conditions
22.	<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. A release is defined as such quantity as may with reasonable probability injure or be detrimental to human health, animal or plant life, or property, or unreasonably interfere with the public welfare or the use of property.</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"><li>a) The name, address, and telephone number of the person or persons in charge of the Facility, as well as of the owner and/or operator of the Facility.</li><li>b) The name and address of the Facility.</li><li>c) The date, time, location, and duration of the unauthorized discharge.</li><li>d) The source and cause of unauthorized discharge.</li><li>e) A description of the unauthorized discharge, including its estimated chemical composition.</li><li>f) The estimated volume of the unauthorized discharge.</li><li>g) Any actions taken to mitigate immediate damage from the unauthorized discharge.</li></ul> <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"><li>a) A description of proposed actions to mitigate damage from the unauthorized discharge.</li><li>b) A description of proposed actions to prevent future unauthorized discharges of this nature.</li><li>c) A schedule for completion of proposed actions.</li></ul> <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>

#	Terms and Conditions
	<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>
23.	<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**

***Closure Actions with Implementation Deadlines***

#	Terms and Conditions
24.	<p>The Permittee shall perform the following closure measures to the permanently closed synthetically lined impoundment(s) site.</p> <p>Within <u>one year</u> following completion of the solids (from domestic septage and portable toilet waste) removal and disposal, the Permittee shall complete the following closure measures.</p> <ul style="list-style-type: none"> <li>a) 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.</li> <li>b) Fill the impoundments with suitable fill.</li> <li>c) Re-grade the impoundments to blend with surface topography, promote positive drainage, and prevent ponding.</li> </ul> <p>The Permittee shall verified appropriate actions with date stamped photographic evidence or an associated NMED inspection for the permanent closure of the synthetically lined impoundment(s) site.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]</p>

**Permanent Facility Closure Conditions**

#	Terms and Conditions
25.	<p>Within one year of the completion of the surface disposal of dried domestic septage and portable toilet waste to the Facility’s surface disposal site, the Permittee shall perform the following closure measures:</p> <ul style="list-style-type: none"> <li>a) Re-vegetate the surface disposal site 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 three consecutive growing seasons.</li> <li>b) Following re-seeding of the surface disposal site, the Permittee shall maintain the perimeter fencing and security gate for a minimum of three years to prevent unauthorized access.</li> </ul> <p>When all closure requirements have been met, the permittee may request to terminate the Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

**E. GENERAL TERMS AND CONDITIONS**

#	Terms and Conditions
26.	<p>RECORD KEEPING - The Permittee shall maintain a written record of the following:</p> <ul style="list-style-type: none"> <li>• Information and data used to complete the application for this Discharge Permit;</li> <li>• Information, data, and documents demonstrating completion of closure activities;</li> <li>• Any releases (commonly known as “spills”) not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC;</li> <li>• Facility record drawings (plans and specifications) showing the actual construction of the Facility and bear the seal and signature of a licensed New Mexico professional engineer;</li> <li>• Copies of logs, inspection reports, and monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit;</li> <li>• The volume of wastes discharged pursuant to this Discharge Permit;</li> <li>• The maintenance, repair, replacement, or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and</li> <li>• Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including:                         <ul style="list-style-type: none"> <li>○ the dates, locations, and times of sampling or field measurements;</li> <li>○ the name and job title of the individuals who performed each sample collection or field measurement;</li> </ul> </li> </ul>



#	Terms and Conditions
	<ul style="list-style-type: none"> <li>○ the sample analysis date of each sample;</li> <li>○ the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis;</li> <li>○ the analytical technique or method used to analyze each sample or collect each field measurement;</li> <li>○ the results of each analysis or field measurement, including raw data;</li> <li>○ the results of any split, spiked, duplicate, or repeat sample; and</li> <li>○ a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used.</li> </ul> <p>The Permittee shall maintain the written record at a location accessible to NMED during a Facility inspection for a minimum of five years. The Permittee shall make the record available to NMED upon request.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>
27.	<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>
28.	<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>

#	Terms and Conditions
29.	<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>
30.	<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>
31.	<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>
32.	<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.</p>

#	Terms and Conditions
	<p>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>
33.	<p><b>CRIMINAL PENALTIES - No person shall:</b></p> <ul style="list-style-type: none"> <li>• Make any false material statement, representation, certification, or omission of material fact in an application, record, report, plan, or other document filed, submitted, or maintained under the WQA;</li> <li>• Falsify, tamper with, or render inaccurate any monitoring device, method, or record maintained under the WQA; or</li> <li>• Fail to monitor, sample, or report as required by a permit issued pursuant to a state or federal law or regulation.</li> </ul> <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>
34.	<p><b>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.</b></p> <p>[NMSA 1978, § 74-6-5.L]</p>
35.	<p><b>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.</b></p>

#	Terms and Conditions
	<p>[20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]</p>
36.	<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"> <li>• Notify the proposed transferee in writing of the existence of this Discharge Permit;</li> <li>• Include a copy of this Discharge Permit with the notice; and</li> <li>• Deliver or send by certified mail to NMED a copy of the notification and proof that the proposed transferee has received such notification.</li> </ul> <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>
37.	<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** Sierra County Collection Center-Septage Disposal Facility  
**Discharge Permit Number** DP-800

**Legally Responsible Party** Amber Vaughn, Sierra County Manager  
 Sierra County  
 1712 North Date, Suite D  
 Truth or Consequences, New Mexico 87901  
 (575) 894-6215

**Treatment, Disposal and Site Information**

**Primary Waste Type** Domestic Septage  
**Facility Type** Surface Disposal

**Discharge Location**

Type	Description & Comments
Surface Disposal	An estimated 2,312 cubic yards of dried domestic septage and portable toilet waste from the Facility's two synthetically impoundments to the Facility's eight-acre surface disposal site.

**Depth-to-Ground Water** 450 feet  
**Total Dissolved Solids (TDS)** 340 mg/L

**Permit Information**

<b>Original Permit Issued</b>	August 27, 1991
<b>Permit Renewal</b>	July 13, 2000
<b>Permit Renewal and Modification</b>	November 30, 2005
<b>Permit Renewal</b>	October 11, 2012
<b>Permit Renewal</b>	March 1, 2019
<b>Current Action</b>	<b>Permit Renewal and Modification</b>
Application Received	August 22, 2023
Public Notice Published	[not yet published]
Permit Issued (Issuance Date)	[issuance date]
Permitted Discharge Volume	An estimated 2,312 cubic yards of domestic septage and portable toilet waste

**NMED Contact Information**

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



## New Mexico Environment Department Ground Water Quality Bureau Discharge Permit Summary

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**GWQB Telephone Number**

(505) 827-2900

**NMED Lead Staff**

Gerald Knutson

**Lead Staff Telephone Number**

(505) 660-7189

**Lead Staff Email**

[gerald.knutsonb@env.nm.gov](mailto:gerald.knutsonb@env.nm.gov) or [pps.general@env.nm.gov](mailto:pps.general@env.nm.gov)

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