



MICHELLE LUJAN GRISHAM  
GOVERNOR

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CABINET SECRETARY

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

August 10, 2023

Chris Lopez, Director of Site Operations  
New Mexico Spaceport Authority  
4605 Research Park Circle, Suite A  
Las Cruces, New Mexico 88001

**RE: Draft Discharge Permit Renewal, DP-1664, Spaceport America**

Dear Chris Lopez:

The New Mexico Environment Department (NMED) hereby provides notice to the New Mexico Spaceport Authority of the proposed approval of Ground Water Discharge Permit Renewal, DP-1664, (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, DP-1664  
cc: Mario Gonzales, Operator, [mario@pureops.com](mailto:mario@pureops.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**  
**ENVIRONMENT DEPARTMENT**  
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 1190 Saint Francis Drive / PO Box 5469  
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***Draft: August 10, 2023***

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

<b>Facility Name:</b>	Spaceport America
<b>Discharge Permit Number:</b>	DP-1664
<b>Facility Location:</b>	Left side of County Road 021 Elephant Butte, New Mexico
<b>County:</b>	Sierra
<b>Permittee:</b>	Chris Lopez, Director of Site Operations
<b>Mailing Address:</b>	New Mexico Spaceport Authority 4605 Research Park Circle, Suite A Las Cruces, New Mexico 88001
<b>Facility Contact:</b>	Mario Gonzales, Operator
<b>Telephone Number/Email:</b>	(575) 993-1511 / <a href="mailto:mario@pureops.com">mario@pureops.com</a>
<b>Permitting Action:</b>	Renewal
<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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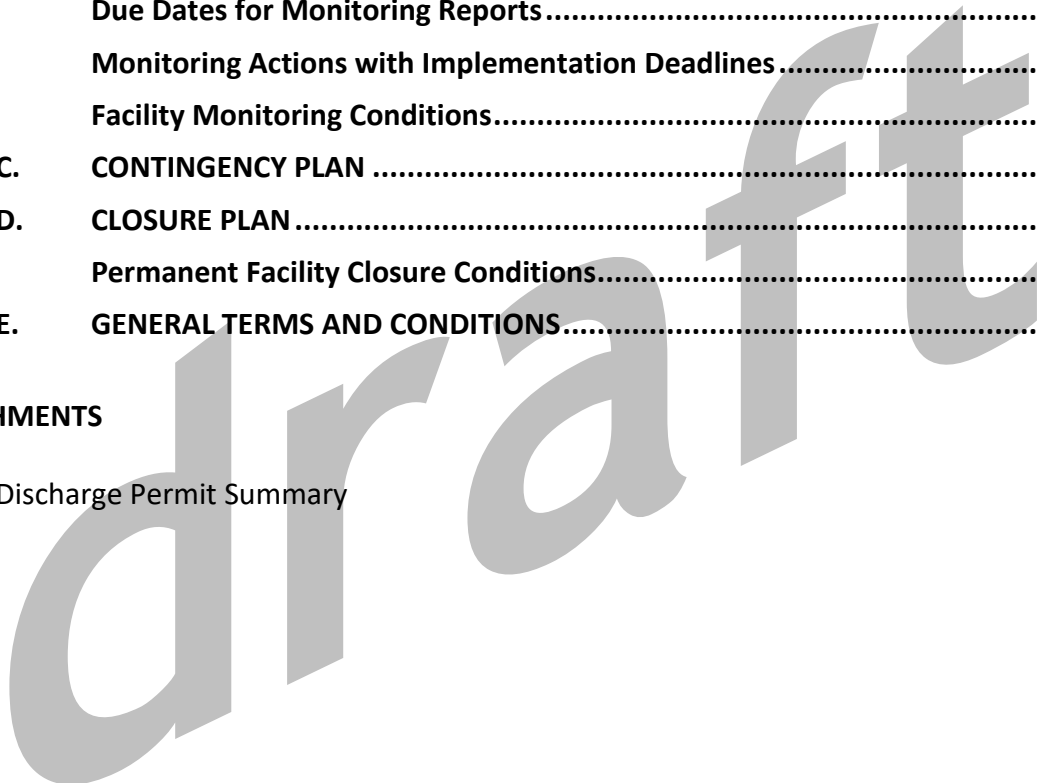
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Discharge Permit Summary



