



MICHELLE LUJAN GRISHAM  
GOVERNOR

JAMES C. KENNEY  
CABINET SECRETARY

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

February 9, 2023

Cynthia Apodaca, General Manager  
New Mexico Water Service Company  
401 Horner Street  
Rio Communities, New Mexico 87002

**RE: Draft Discharge Permit Renewal, DP-529, New Mexico Water Service Company Sludge Disposal Site**

Dear Cynthia Apodaca:

The New Mexico Environment Department (NMED) hereby provides notice to the New Mexico Water Service Company of the proposed approval of Ground Water Discharge Permit Renewal, DP-529, (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.

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/)

Cynthia Apodaca  
February 9, 2023  
Page 2 of 2

Thank you for your cooperation during the review process. Feel free to contact me with any questions at (505) 660-7189.

Sincerely,

Gerald Knutson, Environmental Scientist & Specialist A

enc: Draft Discharge Permit Renewal, DP-529

cc: Bobby Towle, Wastewater Supervisor, btowle@newmexicowater.com



**NEW MEXICO**  
**ENVIRONMENT DEPARTMENT**  
 Ground Water Quality Bureau  
 1190 Saint Francis Drive / PO Box 5469  
 Santa Fe, NM 87502-5469  
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[www.env.nm.gov](http://www.env.nm.gov)



**Draft: February 9, 2023**

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

**Facility Name:** New Mexico Water Service Company Sludge Disposal Site  
**Discharge Permit Number:** DP-529  
**Facility Location:** Latitude 34°39'21.067"; Longitude 106°40'52.001"  
 Belen, NM

**County:** Valencia

**Permittee:** Cynthia Apodaca, General Manager  
**Mailing Address:** New Mexico Water Service Company  
 401 Horner Street  
 Rio Communities, New Mexico 87002

**Facility Contact:** Bobby Towle, Wastewater Supervisor  
**Telephone Number/Email:** (505) 864-2218 / [btowle@newmexicowater.com](mailto:btowle@newmexicowater.com)

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

**NMED Permit Contact:** Gerald Knutson, Environmental Scientist & Specialist A  
**Telephone Number/Email:** (505) 660-7189 / [gerald.knutson@env.nm.gov](mailto:gerald.knutson@env.nm.gov) or  
 505-827-2900 / [pps.general@env.nm.gov](mailto:pps.general@env.nm.gov)

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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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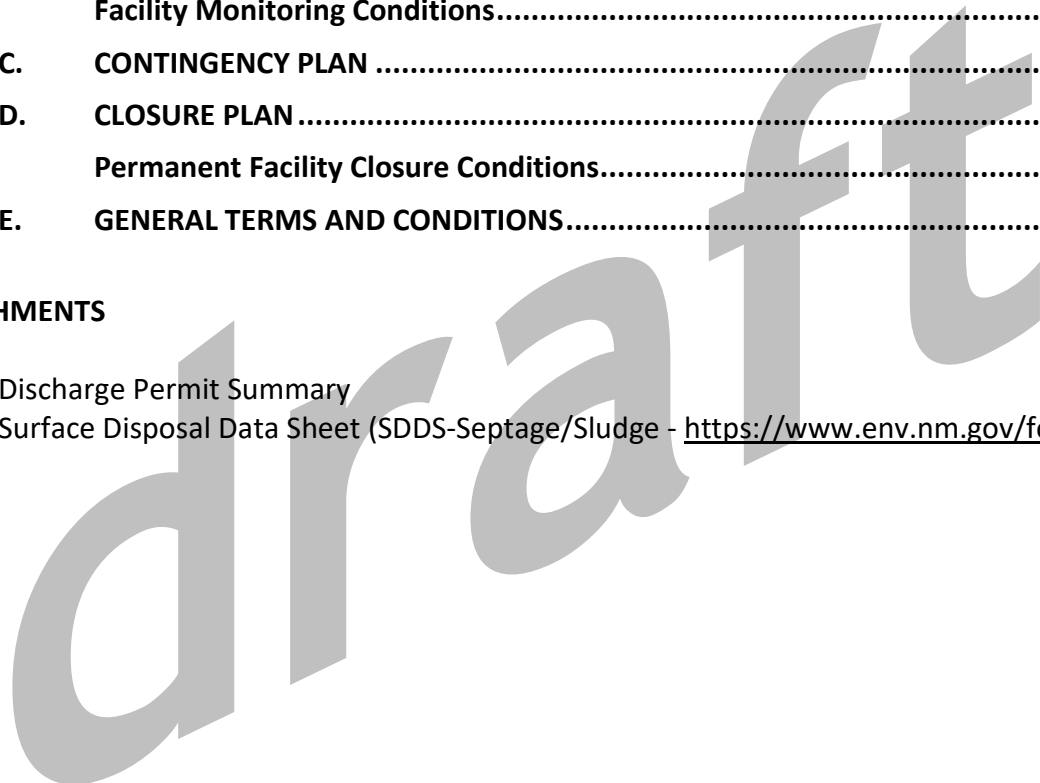
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**ATTACHMENTS**

