



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

May 15, 2025

Chris Wirth, Vice President
Jurado Inc.
300 S. Motel Blvd
Las Cruces, NM 88007

RE: Draft Discharge Permit Modification, DP-1964, Jurado Inc.

Dear Pete Jurado:

The New Mexico Environment Department (NMED) hereby provides notice to you of the proposed approval of Ground Water Discharge Permit Modification, DP-1964, (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, through the online portal accessible at <https://nmed.commentinput.com/comment/search> or via email to Aracely.tellez@env.nm.gov or to acs.general@env.nm.gov. 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
Aracely Tellez
Water Resources Prof III

Digitally signed
by Aracely Tellez
Date: 2025.05.08
11:17:05 -06'00'

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/

Enc: Draft Discharge Permit Modification, DP-1964

cc: Samantha Carver, Acting ACS Program Manager, Ground Water Quality Bureau
Steve Perez, consultant, steve@desertpeaksconsulting.com
ACS Reading File



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Draft: May 15, 2025

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

Facility Name: Jurado Inc.
Discharge Permit No: DP-1964
Permittee Name: Chris Wirth, Vice President
Mailing Address: 300 S. Motel Blvd
Las Cruces, NM 88007

Facility Location: 300 S. Motel Blvd
Section 23, Township 23 South, Range 1 East

County: Dona Ana

Permitting Action: Modification
Source Classification: Agriculture – Crop/Food Processing

Permit Issuance Date: DATE
Permit Expiration Date: DATE

NMED Permit Contact: Aracely Tellez
Telephone Number/Email: (505) 629-8864/Aracely.tellez@env.nm.gov or
Main Bureau/Section Contact: (505) 827-2900/ acs.general@env.nm.gov

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

TABLE OF CONTENTS

Part A	GENERAL INFORMATION.....	1
A100	Introduction	1
A101	Terms of Permit Issuance	1
A102	Applicable Regulations	2
A103	Facility: Physical Description	2
A104	Facility: Documented Hydrogeologic Conditions	3
Part B	Discharge REQUIREMENTS.....	3
B100	Facility: Authorized Discharge	3
B101	Existing System Controls.....	4
B102	Conditions for Operation.....	4
B103	Facility: Conditions for Closure.....	7
B104	Facility: Contingency Plan	7
Part C	GENERAL Terms and CONDITIONS.....	9
C100	Legal.....	9
C101	General Inspection and Entry Requirements	10
C102	General Record Keeping and Reporting Requirements	11
C103	Modifications and/or Amendments	12
Part D	MISCELLANEOUS	12
D100	Acronyms	12

LIST OF TABLES

Table B2	Land Application Area Management	4
Table B3	Solids Management	6

PART A GENERAL INFORMATION

A100 Introduction

- A. The New Mexico Environment Department (NMED) issues this Discharge Permit Modification (Discharge Permit), **DP-1964**, to Jurado Inc. (Permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978, §§ 74-6-1 through 74-6-17, and the New Mexico Ground and Surface Water Protection Regulations, 20.6.2 NMAC. NMED's purpose in issuing this Discharge Permit is to control the discharge of water contaminants from Jurado Inc. (Facility) for the protection of 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.
- B. The Permittee is discharging up to 59,000 gallons per day (gpd) of effluent from Jurado Inc. This discharge or leachate may move directly or indirectly into groundwater of the State of New Mexico which has an existing concentration of 10,000 milligrams per liter (mg/L) or less of total dissolved solids (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.
- C. In issuing this Discharge Permit, NMED has determined that the Permittee has met the requirements of Subsection C of 20.6.2.3109 NMAC. Pursuant to Section 20.6.2.3104 NMAC, it is the Permittee's responsibility to comply with the terms and conditions of this Discharge Permit; failure to do so may result in enforcement action by NMED (20.6.2.1220 NMAC).