## I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this groundwater discharge permit Renewal (Discharge Permit or DP-1664) to the New Mexico Spaceport Authority (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 Spaceport America (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 receives and treats domestic wastewater at a volume of up to 22,500 gallons per day (gpd) through a package treatment plant. Treated wastewater discharges to a subsurface disposal field. Additionally, the Permittee discharges domestic wastewater from the Vertical Launch Control Center to a septic tank/leachfield system.

The discharge may contain water contaminants or toxic pollutants elevated above the standards of Section 20.6.2.3103 NMAC and is not subject to the exemption at Subsection 20.6.2.3105.A NMAC.

The Facility entrance is located on the left side of County Road 021, approximately 21.5 miles southeast of Elephant Butte, in Sections 28, 33, and 34, Township 15S, Range 01W, in Sierra County. A discharge at the Facility is most likely to affect groundwater at a depth greater than 130 feet and having a pre-discharge total dissolved solids (TDS) concentration of approximately 1,500 milligrams per liter.

NMED issued the original Discharge Permit to the Permittee on July 15, 2009, and subsequently renewed the Permit on April 14, 2017. The application (i.e., discharge plan) associated with this Discharge Permit consists of the materials submitted by Mario Gonzales on behalf of the Permittee dated March 7, 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	TDS	total dissolved solids
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
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 the Facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

### III. AUTHORIZATION TO DISCHARGE

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

This Discharge Permit authorizes the Permittee to receive and treat up to 22,500 gpd of domestic wastewater using a package treatment plant servicing the Spaceport Terminal Facility and discharge to a 7.5-acre subsurface low-pressure dose disposal field. This Discharge Permit also authorizes the Permittee to discharge domestic wastewater from the Vertical Launch Control Center to a septic tank/leachfield system.

[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.	<p>A minimum of 90 days prior to construction of the Vertical Launch Control Center septic tank/leachfield system, the Permittee shall submit a construction proposal for the system.</p> <p>The Permittee shall size and design the Vertical Launch Control Center septic tank/leachfield system consistent with the current Liquid Waste Disposal and Treatment Regulations (20.7.3 NMAC). The construction proposal shall include the design flow of the system, supporting calculations, schematic diagrams, and details of construction, materials, and components.</p> <p>The Permittee shall provide access to the septic tank by installing two 24-inch openings. The access openings shall be located above the inlet and outlet piping of the septic tank to facilitate inspection of the tank's interior, repair of the internal piping and removal of sludge and scum. The access openings shall be extended from the tank to at least three inches above the ground surface or as approved by NMED. The access openings shall have a secured lid to deter unauthorized access, but the lid shall remain above ground and unconcealed by dirt or pavement. A secure lid shall consist of one of the following: a padlock; a twist lock cover requiring special tools for removal; a cover weighing 58 pounds or more, net weight; or a stainless steel hinge and hasp mechanism.</p> <p>Prior to constructing the Vertical Launch Control Center septic tank/leachfield system and its associated components, the Permittee shall obtain written verification from NMED that the information or plans and specifications submitted meet the requirements of this Discharge Permit.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, Subsection C of 20.6.2.3106 NMAC, 20.7.3 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
4.	<p>Prior to discharging to the Vertical Launch Control Center septic tank/leachfield system, the Permittee shall complete construction in accordance with the final construction plans and specifications required by this Discharge Permit. The Permittee shall notify NMED at least five working days prior to commencement of construction to allow NMED personnel to be onsite for inspection.</p> <p>The Permittee shall submit updated schematic diagrams and any changes to the details of construction, materials, and components of the constructed Vertical Launch Control Center septic tank/leachfield system to NMED within 30 days of completion.</p>



#	Terms and Conditions
	[Subsections A and C of 20.6.2.1202 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection C of 20.6.2.3109 NMAC, 20.7.3 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]