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



## I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this groundwater discharge permit Renewal (Discharge Permit or DP-529) to the New Mexico Water Service Company (Permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Ground and Surface Water Protection Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from the New Mexico Water Service Company Sludge Disposal Site (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.

Up to 4,000 gallons per day (gpd) on an annual average, or a daily maximum volume of 14,000-gallons of domestic wastewater treatment facility sludge is received and disposed of on a 30.73-acre facility for surface disposal.

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

The Facility is located at the terminus of a dirt road intersecting the Manzano Expressway 2.65 miles east of Highway 47, approximately 5.4 miles east of Belen, in the Tomé Land Grant, Township 05N, Range 02 and 03, in Valencia County. A discharge at the Facility is most likely to affect groundwater at a depth of approximately 185 feet and having a pre-discharge total dissolved solids (TDS) concentration of approximately 290 milligrams per liter.

NMED issued the original Discharge Permit to the Permittee on February 27, 1989, and subsequently renewed the Permit on August 25, 1994, renewed and modified the Permit on October 18, 1999, renewed and modified the Permit on December 7, 2005, renewed the Permit on October 2, 2012, and renewed the permit on December 15, 2017. The application (i.e., discharge plan) associated with this Discharge Permit consists of the materials submitted by the Permittee dated September 29, 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 the department that structural controls and/or management practices approved under this Discharge Permit are insufficiently protective of groundwater quality and human health. NMED reserves the right to require the Permittee implement abatement of water pollution and remediate groundwater quality.

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

This Discharge Permit may use the following acronyms and abbreviations.

Abbreviation	Explanation	Abbreviation	Explanation
CAP	Corrective Action Plan	NMSA	New Mexico Statutes Annotated
CFR	Code of Federal Regulations	NO <sub>3</sub> -N	nitrate-nitrogen
EPA	United States Environmental Protection Agency	QA/QC	Quality Assurance/Quality Control
gpd	gallons per day	SDDS	Surface Disposal Data Sheet
LAA	land application area	TKN	total Kjeldahl nitrogen
mg/L	milligrams per liter	total nitrogen	= TKN + NO <sub>3</sub> -N
mL	milliliters	WQA	New Mexico Water Quality Act
NMAC	New Mexico Administrative Code	WQCC	Water Quality Control Commission
NMED	New Mexico Environment Department	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.

Domestic wastewater treatment facility sludge is discharged (disposed) at the Facility as follows:

The Permittee is authorized to discharge up to 4,000 gpd on an annual average, 14,000-gallons daily maximum of liquid, semi-solid, and solid domestic wastewater treatment facility sludge (sludge) from New Mexico Water Service Company's wastewater treatment facilities to 12 surface disposal cells (30.73 acres) on a rotational basis.

This Discharge Permit prohibits discharge of waste types other than the waste types listed above at this Facility.

[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.