A101 Terms of Permit Issuance

- A. **Permit Duration** - Pursuant to WQA 74-6-5(I) and Subsection H of 20.6.2.3109 NMAC, the term of a Discharge Permit shall be for the fixed term of **five years** from the effective date of the Discharge Permit.
- B. **Permit Modification** - Modifications to existing DP-1964 represented herein consists of an increase in the maximum daily discharge volume from 12,000 gpd to 59,000 gpd, and a decrease in the acreage of the surface disposal area from 10 acres to 7 acres.
- C. **Permit Fees** – Payment of permit fees is due at the time of Discharge Permit approval. Permit fees shall be paid in a single payment or shall be paid in equal installments on a yearly basis over the term of the Discharge Permit. Single payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date. Initial installment payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date; subsequent installment payments shall be remitted to NMED no later than the anniversary of the Discharge Permit effective date. Permit fees are associated with issuance of this Discharge Permit. Nothing in this Discharge Permit relieves 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. An approved Discharge Permit shall be suspended or terminated if the

facility fails to remit an installment payment by its due date. [Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]

- D. **Permit Renewal** - To renew this Discharge Permit, the Permittee shall submit, in accordance with 20.6.2.3106 NMAC, an application and any associated fees for renewal, renewal and modification, or renewal for closure at least 120 days before the discharge permit expiration date, unless closure of the facility is approved by NMED before that date.
- E. **Transfer of Ownership** - This Discharge Permit is being issued to Jurado Inc. as identified in **Section A100** above. In accordance with Section 20.6.2.3111 NMAC, the Permittee, any listed owner(s) of record, and any [other] holder(s) of an expired discharge permit are responsible for complying with the conditions listed herein. If during the duration of this Discharge Permit a change in the list of responsible parties is required, transfer of ownership shall be completed in accordance with Section 20.6.2.3111(A).

A102 Applicable Regulations

- A. **Scope** - This Discharge Permit applies solely for the regulation of process wastewater or stormwater generated from facility operations and does not include regulation of domestic wastewater at the facility. Domestic wastewater generated at the facility is treated or disposed of pursuant to 20.7.3 NMAC and LW permit numbers LC970803 and LC908625.
- B. The discharge from the facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.
- C. Groundwater quality as observed in on-site monitoring wells is subject to the criteria of Sections 20.6.2.3101 and 20.6.2.3103 NMAC unless otherwise specified in this Discharge Permit.
- D. Complying with the applicable requirements of 20.6.2 NMAC does not relieve a facility's owner, operator or Permittee from complying with the requirements of other applicable local, state and federal regulations or laws.

A103 Facility: Physical Description

- A. This facility is located at 300 S. Motel, Las Cruces, in Section 23, Township 23 South, Range 01 East, Dona Ana County.
- B. This facility is comprised of the following wastewater system components as identified in the application dated January 6, 2025 and the administrative record which includes the original Discharge Permit issued on May 6, 2024 as of the effective date of this Discharge Permit:
 - 1. Wastewater Components:
 - a. **Wash Area #1** – located south of the mash processing facility and is comprised of the loading dock, conveyor, and tumbling separator, sump, pump, and screened separator where chile is washed and large debris is removed.

- b. **Wash Area #2** - located south of the mash processing facility and is comprised of the loading dock, conveyor, and tumbling separator, sump, pump, and screened separator where chile is washed and large debris is removed.
 - c. **Wash Area #3** – located south of the mash processing facility and is comprised of the loading dock, conveyor, and tumbling separator, sump, pump, and screened separator where chile is washed and large debris is removed.
 - d. **Wash Area #4** - located on the northeast side of the second mash processing facility and is comprised of the loading dock, conveyor, and tumbling separator, sump, pump, and screened separator where chile is washed and large debris is removed.
 - e. **Tank 1** – 1,500-gallon below ground storage tank located adjacent to Wash Area #1, where wastewater is collected before flowing to final transfer sump and then land applied.
 - f. **Tank 2** – 1,500-gallon below ground storage tank located west of Tank 1, where wastewater is collected before flowing to final transfer sump and then land applied.
 - g. **Tank 3** – 1,500-gallon below ground storage tank located southeast of the second mash processing facility, where wastewater is collected before flowing to final transfer sump and then land applied.
 - h. **Tank 4** - 1,500-gallon below ground storage tank located southeast of the second mash processing facility, where wastewater is collected before flowing to final transfer sump and then land applied.
 - i. **Final Sump** – approximately 1,800-gallon concrete sump where wastewater is collected from the underground storage tanks before being land applied.
2. Fields or tracts within the land application area or surface disposal area:
- a. **Surface Disposal 1** – Covers 7 acres and is located southwest of the facility. Surface disposal area 1 has been receiving wastewater since 1995 via flood irrigation from valved discharge line to control application/distribution.