**Operating Conditions**

#	Terms and Conditions
5.	<p>The Permittee shall ensure that treated wastewater discharged from the dosing tank does not exceed the following discharge limit.</p> <p><b>Total Nitrogen: 20 mg/L</b></p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
6.	<p>The Permittee shall maintain fences around the Facility to restrict access by the general public and animals. The fences shall consist of a minimum of six-foot chain link or field fencing and locking gates. 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 signs indicating that the wastewater at the Facility is not potable. The Permittee shall post signs at the Facility entrance and other areas where there is potential for public contact with wastewater. The Permittee shall print signs in English and Spanish and shall ensure the signs remain visible and legible for 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>
8.	<p>The Permittee shall visually inspect the area above the low-pressure dose disposal field and the leachfield after installation (disposal systems), semi-annually to ensure proper maintenance. The Permittee shall correct any conditions that indicate damage to the disposal systems. The Permittee shall ensure conditions corrected include erosion damage, animal activity/damage, woody shrubs, evidence of seepage, or any other condition indicating damage.</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 inspector. The Permittee shall make the log available to NMED upon request.</p>

#	Terms and Conditions
	<p>In the event of a failure of either disposal system, the Permittee shall implement the Contingency Plan set forth in this Discharge Permit.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
9.	<p>The Permittee shall properly manage all solids generated by the package treatment plant to maintain effective operation of the system by removing solids as necessary and in accordance with associated equipment manufacturer's specifications. The Permittee shall contain, transport, and dispose of all solids removed from the treatment process in accordance with all local, state, and federal regulations.</p> <p>The Permittee shall maintain manifests for all solids transported from the package treatment plant for off-site disposal. The manifests shall identify the name of the hauler, the date of off-site shipment, the volume of solids removed, the disposal method, and disposal location.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
10.	<p>After installation, the Permittee shall inspect the Vertical Launch Control Center septic tank annually for the accumulation of scum and solids. In the event that the scum layer exceeds three inches or the settled solids occupy 30% or more of the tank volume, the contents of the tanks shall be pumped by a septage pumper meeting the qualification requirements identified in Subsection D of 20.7.3.904 NMAC, Liquid Waste Disposal and Treatment Regulations.</p> <p>The Permittee shall create and maintain a log of all septic tank inspections which describes the findings, repairs, and removals, the date of the inspection, and the name of the person responsible for the inspection. The Permittee shall make the log available to NMED upon request.</p> <p>The Permittee shall maintain a record of solids removal and disposal, including the name of the septage hauler, date of off-site shipment, volume of solids removed, disposal method, and disposal location.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
11.	<p>The Permittee shall inspect and clean the lift station after the equalization tank as needed to prevent pump failure.</p> <p>The Permittee shall maintain a record of lift station inspections, repairs, and cleanings. The Permittee shall make the record available to NMED upon request.</p>

#	Terms and Conditions
	[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
12.	<p>The Permittee shall utilize operators, certified by the State of New Mexico at the appropriate level pursuant to 20.7.4 NMAC, to operate the wastewater collection, treatment, and disposal systems. A certified operator or a direct supervisee of a certified operator shall perform the operations and maintenance of all or any part of the wastewater system.</p> <p>The Permittee shall notify the NMED within 24 hours if at any time the Permittee no longer has a certified operator maintaining the system.</p> <p>[Subsection C of 20.6.2.3109 NMAC, 20.7.4 NMAC]</p>

**B. MONITORING AND REPORTING**

#	Terms and Conditions
13.	<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>
14.	<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
15.	<p>Quarterly monitoring - The Permittee shall perform monitoring and other Permit required actions during the following periods and shall submit quarterly reports to NMED by the following due dates:</p> <ul style="list-style-type: none"> <li>• January 1<sup>st</sup> through March 31<sup>st</sup> – <b>due by May 1<sup>st</sup></b>;</li> <li>• April 1<sup>st</sup> through June 30<sup>th</sup> – <b>due by August 1<sup>st</sup></b>;</li> <li>• July 1<sup>st</sup> through September 30<sup>th</sup> – <b>due by November 1<sup>st</sup></b>; and</li> <li>• October 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>

