



CERTIFIED MAIL – RETURN RECEIPT REQUESTED

August 3, 2023

Julie Phillips, Owner
Lindrith Septic Pumping
P.O. Box 69
Lindrith, New Mexico 87029

RE: Draft Discharge Permit Renewal and Modification, DP-914, Lindrith Septic Pumping

Dear Julie Phillips:

The New Mexico Environment Department (NMED) hereby provides notice to you of the proposed approval of Ground Water Discharge Permit Renewal and Modification, DP-914, (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 andrewc.romero@env.nm.gov or to 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) 660-8624.

Julie Phillips, DP-914
August 3, 2023
Page 2 of 2

Sincerely,

Andrew Romero, Water Resource Professional

Encl: Draft Discharge Permit Renewal and Modification, DP-914



NEW MEXICO
ENVIRONMENT DEPARTMENT
Ground Water Quality Bureau
1190 Saint Francis Drive / PO Box 5469
Santa Fe, NM 87502-5469
Phone (505) 827-2900 Fax (505) 827-2965
www.env.nm.gov



Draft: August 3, 2023

GROUND WATER QUALITY BUREAU
DISCHARGE PERMIT
Issued under 20.6.2 NMAC

Facility Name: Lindrith Septic Pumping
Discharge Permit Number: DP-914
Facility Location: 917 State Hwy 595
Lindrith, NM

County: Rio Arriba

Permittee: Julie Phillips, Owner
Mailing Address: P.O. Box 69
Lindrith, NM 87029

Facility Contact: Julie Phillips
Telephone Number/Email: 505-554-0577/lindrithseptic@gmail.com

Permitting Action: Renewal and Modification

Permit Issuance Date: DATE
Permit Expiration Date: DATE

NMED Permit Contact: Andrew Romero
Telephone Number/Email: 505-660-8624/andrewc.romero@env.nm.gov or
pps.general@env.nm.gov

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

Date

TABLE OF CONTENTS

I. INTRODUCTION 1

II. FINDINGS 3

III. AUTHORIZATION TO DISCHARGE 3

IV. CONDITIONS 3

A. OPERATIONAL PLAN 3
Operational Actions with Implementation Deadlines 4
Operational Actions – All Facility Types 6
Operational Actions - Domestic Septage 8

B. MONITORING AND REPORTING 8
Monitoring and Reporting - Domestic Septage 9

C. CONTINGENCY PLAN 10

D. CLOSURE PLAN 12
Permanent Facility Closure Conditions 12

E. GENERAL TERMS AND CONDITIONS 13

ATTACHMENTS

Discharge Permit Summary
Surface Disposal Data Sheet (SDDS-Septage - <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-914) to Julie Phillips (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 Lindrith Septic Pumping (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 Facility processes and discharges domestic septage (including portable toilet waste), at a volume of up to 650 gallons per day (gpd) to an 8-acre land surface disposal area. The Discharge Permit modification consists of an increase in the maximum daily discharge volume of 550 gpd to 650 gpd and an increase in the acreage from 4 acres to 8 acres.

Discharge Permit Location Information:

Physical Address	917 State Hwy 595, Lindrith, NM
Nearest Town/City	Lindrith, NM
Section, Township, Range	Section 28, Township 24N, Range 02W
County	Rio Arriba
Depth to Groundwater	300 ft
Pre-Discharge TDS	700 mg/L

Discharge Permit Issuance History:

Original Permit Issuance	June 28, 1993
Permit Modification	May 6, 1997
Permit Renewal	April 23, 2002
Permit Renewal and Modification	November 30, 2007
Permit Renewal and Modification	March 20, 2013
Permit Renewal	March 21, 2018

The application (i.e., discharge plan) associated with this Discharge Permit consists of the materials submitted by the Permittee dated November 15, 2022, and materials contained in the administrative record prior to issuance of this Discharge Permit.

The Permittee shall manage the discharge in accordance with all conditions and requirements of this Discharge Permit.

NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the Permittee is or may be violating, or is likely to violate in the future, the requirements of 20.6.2 NMAC or the standards of Section 20.6.2.3103 NMAC. NMED reserves this right pursuant to Section 20.6.2.3109 NMAC. An NMED requirement to modify the Discharge Permit may result from a determination by NMED that proposed disposal methods, structural controls or operations and 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
CFR	Code of Federal Regulations	NMED	New Mexico Environment Department
CFU	colony forming unit	NMSA	New Mexico Statutes Annotated
Cl	chloride	NO ₃ -N	nitrate-nitrogen
EPA	United States Environmental Protection Agency	QA/QC	Quality Assurance/Quality Control
gpd	gallons per day	SDDS	Surface Disposal Data Sheet
LAA	land application area	TDS	total dissolved solids
LADS	Land Application Data Sheet(s)	TKN	total Kjeldahl nitrogen
lbs N/acre	pounds of nitrogen per acre	total nitrogen	= TKN + NO ₃ -N
mg/L	milligrams per liter	TS	total solids
mg/kg	milligram per kilogram	WQA	New Mexico Water Quality Act
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 receive and discharge up to 650 gpd of domestic septage (including portable toilet waste) into three below-ground settling tanks, followed by land application on four surface disposal cells totaling 8-acres on a rotational basis.

[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]

#	Terms and Conditions
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.	<p>Within 60 days following the issuance date of this Discharge Permit (by DATE), the Permittee shall conduct an inspection and test for water-tight construction on the three settling tanks. A person meeting the qualification requirements identified in Paragraph (2), Subsection B of 20.7.3.904 NMAC, Liquid Waste Disposal and Treatment Regulations shall perform the inspection and test.</p> <p>The Permittee shall perform the water-tightness inspection according to the following procedures:</p> <ul style="list-style-type: none"> a) Sampling of the contents of the unit and disposal of the contents in accordance with all local, state, and federal regulations, including 40 CFR Part 503. Inspection of the interior of the unit to determine the construction material, interior dimensions, and structural integrity. b) Collect photographic documentation of the condition of the interior of the unit while the unit is empty. <p>Completion of water-tightness testing shall use one of the two following procedures.</p> <ul style="list-style-type: none"> a) <u>Conducting hydrostatic testing</u> using the following procedure. <ul style="list-style-type: none"> 1) Plug the inlet and outlet piping of the unit. 2) Fill the unit with water to the normal operating level. 3) Measure the water level. 4) Allow the water to stand for 60 minutes without the addition of water. 5) Measure the water level at the end of 60 minutes. <p>A unit that does not allow a drop-in water level of greater than 0.01 feet in 60 minutes is considered to be watertight.</p> <p style="text-align: center;">- OR -</p> <ul style="list-style-type: none"> b) <u>Conducting vacuum testing</u> using the following procedure. <ul style="list-style-type: none"> 1) Seal all openings to the unit. 2) Apply a vacuum of 50 millimeters (mm) of mercury to the unit. 3) Allow the unit to stand for two minutes without the application of additional vacuum.

#	Terms and Conditions
	<p>A watertight unit maintains at least 90% of the vacuum (i.e., greater than 45 mm of mercury) after two minutes.</p> <p>The Permittee shall keep a record of all inspection findings and water-tightness testing, including but not limited to a narrative description of the processes and date-stamped photographs.</p> <p>The Permittee shall submit a report for each unit inspected/tested to NMED in the next required periodic monitoring report. The report shall include the date of the inspection/test, the name of the individual that conducted the test, written inspection findings, photographic documentation of the unit's interior and water-tightness test results.</p> <p>In the event that water-tightness testing reveals that a unit is not watertight, or should inspection reveal damage to the unit that could result in structural failure, the Permittee shall notify NMED within 30 days of the inspection/test date.</p> <p>The Permittee shall implement the following corrective actions upon notification from NMED.</p> <ol style="list-style-type: none">a) Within 90 days following notification from NMED, repair or replace the unit. If notified to do so by NMED, the Permittee shall submit plans and specifications for the proposed repair or replacement that bear the seal and signature of a licensed New Mexico professional engineer (pursuant to the New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority). The Permittee shall submit plans and specifications to NMED prior to construction for evaluation of compliance with the requirements of 20.6.2 NMAC.b) Within 30 days following repair or replacement of the unit, repeat the water-tightness testing to verify the effectiveness of the repair or replacement, and submit a report to NMED. The report shall include the date of the inspection/test, the name of the individual that performed the inspection/test, written inspection findings, photographic documentation of the unit's interior and water tightness test results. If notified to do so by NMED, the Permittee shall also submit record drawings that bear the seal and signature of a licensed New Mexico professional engineer (pursuant to the New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority) that include the final, construction details of the unit. <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