These system components identified are potential sources of groundwater contamination. **Section B100** lists all wastewater system components authorized to discharge under this Discharge Permit.

A104 Facility: Documented Hydrogeologic Conditions

- A. Groundwater most likely to be affected at this facility is at a depth of approximately 25-36 feet and had a total dissolved solids concentration of 904 milligrams per liter.

PART B DISCHARGE REQUIREMENTS

B100 Facility: Authorized Discharge

- A. NMED authorizes the Permittee to discharge water contaminants as part of facility operations subject to the following requirements:

1. The Permittee is authorized to discharge up to 59,000 gpd of wastewater from cayenne pepper washing and in-house cleaning. Wastewater flows into concrete/grated drains where it flows into sumps and is pumped to a series of screened separators prior to flowing into one of four 1,500-gallon below ground storage tanks in series and then to a final sump before disposal by surface disposal. Wastewater is applied by flood irrigation to up to 7 acres.
 2. The Permittee is authorized to apply wastewater to fields within the surface disposal area in accordance with Subsection C of 20.6.2.3109 NMAC. The surface disposal area is comprised of the following fields for a total area of 7 acres.
 - a. **Surface Disposal Area 1** – This field was authorized to receive wastewater and *has* received wastewater as of the effective date of this Discharge Permit.
- B. This Discharge Permit authorizes only those discharges specified herein. Any unauthorized discharges, such as spills or leaks must be reported to NMED in a corrective action conducted pursuant to Section 20.6.2.1203 NMAC.

B101 Existing System Controls

- A. The following existing system controls at this facility shall be required as described below:
1. **Flow Meter** - The facility measures the volume of (1) wastewater discharged from the production area and (2) wastewater and stormwater discharged to the land application area/surface disposal area using the following flow meters:
 - a. **Supply Meter** – located on supply well LRG-01481-POD4 on the west end of the production area to measure the volume of all fresh water contributing to the wastewater discharged to Surface Disposal Area 1 and providing an estimate of the volume of wastewater generated from chile washing.

B102 Conditions for Operation

- A. NMED has reviewed the permit application for the proposed facility and has determined that the provisions of the applicable groundwater quality standards will be met in accordance with this Discharge Permit. General conditions for all Discharge Permits issued by the Ground Water Quality Bureau pursuant to NMAC 20.6.2 are summarized on **Table B1**. Unless otherwise specified in Parts A or B of this Discharge Permit, both the general conditions for a facility discharge permit (as listed in this part) and facility-specific conditions as listed are mandated to assure continued compliance.
- B. **Surface Disposal Area Management** - The Permittee shall manage all land application areas at the facility in accordance with 20.6.2.3101 NMAC and the conditions summarized in **Table B3** below.

Table B2
Land Application Area Management
Engineering and Surveying

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Table B2
Land Application Area Management