**Monitoring Actions with Implementation Deadlines**

#	Terms and Conditions
16.	<p>Prior to discharging from the Vertical Launch Control Center, the Permittee shall install the following flow meter.</p> <p style="padding-left: 40px;">One totalizing flow meter installed on the Control Center’s water supply to measure the volume of wastewater received by the septic tank/leachfield system.</p> <p>The Permittee shall submit confirmation of meter installation, type, calibration, and location prior to discharging from the Control Center.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

**Facility Monitoring Conditions**

#	Terms and Conditions
17.	<p>The Permittee shall measure the total monthly volume and calculate the daily average volume of wastewater received by the package treatment plant each month using a totalizing (electromagnetic) flow meter located after the equalization tank. The Permittee shall submit the totalized and calculated average daily influent volumes for each calendar month to NMED in the quarterly monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
18.	<p>After the totalizing flow meter required by Condition 16 is installed, the Permittee shall on a monthly basis estimate the volume of wastewater received by the septic tank/leachfield system by recording meter readings for the Vertical Launch Control Center’s water supply on a monthly basis and calculating the monthly and average daily usage volumes.</p> <p>To determine the discharge volume, the Permittee shall use the estimated monthly influent volume* (based upon meter readings) to calculate the average daily volume by the formula below.</p> <p style="padding-left: 40px;">Estimated monthly volume ÷ number of days in the month = average daily volume</p> <p>Each month, the Permittee shall make note of any significant uses of the water (e.g., irrigation, evaporative cooling, or leaks) that do not contribute to the volume of wastewater received.</p>

#	Terms and Conditions
	<p>The Permittee shall submit the monthly meter readings, estimated monthly and average daily influent volumes, and notes and estimated volume of significant uses to NMED in the quarterly monitoring reports.</p> <p>*Should more than one flow meter exist for the Vertical Launch Control Center's water supply, the Permittee shall calculate the estimated monthly volume for the Center by adding the estimated monthly volume for each meter. This summation should be completed prior to calculating the average daily volume for the Vertical Launch Control Center.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
19.	<p>The package treatment plant flow meter shall be capable of having its accuracy verified under working (i.e., real-time in-the-field) conditions. The Permittee shall develop a field verification method for the flow meter and shall utilize that method to check the accuracy of the meter. The Permittee shall perform field calibrations, at a minimum, once within 90 days of the issuance date of this Discharge Permit (<b>by DATE</b>). The Permittee shall also perform field calibrations upon repair or replacement of a flow measurement device.</p> <p>The Permittee shall calibrate the flow meter to its manufacturer's recommended specification which shall be no less accurate than plus or minus 10 percent of actual flow, as measured under field conditions. An individual knowledgeable in flow measurement shall perform field calibration and the installation/operation of the device in use. The Permittee shall prepare a flow meter calibration report for each flow measurement device calibration event. The flow meter calibration report shall include the following information.</p> <ol style="list-style-type: none"><li>a) The location and meter identification.</li><li>b) The method of flow meter field calibration employed.</li><li>c) The measured accuracy of the flow meter prior to adjustment indicating the positive or negative offset as a percentage of actual flow as determined by an in-field calibration check.</li><li>d) The measured accuracy of the flow meter following adjustment, if necessary, indicating the positive or negative offset as a percentage of actual flow of the meter.</li><li>e) Any flow meter repairs made during the previous year or during field calibration.</li><li>f) The name of the individual performing the calibration and the date of the calibration.</li></ol> <p>The Permittee shall maintain records of flow meter calibration(s) at a location accessible for review by NMED during Facility inspections.</p>