#	Terms and Conditions
	[20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]

**Operating Conditions**

#	Terms and Conditions
3.	<p>The Permittee shall maintain fences around the entire disposal Facility to restrict access by the general public and animals. The fences shall consist of a minimum of a three-strand barbed wire fence and locking gate. 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>
4.	<p>The Permittee shall maintain the following signs at the following locations:</p> <ul style="list-style-type: none"> <li>• 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".</li> <li>• A sign posted at the entrance gate with the following information:                         <ul style="list-style-type: none"> <li>○ the name of the Facility,</li> <li>○ the name of a Facility contact person,</li> <li>○ the office phone number of the contact person,</li> <li>○ the emergency contact phone number for the Facility, and</li> <li>○ New Mexico Environment Department, Discharge Permit #529 – dial 505-827-2900.</li> </ul> </li> <li>• A sign at the boundary of each cell to identify the cell number and the waste type the Permittee is authorized discharge in the cell.</li> </ul> <p>These signs shall be weatherproof and legible. The Permittee shall maintain signs to serve their purpose 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>
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 that are a minimum of 24-inches above natural grade. The Permittee shall inspect the berms on a regular basis and after any major rainfall event and repair the berms as necessary. 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 the Discharge Permit and the closure conditions have been met.</p>



#	Terms and Conditions
	<p>The Permittee shall keep a log of the berm inspections that includes the date of inspection, any findings, and the name of the person performing the inspection. The Permittee shall maintain these logs at the New Mexico Water Service Company office in Rio Communities and make the logs available for NMED review 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 inspect the Facility monthly and collect any residual solid waste (trash) on the Facility site. The Permittee shall dispose of the collected materials in a manner consistent with all local, state, and federal regulations.</p> <p>The Permittee shall maintain a log of inspection findings at the New Mexico Water Service Company office in Rio Communities and make the logs available to a NMED representative upon request.</p> <p>[20.6.2.3109 NMAC]</p>
7.	<p>The Permittee shall not discharge sludge to any of the surface disposal cells during periods of precipitation or when surface soils are frozen or saturated. The Permittee may store the waste(s) in tanker trucks during these Periods.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections B and C of 20.6.2.3109 NMAC]</p>
8.	<p>The Permittee shall evenly distribute the sludge throughout the 12 disposal cells and shall incorporate the sludge into the soil by disking within six hours following surface disposal. Ponding of liquid sludge shall be minimized. Treatment, storage, and disposal of sludge shall be in accordance with requirements set forth in 40 CFR Part 503.</p> <p>[20.6.2.3104 NMAC]</p>
9.	<p>The Permittee shall surface apply domestic wastewater treatment facility sludge such that the amount of total nitrogen applied to any cell does not exceed 200 pounds per acre per year in any 12-month period.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>

**B. MONITORING AND REPORTING**

#	Terms and Conditions
10.	<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>
11.	<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
12.	<p>Semi-annual monitoring - The Permittee shall perform monitoring and other Permit required actions during the following periods and shall submit semi-annual reports to NMED by the following due dates:</p> <ul style="list-style-type: none"> <li>• January 1<sup>st</sup> through June 30<sup>th</sup> – <b>due by August 1<sup>st</sup></b>; and</li> <li>• July 1<sup>st</sup> through December 31<sup>st</sup> – <b>due by February 1<sup>st</sup></b>.</li> </ul> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

***Facility Monitoring Conditions***

#	Terms and Conditions
13.	<p>The Permittee shall maintain a monthly log detailing sludge. The log shall include the following information for each waste delivery:</p> <ul style="list-style-type: none"> <li>• date of receipt;</li> <li>• the New Mexico Water Service Company wastewater treatment facility;</li> <li>• volume of sludge; and</li> <li>• surface disposal cell identification and location within the cell where the waste was discharged.</li> </ul> <p>The Permittee shall submit copies of the monthly logs to NMED in the semi-annual monitoring reports.</p>