#	Terms and Conditions
4.	<p>Prior to discharging domestic septage to the two new surface disposal cells, the Permittee shall install 18 to 24-inch berms around each individual cell to prevent surface water run-on and run-off. Documentation of berm installation shall consist of a narrative statement describing the berm locations and date-stamped photographs. The Permittee shall submit the documentation to NMED in the next required periodic monitoring report.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

Operational Actions – All Facility Types

#	Terms and Conditions
5.	<p>To prevent surface water run-on and run-off at the Facility, the Permittee shall maintain earthen berms surrounding the perimeter of the Facility and in between disposal cells that are a minimum of 24 inches above natural grade.</p> <p>In place of a berm across the Facility entrance, the Permittee shall construct and maintain shallow (minimum depth of six inches) stormwater diversion trenches parallel to and on each side of the Facility entrance gate. The Permittee shall maintain all berms and trenches until termination of this Discharge Permit and the Permittee has completed all closure actions required by conditions.</p> <p>The Permittee shall inspect the berms on a regular basis and after any major rainfall event and repair as necessary.</p> <p>The Permittee shall keep a log of the inspection findings and repairs that includes a date of the inspection and the name of the person responsible for the inspection and shall make the log available to NMED upon request.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
6.	<p>The Permittee shall maintain fences around the entire disposal Facility to restrict access by the general public and animals. A minimum of a three-strand barbed wire fence including a locked gate shall surround the Facility. 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>
7.	<p>The Permittee shall maintain the following signs at the following locations:</p>

#	Terms and Conditions
	<ul style="list-style-type: none"> • Signs posted at the Facility entrance and every 500 feet along the Facility boundary that state: "Notice: Waste Disposal Area - KEEP OUT" and "Aviso: Área de Disposición - NO ENTRAR". • A sign posted at the entrance gate with the name of the Facility's contact person, office phone number of the contact person, emergency contact phone number for the Facility, and physical location of the Facility including township, range, and section. • A sign at the boundary of each cell to identify the cell number and the waste type the Permittee is authorized to discharge in the cell. <p>All signs shall be weatherproof and legible for the term of this Discharge Permit.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>
8.	<p>The Permittee shall screen the domestic septage and portable toilet waste through a 3/4-inch or smaller mesh screen prior to discharge to the disposal area. Debris retained by the screen shall be placed in an on-site container and shall be disposed of in accordance with all local, state, and federal regulations.</p> <p>[20.6.2.3109 NMAC]</p>
9.	<p>This Discharge Permit authorizes the Permittee to accept domestic septage (including portable toilet waste). The Permittee may not receive any other waste types at the Facility.</p> <p>The Permittee shall not combine different waste types. The Permittee shall dispose of waste in separate cells that receive only a single designated waste type.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
10.	<p>The Permittee shall inspect the Facility weekly and collect any residual solid waste (trash) at the Facility. The Permittee shall dispose of the collected materials in a manner consistent with all local, state, and federal regulations.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections B and C of 20.6.2.3109 NMAC]</p>
11.	<p>The Permittee shall not discharge liquid wastes during periods of precipitation or when surface soils are frozen or saturated. The Permittee may store wastes on-site in tanker trucks during these periods.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>

Operational Actions - Domestic Septage

#	Terms and Conditions
12.	<p>The Permittee shall achieve a manner of vector attraction reduction (VAR) pursuant to 40 CFR Part 503. The Permittee shall select a VAR option from 40 CFR Part 503.33(b).</p> <p>The Permittee shall keep records describing the date and time of septage surface disposal and the date, time, and VAR method utilized.</p> <p>[Subsections B and C 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D, 40 CFR 503]</p>
13.	<p>The Permittee shall discharge domestic septage to the disposal cells such that the amount of total nitrogen discharged does not exceed 200 pounds per acre in any 12-month period. The Permittee shall distribute septage evenly throughout the entire disposal area.</p> <p>The Permittee shall discharge in a manner that minimizes ponding of septage.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
14.	<p>The Permittee shall incorporate septage into the soil by disking within six hours following surface disposal. The Permittee shall minimize ponding of septage. Treatment and disposal of domestic septage shall be in accordance with requirements set forth in 40 CFR Part 503.</p> <p>[20.6.2.3109 NMAC, 74-6-5 WQA]</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>
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>