#	Terms and Conditions
	[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
20.	<p>The Permittee shall visually inspect the package treatment plant flow meter on a monthly basis for evidence of malfunction. The Permittee shall maintain a log of the inspections that includes the date of the inspection, findings and repairs, and the name of the inspector. The Permittee shall make the log available to NMED upon request.</p> <p>If a visual inspection indicates the flow meter is not functioning as required by this Discharge Permit, the Permittee shall repair or replace the meter within 30 days of discovery. For <i>repaired</i> meters, the Permittee shall submit a report to NMED with the next monitoring report following the repair that includes a description of the malfunction; a statement verifying the repair; and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit. For <i>replacement</i> meters, the Permittee shall submit a report to NMED with the next monitoring report following the replacement that includes a design schematic for the device and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
21.	<p>The Permittee shall collect samples of treated wastewater from the dosing tank on a quarterly basis and analyze the samples for:</p> <ul style="list-style-type: none"> <li>• TKN;</li> <li>• NO<sub>3</sub>-N;</li> <li>• TDS; and</li> <li>• Cl.</li> </ul> <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 quarterly monitoring report.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
22.	<p>Once installed, the Permittee shall collect a wastewater sample from the septic tank on an annual basis and analyze the samples for TKN, TDS, and Cl. Samples shall be properly prepared, preserved, transported, and analyzed in accordance with the methods authorized in this Discharge Permit. The Permittee shall submit the analytical results, including the QA/QC summary and Chain of Custody, to NMED in the monitoring report due by February 1<sup>st</sup> of each year.</p>

#	Terms and Conditions
	[Subsection A of 20.6.2.3107 NMAC, Subsection C and H of 20.6.2.3109 NMAC]
23.	<p>The Permittee shall submit records of solids disposal from the package treatment plant, including the volume of solids removed and copies of all manifests for the previous calendar year, to NMED annually in the monitoring report due by August 1<sup>st</sup> each year.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
24.	<p>Once installed, the Permittee shall submit all records of solids removal and disposal, from the septic tank, to NMED annually in the monitoring report due by August 1<sup>st</sup> each year.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

**C. CONTINGENCY PLAN**

#	Terms and Conditions
25.	<p>In the event that groundwater exceeds a groundwater protection standard identified in Section 20.6.2.3103 NMAC as a result of this discharge during the term of this Discharge Permit, upon closure of the Facility or during the implementation of post-closure requirements, the Permittee shall submit to NMED a Corrective Action Plan (CAP) that proposes, at a minimum, contaminant source control measures and an implementation schedule. The Permittee shall implement the CAP as approved by NMED.</p> <p>The NMED may require the Permittee to abate water pollution consistent with the requirements and provisions of Section 20.6.2.4101, Section 20.6.2.4103, Subsections C and E of 20.6.2.4106, Section 20.6.2.4107, Section 20.6.2.4108, and Section 20.6.2.4112 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>
26.	<p>In the event that analytical results of a treated wastewater sample indicate an exceedance of the total nitrogen discharge limit set in this Discharge Permit, the Permittee shall collect and submit for analysis a second sample within 48 hours of the receipt of the initial sampling results. In the event the second sample results indicate an exceedance of the discharge limit, the Permittee shall implement the following contingencies.</p> <p>a) Within 7 days of the second sample analysis date indicating exceedance of the discharge limit, the Permittee shall:</p> <p>i) notify NMED that the Permittee is implementing the Contingency Plan; and</p>