#	Terms and Conditions
	[20.6.2.3107 NMAC]
14.	<p>The Permittee shall measure and record the volume and dry weight of domestic wastewater treatment facility sludge discharged to each surface disposal cell each month by tracking the volume of the loads received and the percent total solids as determined by sampling each type of sludge (i.e., solid, semisolid, liquid).</p> <p>The Permittee shall submit records of the volume and dry weight of the sludge discharged to NMED in the semi-annual monitoring reports.</p> <p>[20.6.2.3107 NMAC]</p>
15.	<p>The Permittee shall sample each sludge type (solid, semi-solid and liquid) transported to the surface disposal facility on a monthly basis and analyze the samples for percent total solids (%TS). Samples shall be properly prepared, preserved, transported, and analyzed in accordance with the methods authorized in this Discharge Permit.</p> <p>The Permittee shall submit analytical results, reported as %TS for each sludge type, to NMED in the semi-annual monitoring reports.</p> <p>[20.6.2.3107 NMAC]</p>
16.	<p>The Permittee shall sample each sludge type (solid, semi-solid and liquid) transported to the surface disposal facility on a monthly basis and analyze the samples for TKN and NO<sub>3</sub>-N. Samples shall be properly prepared, preserved, transported, and analyzed in accordance with the methods authorized in this Discharge Permit.</p> <p>The Permittee shall submit analytical results, <b>including the laboratory QA/QC summary</b>, reported as mg/kg for TKN and NO<sub>3</sub>-N (dry weight basis), to NMED in the semi-annual monitoring reports.</p> <p>[20.6.2.3107 NMAC]</p>
17.	<p>The Permittee shall complete a SDDS on a monthly basis to document the amount of nitrogen applied to <i>each</i> surface disposal cell, during the most recent 12 months. A SDDS shall be completed for each sludge type (solid, semi-solid and liquid) associated with each disposal cell and shall reflect the nitrogen concentration from the monthly sludge analysis and the total number of dry tons discharged each month. Nitrogen content shall not be adjusted to account for volatilization or mineralization processes.</p> <p>The Permittee shall submit the SDDS, or a statement that no surface disposal occurred within the specific cells, to NMED in the semi-annual monitoring reports.</p>

#	Terms and Conditions
	[20.6.2.3107 NMAC]

**C. CONTINGENCY PLAN**

#	Terms and Conditions
18.	<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>
19.	<p>In the event that the SSDS show that the amount of nitrogen in sludge applied in any 12-month period to any cell exceeds 200 pounds per acre, the Permittee shall propose the reduction of nitrogen loading to the cell by submitting a CAP to NMED for approval. The Permittee shall implement the CAP within 30 days following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
20.	<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"> <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> </ol>

#	Terms and Conditions
	<p>c) The date, time, location, and duration of the unauthorized discharge.</p> <p>d) The source and cause of unauthorized discharge.</p> <p>e) A description of the unauthorized discharge, including its estimated chemical composition.</p> <p>f) The estimated volume of the unauthorized discharge.</p> <p>g) Any actions taken to mitigate immediate damage from the unauthorized discharge.</p> <p>Within <u>one week</u> following discovery of the unauthorized discharge, the Permittee shall submit written notification to NMED providing the information listed above and any pertinent updates.</p> <p>Within <u>15 days</u> following discovery of the unauthorized discharge, the Permittee shall submit a Corrective Action Plan (CAP) to NMED describing any corrective actions previously taken and corrective actions to be taken relative to the unauthorized discharge. The CAP shall include the following information.</p> <p>a) A description of proposed actions to mitigate damage from the unauthorized discharge.</p> <p>b) A description of proposed actions to prevent future unauthorized discharges of this nature.</p> <p>c) A schedule for completion of proposed actions.</p> <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>
21.	<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
22.	<p>Upon closure of the facility, the Permittee shall perform the following closure measures:</p> <ul style="list-style-type: none"> <li>a) Within 60 days of ceasing to discharge to the disposal cells, backfill the cells with clean fill (as necessary) and contour to provide for positive stormwater drainage.</li> <li>b) 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.</li> <li>c) Following final grading and re-seeding of the facility, the permittee shall maintain the perimeter fencing and security gate for a minimum of three years to prevent unauthorized access.</li> <li>d) Submit proof to NMED that all closure activities set forth for the facility under 40 CFR 503 have been completed.</li> </ul> <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>[20.6.2.3107.A(11) NMAC]</p>

