



CERTIFIED MAIL – RETURN RECEIPT REQUESTED

May 12, 2023

Russell Hooper, Parks Director
City of Clovis
500 Sycamore Street
Clovis, NM 88101

RE: Draft Discharge Permit, DP-1962, City of Clovis Discharge Locations

Dear Russell Hooper:

The New Mexico Environment Department (NMED) hereby provides notice to the City of Clovis of the proposed approval of Ground Water Discharge Permit, DP-1962, (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 avery.young@env.nm.gov or to pps.general@env.nm.gov, or directly into the NMED Public Comment Portal at <https://nmed.commentinput.com/comment/search>. If NMED does not receive written comments or a request for hearing during the public comment period, the draft Discharge Permit will become final.

Thank you for your cooperation during the review process. Feel free to contact me with any questions at (505) 699-8564.

Sincerely,

Avery Young, Domestic Waste Team Lead

Russell Hooper

May 12, 2023

Page 2 of 2

Encl: Draft Discharge Permit, DP-1962

cc: Clint Bunch, Public Works Director, City of Clovis, cbunch@cityofclovis.org
Mark Hill, Superintendent, City of Clovis, mhill@cityofclovis.org



**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Ground Water Quality Bureau

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www.env.nm.gov



Draft: May 12, 2023

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

Facility Name: City of Clovis Discharge Locations
Discharge Permit Number: DP-1962
Facility Location: Various locations around the City of Clovis in Sections 1, 7, 8, 12, 17, 20 and 33, Township 02 North, Range 36 East and Section 32, Township 03 North, Range 36 East

County: Curry

Permittee: City of Clovis
Mailing Address: Russell Hooper, Parks Director
500 Sycamore Street
Clovis, NM 88101

Facility Contact: Russell Hooper, Parks Director
Telephone Number/Email: (575) 763-9671 / rhooper@cityofclovis.org

Permitting Action: New
Permit Issuance Date: DATE
Permit Expiration Date: DATE (7 years from issuance date) or 5 years from commencement of discharge [20.6.23109.H(4) NMAC]

NMED Permit Contact: Avery Young, Domestic Waste Team Lead
Telephone Number/Email: (505) 699-8564 / avery.young@env.nm.gov or 505-827-2900 / pps.general@env.nm.gov

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

Date

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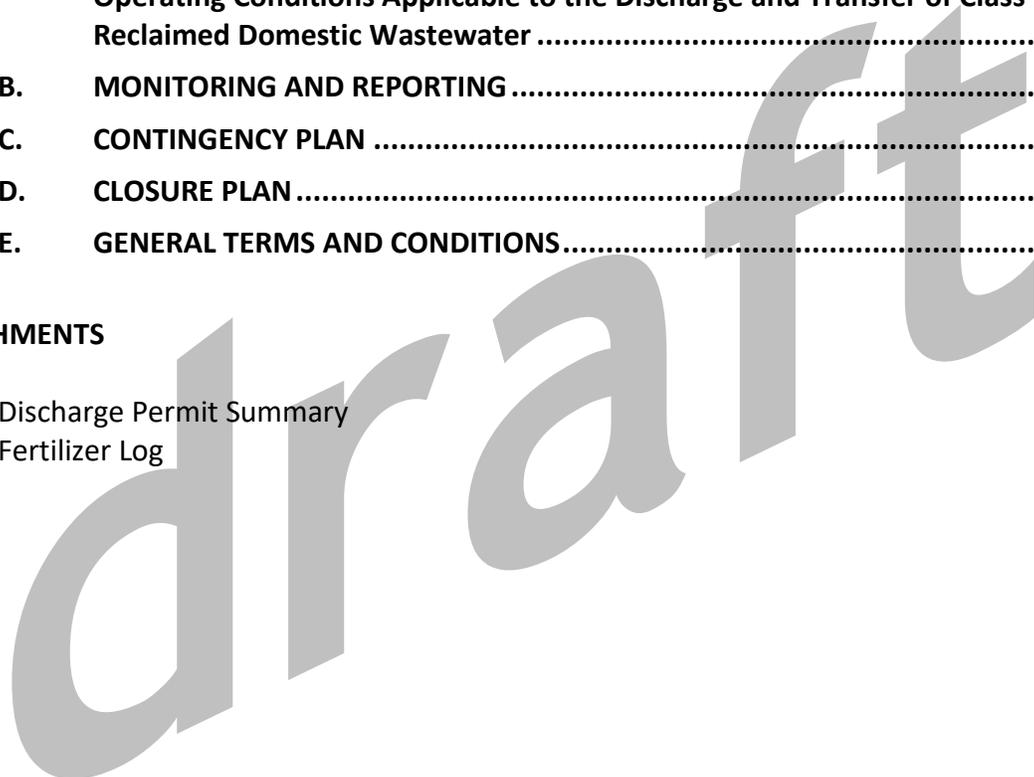
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I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this groundwater discharge permit (Discharge Permit or DP-1962) to the City of Clovis (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 City of Clovis Discharge Locations (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 up to 4.5 million gallons per day (MGD) of Class 1A reclaimed domestic wastewater from the City of Clovis Wastewater Treatment Facility (DP-79) and discharges to approximately 355.5 acres of City owned reuse areas.