#	Terms and Conditions
	<ul style="list-style-type: none"><li>ii) submit a copy of the first and second analytical results indicating an exceedance to NMED.</li><li>b) The Permittee shall increase the frequency of total nitrogen wastewater sampling and analysis of treated wastewater to once per month.</li><li>c) The Permittee shall examine the operation and maintenance log, required by the Record Keeping conditions of this Discharge Permit, for improper operational procedures.</li><li>d) The Permittee shall conduct a physical inspection of the treatment system to detect abnormalities. The Permittee shall correct any abnormalities discovered. The Permittee shall submit a report to NMED detailing the corrections within 30 days of correction.</li><li>e) In the event that any analytical results from monthly wastewater sampling indicate an exceedance of the total nitrogen discharge limit, the Permittee shall submit a CAP to NMED for approval proposing to modify operational procedures and/or upgrade the treatment process to achieve the total nitrogen limit. The Permittee shall submit the CAP including a schedule for completion of corrective actions and within 90 days of receipt of the analytical results of the second sample indicating that the discharge limit is continuing to be exceeded. The Permittee shall initiate implementation of the CAP following approval by NMED.</li></ul> <p>When analytical results from three consecutive months of wastewater sampling do not exceed the discharge limit, the Permittee may request NMED authorize a return to a quarterly monitoring frequency.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
27.	<p>In the event that the Permittee identifies failure of the low-pressure dose disposal field and/or leachfield, such as surfacing wastewater, the Permittee shall implement the following Contingency Plan.</p> <ul style="list-style-type: none"><li>a) Within 24 hours following the discovered failure, the Permittee shall:<ul style="list-style-type: none"><li>i) Notify NMED of the failure in accordance with the notification requirements described in the Contingency Plan for unauthorized discharges; and</li><li>ii) Restrict public access to the area.</li></ul></li><li>b) The Permittee shall conduct a physical inspection of the treatment and disposal system to identify additional potential failures and record them in the inspection log.</li><li>c) The Permittee shall propose actions to address the failure and methods of correction by submitting a CAP to NMED for approval within 15 days following the discovered failure. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions. The Permittee shall initiate implementation of the CAP following NMED approval.</li></ul>



#	Terms and Conditions
	[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
28.	<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</p>

#	Terms and Conditions
	<p>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>
29.	<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
30.	<p>The Permittee shall perform the following closure measures in the event the package treatment plant, is proposed to be permanently closed.</p> <p>Within <u>90 days</u> of ceasing to discharge to the package treatment plant, the Permittee shall complete the following closure measures.</p> <ul style="list-style-type: none"> <li>a) Plug the line leading to the package plant so that a discharge can no longer occur.</li> <li>b) Evaporate wastewater in the package plant components, or drain and dispose of in accordance with all local, state, and federal regulations, or discharge from the package plant to the disposal area as authorized by this Discharge Permit. The discharge of accumulated solids (sludge) to the disposal area is prohibited.</li> <li>c) Contain, transport, and dispose of solids removed from the package plant in accordance with all local, state, and federal regulations, including 40 CFR Part 503. The Permittee shall maintain a record of all solids transported for off-site disposal.</li> </ul> <p>Within <u>180 days</u> of ceasing to discharge to the package plant, the Permittee shall complete the following closure measures.</p> <ul style="list-style-type: none"> <li>a) Remove all lines leading to and from the package plant, or permanently plug and abandon them in place.</li> <li>b) Remove or demolish all package plant components, and re-grade the area with</li> </ul>

#	Terms and Conditions
	<p>suitable fill to blend with surface topography, promote positive drainage, and prevent ponding.</p> <p>When the Permittee has met all closure requirements and verified appropriate actions with date stamped photographic evidence or an associated NMED inspection, the Permittee may submit to NMED a written request, including photographic evidence, for termination of the Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]</p>
31.	<p>The Permittee shall perform the following closure measures in the event the Vertical Launch Control Center septic tank/leachfield system is proposed to be permanently closed, and upon ceasing discharge.</p> <p>Within <u>90 days</u> of ceasing discharge to the septic tank/leachfield system, the Permittee shall complete the following closure measures:</p> <ol style="list-style-type: none"><li>a) Plug all lines leading to and from the closed system so that a discharge can no longer occur.</li><li>b) Wastewater and septage shall be pumped from the system components (e.g., septic tank, distribution boxes) and it shall be contained, transported, and disposed of in accordance with all local, state, and federal regulations, including 40 CFR Part 503. The Permittee shall maintain a record of all wastes transported for off-site disposal.</li></ol> <p>Within <u>180 days</u> of ceasing discharge to the septic tank/leachfield system, the Permittee shall complete the following closure measures:</p> <ol style="list-style-type: none"><li>a) Remove all lines leading to and from the closed system or permanently plug them and abandon them in place.</li><li>b) Remove or demolish the closed septic tank and other system components (with the exception of the leachfield) and re-grade the area with suitable fill to blend with surface topography to promote positive drainage and prevent ponding.</li></ol> <p>When the Permittee has met all 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, 40 CFR Part 503]</p>