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

Monitoring and Reporting - Domestic Septage

#	Terms and Conditions
19.	<p>The Permittee shall on a monthly basis complete a Surface Disposal Data Sheet for Septage (SDDS-Septage, attached) to document the amount of nitrogen in septage discharged to each surface disposal cell. The Permittee shall complete a SDDS for each cell and shall reflect the volume and total nitrogen concentration of waste discharged to the disposal cells for each month. To determine the amount of nitrogen in septage applied, the Permittee may assume a total nitrogen concentration of 600 mg/L, based on average characteristics of septage (Guide to Septage Treatment and Disposal, EPA/625/R-94-002), or may use a total nitrogen value from the laboratory analysis of a</p>

#	Terms and Conditions
	<p>composite sample from a minimum of six waste loads semi-annually using a sampling protocol approved by NMED prior to sample collection.</p> <p>The Permittee shall not adjust the nitrogen content to account for volatilization or mineralization processes. If the Permittee derives the total nitrogen value from laboratory analysis, the Permittee shall submit the analytical results, including the laboratory QA/QC summary report and Chain of Custody, to NMED in the semi-annual monitoring reports.</p> <p>The Permittee shall submit the SDDs, or a statement that no surface disposal occurred within the cells, to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 and Subsection H of 20.6.2.3109 NMAC]</p>
20.	<p>The Permittee shall inspect the three settling tanks on a semi-annual basis to measure the total depth of settled solids in the tanks. The Permittee shall ensure the solids do not exceed 30% of the total tank volume. The Permittee shall pump out and dispose of accumulated solids from the settling tanks in accordance with all local, state, and federal regulations if the solids level exceeds 30% of the tank volume. The Permittee shall submit manifests detailing the volumes pumped and method of proper disposal of solids to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

C. CONTINGENCY PLAN

#	Terms and Conditions
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>[20.6.2.31303 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 an SDDS for any cell shows that the amount of nitrogen applied in any 12-month period exceeds 200 pounds per acre, the Permittee shall propose the reduction of nitrogen loading to the affected cell by submitting a CAP to NMED for approval. The Permittee shall submit the CAP, including a schedule for completion of corrective actions, within 90 days following the end of the monitoring period in which the exceedance occurred. The Permittee shall initiate implementation of the CAP following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
23.	<p>In the event that the surface disposal area is saturated, frozen or covered with snow, septage shall not be discharged. Should the adverse conditions persist beyond the septage storage capacity of the facility, the Permittee shall obtain NMED approval for a temporary alternative.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
24.	<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> <ol style="list-style-type: none">a) The name, address, and telephone number of the person or persons in charge of the Facility, as well as of the owner and/or operator of the Facility.b) The name and address of the Facility.c) The date, time, location, and duration of the unauthorized discharge.d) The source and cause of unauthorized discharge.e) A description of the unauthorized discharge, including its estimated chemical composition.f) The estimated volume of the unauthorized discharge.g) Any actions taken to mitigate immediate damage from the unauthorized discharge. <p>Within <u>one week</u> following discovery of the unauthorized discharge, the Permittee shall submit written notification to NMED providing the information listed above and any pertinent updates.</p>

#	Terms and Conditions
	<p>Within <u>15 days</u> following discovery of the unauthorized discharge, the Permittee shall submit a CAP to NMED describing any corrective actions previously taken and corrective actions to be taken relative to the unauthorized discharge. The CAP shall include the following information.</p> <ul style="list-style-type: none"> a) A description of proposed actions to mitigate damage from the unauthorized discharge. b) A description of proposed actions to prevent future unauthorized discharges of this nature. c) A schedule for completion of proposed actions. <p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, NMED may require the Permittee to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p> <p>The Permittee shall not construe anything in this condition as relieving them of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC.</p> <p>[20.6.2.1203 NMAC]</p>
25.	<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

Permanent Facility Closure Conditions

#	Terms and Conditions
26.	<p>The Permittee shall complete the following closure measures in the event they are proposing to permanently close the septage waste disposal portion of the Facility or a surface disposal cell:</p> <ul style="list-style-type: none"> a) Notify NMED of any waste types the Permittee will no longer be accepting at the Facility or the closure of a surface disposal cell.