a) Any irrigation or supply wells located within the land application area shall have a surface pad constructed in accordance with the recommendations of Subsection G of 19.27.4.29 NMAC and a permanent well cap or cover pursuant to Subsection I of 19.27.4.29 NMAC.
Operations and Maintenance All Land Application Areas
b) The Permittee shall discharge wastewater to each zone within the surface disposal area such that the amount of total nitrogen discharged does not exceed 200 pounds per acre in any 12-month period. Nitrogen content shall not be adjusted to account for volatilization or mineralization processes. Wastewater shall be distributed evenly throughout the entire disposal area. Excessive ponding shall be prevented.
c) The Permittee shall store and land apply solids separated from the wastewater in a manner and frequency necessary to prevent the contamination of groundwater. Solids collected by the screen separator(s) shall be applied to the surface disposal area during fallow periods prior to crop planting and disked into the soil within 24 hours.
d) If solids are to be applied onsite, the Permittee shall complete a Surface Disposal Data Sheet for Solids (SDDS-Sludge, attached) on a monthly basis to document the amount of nitrogen in solids applied to the surface disposal area. The Permittee shall complete a SDDS for each zone that includes nitrogen added from both solids and wastewater. The SDDS shall reflect the most recent nitrogen analysis results and the average percent total solids for each zone. The Permittee shall not adjust the nitrogen content to account for volatilization or mineralization processes.
e) Solids stored prior to land application shall be managed to minimize the generation and infiltration of leachate by diverting stormwater run-on and run-off and by preventing the ponding of water within solids stockpiling.
f) In the event solids are transported offsite for disposal instead of being land applied, the solids shall be contained, transported, and disposed of in accordance with all local, state, and federal regulations.
Inspection and Monitoring All Land Application Areas
g) The Permittee shall visually inspect the concrete-lined ditch system or PVC piping on a monthly basis to ensure proper maintenance. Any damage to a lined ditch or PVC piping shall be repaired within 30 days of discovery. The Permittee shall document all inspection findings and repairs made in a log kept on-site that is available to NMED upon request.
h) The Permittee shall maintain 18-inch to 24-inch berms around the surface disposal area to prevent surface water run-on and run-off. The berms shall be inspected on a regular basis and after any major precipitation event, and repaired as soon as possible following discovery of the damage.
i) In the event that a cross-connection with fresh water exists, the Permittee shall institute a backflow prevention method to protect wells and public water supply systems from contamination by wastewater prior to discharging to the land application area. Backflow prevention shall be achieved by a total disconnect (physical air gap separation between the discharge pipe and the liquid surface at least twice the diameter of the discharge pipe), or by a reduced pressure principal backflow prevention assembly (RP) installed on the line between the fresh water supply wells or public water supply and the wastewater delivery system. Backflow prevention shall be maintained at all times.

Table B2
Land Application Area Management

j) RP devices shall be 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. A malfunctioning RP device shall be repaired or replaced within 30 days of discovery, and use of all supply lines associated with the RP device shall cease until repair or replacement has been completed. Copies of the inspection and maintenance records and test results for each RP device associated with the backflow prevention program shall be maintained at a location available for inspection by NMED.
Recordkeeping and Reporting All Land Application Areas
k) The Permittee shall complete Surface Disposal Data Sheets (SDDS; copy enclosed) on a monthly basis that document the amount of nitrogen applied to the surface disposal area during the most recent 12 months. The SDDS shall reflect the total nitrogen concentration from the most recent wastewater analysis and the measured discharge volumes to the surface disposal area for each month. The SDDS shall be completed with information above or shall include a statement that wastewater disposal did not occur. The SDDS shall be submitted to NMED in the Annual Monitoring Report .

- C. **Solids Management** - The Permittee shall manage all solids at the facility in accordance with 20.6.2.3101 NMAC and the conditions summarized in **Table B4** below.

Table B3
Solids Management

Engineering and Surveying
a) None required.
Operations and Maintenance
b) The Permittee shall store and land apply solids separated from the wastewater in a manner and frequency necessary to prevent the contamination of groundwater. Solids collected by the screen separator(s) shall be applied to the surface disposal area during fallow periods prior to crop planting and disked into the soil within 24 hours.
c) If solids are to be applied onsite, the Permittee shall complete a Surface Disposal Data Sheet for Solids (SDDS-Sludge, attached) on a monthly basis to document the amount of nitrogen in solids applied to the surface disposal area. The Permittee shall complete a SDDS for each zone that includes nitrogen added from both solids and wastewater. The SDDS shall reflect the most recent nitrogen analysis results and the average percent total solids for each zone. The Permittee shall not adjust the nitrogen content to account for volatilization or mineralization processes.
d) Solids stored prior to land application shall be managed to minimize the generation and infiltration of leachate by diverting stormwater run-on and run-off and by preventing the ponding of water within solids stockpiling.