**E. GENERAL TERMS AND CONDITIONS**

#	Terms and Conditions
32.	<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>• The operation, maintenance, and repair of all facilities/equipment used to treat, store, or dispose of wastewater;</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 wastewater or other wastes discharged pursuant to this Discharge Permit;</li><li>• Wastewater quality data collected 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 the following:<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><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></li></ul> <p>The Permittee shall maintain the written record at a location accessible to NMED during a Facility inspection for the lifetime of the Discharge Permit. The Permittee shall make the record available to the department upon request.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>

#	Terms and Conditions
33.	<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>
34.	<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>
35.	<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>
36.	<p>MODIFICATIONS and/or AMENDMENTS - In the event the Permittee proposes a change to the Facility or the Facility's discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated, or discharged by the Facility, the Permittee shall notify NMED prior to implementing such changes. The Permittee shall obtain NMED's approval (which may require modification of this Discharge Permit) prior to implementing such changes.</p> <p>[Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]</p>

#	Terms and Conditions
37.	<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>
38.	<p>CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the Permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the Permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]</p>
39.	<p>CRIMINAL PENALTIES - No person shall:</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>

#	Terms and Conditions
	<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>
40.	<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>
41.	<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>
42.	<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>

#	Terms and Conditions
	[20.6.2.3111 NMAC]
43.	<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** Spaceport America  
**Discharge Permit Number** DP-1664  
  
**Legally Responsible Party** Chris Lopez, Director of Site Operations  
 New Mexico Spaceport Authority  
 4605 Research Park Circle, Suite A  
 Las Cruces, New Mexico 88001  
 (575) 267-8861

### Treatment, Disposal and Site Information

**Primary Waste Type** Domestic  
**Facility Type** Package Treatment Plant / Septic Tank/Leachfield

#### Treatment Methods

Type	Designation	Description & Comments
Package Treatment Plant	Spaceport Terminal System	Wastewater is discharged to a 50,000-gallon equalization tank followed by a lift station. Wastewater is pumped to the package treatment plant consisting of one 25,000-gallon septic tank, three treatment modules each consisting of three recirculating textile filter units, one 6,000-gallon recirculation tank, and one 6,000-gallon anoxic tank. Treated wastewater discharges to a 2,500-gallon dosing tank.
Septic Tank	Vertical Launch Control Center System	Proposed septic tank with a capacity of 5,000 gallons.

#### Discharge Locations

Type	Designation	Description & Comments
Subsurface Disposal	Spaceport Terminal System	7.5-acre subsurface disposal system consisting of 15 subterranean drip irrigation modules.
Leachfield	Vertical Launch Control Center System	Proposed leachfield with eight 100-foot infiltration lines.

#### Flow Metering Locations

Type	Designation	Description & Comments
Totalizing Flow Meter	Package Treatment Plant Influent Meter	An electromagnetic meter located after the equalization tank.
Water Supply Meter	Vertical Launch Control Center Meter	Water supply meter for the Vertical Launch Control Center.

**Depth-to-Ground Water** >130 feet  
**Total Dissolved Solids (TDS)** 1,500 mg/L



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

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### Permit Information

<b>Original Permit Issued</b>	July 15, 2009
<b>Permit Renewal</b>	April 14, 2017
<b>Current Action</b>	<b>Permit Renewal</b>
Application Received	March 7, 2023
Public Notice Published	[not yet published]
Permit Issued (Issuance Date)	[issuance date]
Permitted Discharge Volume	22,500 gallons per day

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### NMED Contact Information

<b>Mailing Address</b>	Ground Water Quality Bureau P.O. Box 5469 Santa Fe, New Mexico 87502-5469
<b>GWQB Telephone Number</b>	(505) 827-2900
<b>NMED Lead Staff</b>	Gerald Knutson
<b>Lead Staff Telephone Number</b>	(505) 660-7189
<b>Lead Staff Email</b>	gerald.knutson@env.nm.gov or pps.general@env.nm.gov