**E. GENERAL TERMS AND CONDITIONS**

#	Terms and Conditions
23.	<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 dispose of sludge;</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> </ul>

#	Terms and Conditions
	<ul style="list-style-type: none"> <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 sludge discharged pursuant to this Discharge Permit;</li> <li>• Sludge quality data collected pursuant to 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>
24.	<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>
25.	<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>
26.	<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>
27.	<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 sludge contaminants received 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>
28.	<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>
29.	<p>CRIMINAL PENALTIES - No person shall:</p>



#	Terms and Conditions
	<ul style="list-style-type: none"> <li>• Make any false material statement, representation, certification, or omission of material fact in an application, record, report, plan, or other document filed, submitted, or maintained under the WQA;</li> <li>• Falsify, tamper with, or render inaccurate any monitoring device, method, or record maintained under the WQA; or</li> <li>• Fail to monitor, sample, or report as required by a permit issued pursuant to a state or federal law or regulation.</li> </ul> <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
30.	<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>
31.	<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>
32.	<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>

#	Terms and Conditions
	<ul style="list-style-type: none"><li>• Notify the proposed transferee in writing of the existence of this Discharge Permit;</li><li>• Include a copy of this Discharge Permit with the notice; and</li><li>• Deliver or send by certified mail to NMED a copy of the notification and proof that the proposed transferee has received such notification.</li></ul> <p>The Permittee shall continue to be responsible for any discharge from the Facility, until both ownership and possession of the Facility have been transferred to the transferee.</p> <p>[20.6.2.3111 NMAC]</p>
33.	<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** New Mexico Water Service Company Sludge Disposal Site  
**Discharge Permit Number** DP-529  
**Legally Responsible Party** Cynthia Apodaca, General Manager  
New Mexico Water Service Company  
401 Horner Street  
Rio Communities, New Mexico 87002  
(505) 864-2218

### Treatment, Disposal and Site Information

**Primary Waste Type** Wastewater Treatment Facility Sludge  
**Facility Type** Surface Disposal

#### Discharge Locations

Type	Designation	Description & Comments
Surface Disposal	Cell #1	5.12 acres
Surface Disposal	Cell #2	2.41 acres
Surface Disposal	Cell #3	2.33 acres
Surface Disposal	Cell #4	2.22 acres
Surface Disposal	Cell #5	2.36 acres
Surface Disposal	Cell #6	2.35 acres
Surface Disposal	Cell #7	2.32 acres
Surface Disposal	Cell #8	1.63 acres
Surface Disposal	Cell #9	2.86 acres
Surface Disposal	Cell #10	3.00 acres
Surface Disposal	Cell #11	1.41 acres
Surface Disposal	Cell #12	2.72 acres

**Depth-to-Ground Water** 185 feet  
**Total Dissolved Solids (TDS)** 290 mg/L



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

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### Permit Information

<b>Original Permit Issued</b>	February 27, 1989
<b>Permit Renewal</b>	August 25, 1994
<b>Permit Renewal and Modification</b>	October 18, 1999
<b>Permit Renewal and Modification</b>	December 7, 2005
<b>Permit Renewal</b>	October 2, 2012
<b>Permit Renewal</b>	December 15, 2017
<b>Current Action</b>	<b>Permit Renewal</b>
Application Received	September 29, 2022
Public Notice Published	[not yet published]
Permit Issued (Issuance Date)	[issuance date]
Permitted Discharge Volume	4,000 gallons per day on an annual average

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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>	<a href="mailto:gerald.knutson@env.nm.gov">gerald.knutson@env.nm.gov</a> or <a href="mailto:pps.general@env.nm.gov">pps.general@env.nm.gov</a>