Table B3
Solids Management

e) In the event solids are transported offsite for disposal instead of being land applied, the solids shall be contained, transported, and disposed of in accordance with all local, state, and federal regulations.
Inspection and Monitoring
f) The Permittee shall inspect the concrete sump on a quarterly basis and clean as needed to prevent pump failure. The Permittee shall maintain a record of sump inspections, repairs and cleanings. Solids generated in the processing area shall be stored and transported off-site (or stored and land applied onsite if authorized by this Discharge Permit) in accordance with the conditions of this Discharge Permit.
Recordkeeping and Reporting
g) The Permittee shall, at all times, have the log of sump inspections, repairs, and cleanings available for NMED review.

B103 Facility: Conditions for Closure

- A. For permanent closure, the following closure actions shall be completed upon permanent cessation of wastewater discharge:
1. The Permittee shall continue groundwater monitoring until the requirements of this condition have been met and groundwater monitoring confirms for a minimum of eight (8) consecutive quarterly groundwater sampling events that the standards of Section 20.6.2.3103 NMAC are not exceeded and toxic pollutants are not present in groundwater.
 2. If monitoring results show that a groundwater quality standard in Section 20.6.2.3103 NMAC is exceeded, the total nitrogen concentration in groundwater exceeds 10 mg/L, or a toxic pollutant as defined in Section of 20.6.2.7 NMAC is present in groundwater, the Permittee shall implement the contingency plan required by this Discharge Permit.
 3. Following notification from NMED that post-closure monitoring may cease, the Permittee shall plug and abandon the monitoring well(s) in accordance with the attachment titled *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions*, Revision 1.1, March 2011.
 4. When all closure and post-closure requirements have been met, the Permittee may request to terminate the Discharge Permit [20.6.2.3109 NMAC, 20.6.2.3107. NMAC].

B104 Facility: Contingency Plan

- A. In the event NMED or the Permittee identifies any failures of the Discharge Permit or system not specifically noted herein, NMED may require the Permittee to develop for NMED approval a contingency or corrective action plan and schedule to cope with the failure(s) [20.6.2.3107.A(10) NMAC].
- B. Facility conditions that will invariably require Permittee action under one or more contingency plans include:

1. **Exceedance of groundwater quality standards** – In the event that groundwater monitoring indicates that a groundwater quality standard identified in Section 20.6.2.3103 NMAC is exceeded; the total nitrogen concentration in groundwater is greater than 10 mg/L; or a toxic pollutant (defined in Subsection WW of 20.6.2.7 NMAC) is present in a groundwater sample and in any subsequent groundwater sample collected from a monitoring well required by this Discharge Permit, the Permittee shall enact the following contingency plan:

Within 60 days of the subsequent sample analysis date, the Permittee shall propose measures to ensure that the exceedance of the standard or the presence of a toxic pollutant will be mitigated by submitting a corrective action plan to NMED for approval. The corrective action plan shall include a description of the proposed actions to control the source and an associated completion schedule. The plan shall be enacted as approved by NMED.

Once invoked (whether during the term of this Discharge Permit; or after the term of this Discharge Permit and prior to the completion of the Discharge Permit closure plan requirements), this condition shall apply until the Permittee has fulfilled the requirements of this condition and groundwater monitoring confirms for a minimum of two years of consecutive groundwater sampling events that the standards of Section 20.6.2.3103 NMAC are not exceeded and toxic pollutants are not present in groundwater.

2. **Ineffective groundwater monitoring well(s)** – In the event that information available to NMED indicates that a well(s) is not constructed in a manner consistent with the attachment titled *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions, Revision 1.1, March 2011*; contains insufficient water to effectively monitor groundwater quality; or is improperly located the Permittee shall install a replacement well(s) and shall survey the replacement monitoring well(s) within 120 days following notification from NMED.

Replacement well location(s) shall be approved by NMED prior to installation and completed in accordance with the attachment titled *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions, Revision 1.1, March 2011*. The Permittee shall submit construction and lithologic logs, survey data and a groundwater elevation contour map to NMED within 60 days following well completion.

Upon completion of the replacement monitoring well(s), the monitoring well(s) requiring replacement shall be properly plugged and abandoned. Well plugging, abandonment and documentation of the abandonment procedures shall be completed in accordance with the attachment titled *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions, Revision 1.1, March 2011*, and all applicable local, state, and federal regulations. The well abandonment documentation shall be submitted to NMED within 60 days of completion of well plugging activities.