#	Terms and Conditions
	<p>b) Pump the settling tanks and dispose of solids in accordance with all local, state, and federal regulations.</p> <p>c) Backfill the tanks with clean fill or sand or remove from the site.</p> <p>d) Within 60 days of ceasing to discharge to a disposal cell, backfill the disposal cell(s) with clean fill (as necessary) and re-grade to allow for positive storm water drainage.</p> <p>e) Re-vegetate the cells and disturbed areas at the Facility by establishing a vegetative cover equal to 70% of the native perennial vegetative cover consisting of at least three native plant species including at least one grass, but not including noxious weeds. The Permittee shall maintain the vegetative cover through two consecutive growing seasons.</p> <p>When the Permittee has met all closure and post-closure requirements and verified appropriate actions with date stamped photographic evidence or an associated NMED inspection, the Permittee may submit to NMED a written request, including photographic evidence, for termination of the Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

E. GENERAL TERMS AND CONDITIONS

#	Terms and Conditions
27.	<p>RECORD KEEPING - The Permittee shall maintain a written record of the following:</p> <ul style="list-style-type: none"> • Information and data used to complete the application for this Discharge Permit; • Information, data, and documents demonstrating completion of closure activities; • Any releases (commonly known as “spills”) not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC; • The operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater; • Facility record drawings (plans and specifications) showing the actual construction of the Facility and bear the seal and signature of a licensed New Mexico professional engineer; • Copies of logs, inspection reports, and monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit; • 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;

#	Terms and Conditions
	<ul style="list-style-type: none"> • 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"> a. the dates, location and times of sampling or field measurements; b. the name and job title of the individuals who performed each sample collection or field measurement; c. the sample analysis date of each sample; d. the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis; e. the analytical technique or method used to analyze each sample or collect each field measurement; f. the results of each analysis or field measurement, including raw data; g. the results of any split, spiked, duplicate or repeat sample; and h. a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. <p>The Permittee shall maintain the written record at a location accessible to NMED during a Facility inspection for a 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>
28.	<p>SUBMITTALS – The Permittee shall submit both a paper copy and an electronic copy of all notification and reporting documents required by this Discharge Permit, e.g., monitoring reports. The paper and electronic documents shall be submitted to the NMED Permit Contact identified on the Permit cover page.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
29.	<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</p>

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

#	Terms and Conditions
	<p>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>
34.	<p>CRIMINAL PENALTIES – No person shall:</p> <ul style="list-style-type: none"> • Make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or maintained under the WQA; • Falsify, tamper with or render inaccurate any monitoring device, method or record maintained under the WQA; or • Fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation. <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death 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>

#	Terms and Conditions
35.	<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>
36.	<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>
37.	<p>TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this Facility or any portion thereof, the Permittee shall:</p> <ul style="list-style-type: none"> • Notify the proposed transferee in writing of the existence of this Discharge Permit; • Include a copy of this Discharge Permit with the notice; and • Deliver or send by certified mail to NMED a copy of the notification and proof that the proposed transferee has received such notification. <p>The Permittee shall continue to be responsible for any discharge from the Facility, until both ownership and possession of the Facility have been transferred to the transferee.</p> <p>[20.6.2.3111 NMAC]</p>
38.	<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</p>

#	Terms and Conditions
	<p>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>

draft



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

Facility Information

Facility Name Lindrith Septic Pumping
Discharge Permit Number DP-914
Legally Responsible Party Julie Phillips, Owner
 P.O. Box 69
 Lindrith, NM 87029
 (505) 554-0577

Treatment, Disposal and Site Information

Primary Waste Type Domestic
Facility Type Septage Disposal Facility

Treatment Methods

Type	Designation	Description & Comments
Underground Tanks	"Super", "Duper", and "Little John"	Two 8,000-gallon (Super and Duper) and one 10,000-gallon (Little John) underground steel drum tanks

Discharge Locations

Type	Designation	Description & Comments
Surface Disposal	Cell #1	Two-acre cell divided into nine sections.
Surface Disposal	Cell #2	Two-acre cell divided into nine sections.
Surface Disposal	Cell #3	1.5-acre cell, to be constructed.
Surface Disposal	Cell #4	2.5-acre cell, to be constructed.

Depth-to-Ground Water 300 feet
Total Dissolved Solids (TDS) 700 mg/L

Permit Information

Original Permit Issued June 28, 1993
Permit Modification May 6, 1997
Permit Renewal April 23, 2002
Permit Renewal and Modification November 30, 2007
Permit Renewal and Modification March 20, 2013
Permit Renewal March 21, 2018

Current Action Application Received
Renewal and Modification November 15, 2022



New Mexico Environment Department Ground Water Quality Bureau Discharge Permit Summary

Public Notice Published	[not yet published]
Permit Issued (Issuance Date)	[issuance date]
Permitted Discharge Volume	650 gallons per day

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

Andrew Romero

Lead Staff Telephone Number

(505) 660-8624

Lead Staff Email

andrewc.romero@env.nm.gov or pps.general@env.nm.gov

draft