3. **Exceedance(s) of permitted maximum daily discharge volume** - The maximum daily discharge volume authorized by this Discharge Permit is exceeded by more than ten percent for any four average daily discharge volumes within any 12-week period the Permittee shall submit a corrective action plan to reduce the discharge volume for NMED approval.

4. **(200 lb/ac/yr) Exceedance(s) of Nitrogen Loading Limits** - In the event that the SDDS show that the amount of nitrogen in wastewater applied to [any zone within] the surface disposal area in any 12-month period exceeds 200 pounds per acre, the Permittee shall propose the reduction of nitrogen loading to the surface disposal area by submitting a corrective action plan to NMED for approval. The plan shall include a schedule for completion of corrective actions and shall be submitted within 90 days following the end of the monitoring period in which the exceedance occurred. The Permittee shall initiate implementation of the plan following approval by NMED.
 5. **Spills, leaks, unauthorized discharge** – In the event of any spill or release that is not authorized under this Discharge Permit, the permittee shall comply with the requirements of Sections 20.6.2.1203 NMAC. The permittee shall submit to NMED all information or documentation required by the applicable portions of Sections 20.6.2.1203 NMAC.
- C. The Permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC, should the corrective action plan not result in compliance with the standards and requirements set forth in Section 20.6.2.4103 NMAC within 180 days of confirmation of groundwater contamination.

PART C GENERAL TERMS AND CONDITIONS

C100 Legal

- A. Nothing in this Discharge Permit in any way, relieves the Permittee of the obligation to comply with all applicable federal, state, and local laws, regulations, permits or orders [20.6.2 NMAC].
- B. Pursuant to Section 20.6.2.3109 NMAC, NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the requirements of 20.6.2 NMAC are being or may be violated or the standards of Section 20.6.2.3103 NMAC are being or may be violated. This may include a determination that structural controls and/or management practices approved under this Discharge Permit are not protective of groundwater quality, and NMED may require more stringent actions to protect groundwater quality. NMED may require the Permittee to implement abatement of water pollution and remediate groundwater quality.
- C. 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 20.6.2 NMAC, 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. [74-6-10 WQA, 74-6-10.1 WQA]

- D. Pursuant to WQA 74-6-10.2(A-F), NMED may assess criminal penalties for any person who knowingly violates or knowingly causes or allows another person to:
1. Make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or required to be maintained under the WQA;
 2. Falsify, tamper with or render inaccurate any monitoring device, method or record required to be maintained under the WQA; or
 3. Fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation, is subject to felony charges and shall be sentenced in accordance with the provisions of Section 31-18-15 NMSA 1978.
- E. The Permittee shall notify the proposed transferee in writing of the existence of this Discharge Permit and include a copy of this Discharge Permit with the notice in accordance with 20.6.2.3111 NMAC, prior to the transfer of any ownership, control, or possession of this permitted facility or any portion thereof. The transferee(s) shall notify NMED, in writing, of the date of transfer of ownership and provide contact information for the new owner(s) pursuant to Subsection B of 20.6.2.3111 NMAC. Submit to NMED notification of the transfer within 30 days of the ownership transfer date. [20.6.2.3111 NMAC]
- F. Pursuant to WQA 74-6-5(o), the Permittee has a right to appeal the conditions and requirements as outlined in this Discharge Permit through filing a petition for review before the WQCC. Such petition shall be in writing to the WQCC within thirty (30) days of the receipt of this Discharge Permit. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review.

C101 General Inspection and Entry Requirements

- A. Nothing in this Discharge Permit limits in any way, the inspection and entry authority of NMED under the WQA, 20.6.2 NMAC, or any other applicable law or regulation. [20.6.2.3107 NMAC, 74-6-9(B) & (E) WQA]
- B. The Permittee shall allow the Secretary or an authorized representative, upon the presentation of credentials, to [20.6.2.3107.D NMAC, 74-6-9(B) & (E) WQA]:
1. Enter at regular business hours or at other reasonable times upon the Permittee's premises or other location where records must be kept under the conditions of this Discharge Permit, 20.6.2 NMAC, or any other applicable law or regulation.
 2. Inspect and copy, during regular business hours or at other reasonable times, any records required to be kept under the conditions of this Discharge Permit, 20.6.2 NMAC, or any other applicable law or regulation.

3. Inspect, at regular business hours or at other reasonable times, any facility, equipment (including monitoring and control equipment or treatment works), practices or operations regulated or required under this Discharge Permit, 20.6.2 NMAC, or any other applicable law or regulation.
4. Sample or monitor, at reasonable times for the purpose of assuring compliance with this Discharge Permit or as otherwise authorized by the WQA, any effluent, water contaminant, or receiving water at any location before or after discharge.

C102 General Record Keeping and Reporting Requirements

A. The Permittee shall maintain a written record of the following:

1. Amount of wastewater, effluent, leachate or other wastes discharged pursuant to this Discharge Permit. [20.6.2.3107.A NMAC]
2. Operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater; to measure flow rates, to monitor water quality, or to collect other data required by this Discharge Permit. Per Section A of 20.6.2.3107 NMAC, this record shall include:
 - a. Repair, replacement or calibration of any monitoring equipment
 - b. Repair or replacement of any equipment used in the Permittee's waste or wastewater treatment and disposal system.
3. Any spills, seeps, and/or leaks of effluent, and of leachate and/or process fluids not authorized by this Discharge Permit. [20.6.2.3107.A NMAC]

B. The Permittee shall maintain at its facility a written record of all data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit. The following information shall be recorded and shall be made available to NMED upon request:

1. The dates, exact place and times of sampling or field measurements;
2. The name and job title of the individuals who performed each sample collection or field measurement;
3. The date of the analysis of each sample;
4. The name and address of the laboratory and the name and job title of the person that performed the analysis of each sample;
5. The analytical technique or method used to analyze each sample or take each field measurement;
6. The results of each analysis or field measurement, including raw data;
7. The results of any split sampling, spikes or repeat sampling; and
8. A description of the quality assurance (QA) and quality control (QC) procedures used.

- C. The Permittee shall furnish to NMED, within a reasonable time, any documents or other information which it may request to determine whether cause exists for modifying, terminating and/or renewing this Discharge Permit or to determine compliance with this Discharge Permit. The Permittee shall also furnish to NMED, upon request, copies of documents required to be kept by this Discharge Permit. [20.6.2.3107.D NMAC, 74-6-9(B) & (E) WQA]

C103 Modifications and/or Amendments

- A. The Permittee shall notify NMED of any changes to the Permittee's wastewater treatment and disposal system, including any changes in the wastewater flow rate or the volume of wastewater storage, or of any other changes to operations or processes that would result in any significant change in the discharge of water contaminants. The Permittee shall obtain NMED's approval, as a modification to this Discharge Permit pursuant to Subsections E, F, or G of 20.6.2.3109 NMAC, prior to any increase in the quantity discharged, or any increase in the concentration of water contaminants discharged, above those levels approved in this Discharge Permit [20.6.2.3107.C NMAC].
- B. The Permittee shall file plans and specifications with NMED for the construction of a wastewater system and for proposed changes that will change substantially the quantity or quality of the discharge from the system. The Permittee shall file plans and specifications prior to the commencement of construction. Changes to the wastewater system having a minor effect on the character of the discharge shall be reported as of January 1 and June 30 of each year to NMED. [20.6.2.1202 NMAC]

Part D MISCELLANEOUS

D100 Acronyms

CL.....	chloride
CQA	construction quality assurance
CQC.....	construction quality control
DP	discharge permit
FEMA.....	Federal Emergency Management Administration
FIRM	flood insurance rate map
gpd	gallon per day
LADS	land application data sheet(s)
mg/L	milligram per liter
mL.....	milliliters
NMAC.....	New Mexico Administrative Code
NMED	New Mexico Environment Department
NMSA	New Mexico Statutes Annotated
NO ₃ -N	nitrate as nitrogen
SDDS.....	surface disposal data sheet(s)
TDS	total dissolved solids

TKN.....total Kjeldahl nitrogen
WQA.....New Mexico Water Quality Act
WQCC.....Water Quality Control Commission

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