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 various locations around the City of Clovis, in Sections 6, 7, 8, 16, 17, 20, 21, 28, 29, 32, 33, 34, and 36, Township 02N, Range 36E, Sections 1 and 12, Township 02N, Range 35E, Sections 1 and 36, Township 03N, Range 35E, and Sections 29, 30, and 32, Township 03N, Range 36E, in Curry County. A discharge at the Facility is most likely to affect groundwater at a depth of approximately 281 feet and having a pre-discharge total dissolved solids (TDS) concentration of approximately 350 milligrams per liter.

The application (i.e., discharge plan) consists of the materials submitted by the Permittee dated February 23, 2023, and materials contained in the administrative record prior to issuance of this Discharge Permit. The City of Clovis previously discharged reclaimed domestic wastewater to reuse locations under DP-79. The Permittee shall manage this discharge in accordance with all conditions and requirements 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
BOD ₅	biochemical oxygen demand (5-day)	NMED	New Mexico Environment Department
CAP	Corrective Action Plan	NMSA	New Mexico Statutes Annotated
CFR	Code of Federal Regulations	NO ₃ -N	nitrate-nitrogen
CFU	colony forming unit	NTU	nephelometric turbidity units
Cl	chloride	QA/QC	Quality Assurance/Quality Control
EPA	United States Environmental Protection Agency	TDS	total dissolved solids
Gpd	gallons per day	TKN	total Kjeldahl nitrogen
LAA	land application area	total nitrogen	= TKN + NO ₃ -N
LADS	Land Application Data Sheet(s)	TRC	total residual chlorine
mg/L	milligrams per liter	TSS	total suspended solids
mL	milliliters	WQA	New Mexico Water Quality Act
MPN	most probable number	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 discharge 4.5 MGD of Class 1A reclaimed domestic wastewater received from wastewater treatment facilities permitted by NMED for irrigation at approximately 388.5 acres of City-owned properties operated by the City's Parks Department around the City of Clovis. This Discharge Permit authorizes the Permittee to receive reclaimed domestic wastewater in a synthetically lined holding pond prior to irrigating the golf course.

This Discharge Permit authorizes the City of Clovis to add additional reuse areas within similar geographic locations of other reuse areas listed in the attached Discharge Permit summary during the term of the Discharge Permit.

[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.

#	Terms and Conditions
	[Subsection C of 20.6.2.3109 NMAC]
2.	<p>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.</p> <p>[20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

Operational Actions with Implementation Deadlines

#	Terms and Conditions
3.	<p>Prior to discharging reclaimed domestic wastewater to a new reuse area, the Permittee shall install the infrastructure necessary to transfer, distribute and apply reclaimed domestic wastewater. The Permittee shall ensure documentation confirming installation of the distribution system consists of a narrative statement including the system type and location, and the method of backflow prevention employed (if applicable). The Permittee shall provide this documentation to NMED prior to discharging to the reuse area. NMED will include the new reuse area in the attached Discharge Permit Summary.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

Operating Conditions Applicable to All Discharges of Reclaimed Domestic Wastewater

#	Terms and Conditions
4.	<p>The Permittee shall ensure adherence to the following general requirements for above-ground use of reclaimed domestic wastewater.</p> <ul style="list-style-type: none"> a) The Permittee shall install and maintain signs in English and Spanish at all reuse areas such that they are visible and legible for the term of this Discharge Permit. The Permittee shall post signs at the entrance to reuse areas and at other locations where public exposure to reclaimed domestic wastewater may occur. The signs shall state: NOTICE: THIS AREA IS IRRIGATED WITH RECLAIMED WASTEWATER - DO NOT DRINK. AVISO: ESTA ÁREA ESTÁ REGADA CON AGUAS NEGRAS RECOBRADAS - NO TOMAR. The Permittee may submit alternate wording and/or graphics to NMED for approval. b) Reclaimed domestic wastewater systems shall have no direct or indirect cross connections with public water systems or irrigation wells pursuant to the latest revision of the New Mexico Plumbing Code (14.8.2 NMAC) and New Mexico Mechanical Code (14.9.2 NMAC). c) Above-ground use of reclaimed domestic wastewater shall not result in excessive ponding of wastewater and shall not exceed the water consumptive needs of the

#	Terms and Conditions
	<p>crop. The Permittee shall not discharge reclaimed domestic wastewater at times when the reuse area is saturated or frozen.</p> <p>d) The Permittee shall confine discharge of reclaimed domestic wastewater to the reuse area.</p> <p>e) The Permittee shall not discharge reclaimed domestic wastewater to crops used for human consumption.</p> <p>f) Water supply wells within 200 feet of a reuse area shall have adequate wellhead construction pursuant to 19.27.4 NMAC.</p> <p>g) Existing and accessible portions of the reclaimed domestic wastewater distribution system (with the exception of application equipment such as sprinklers or pivots) shall be colored purple or clearly labeled as being part of a reclaimed domestic wastewater distribution system. Piping, valves, outlets, and other plumbing fixtures shall be purple pursuant to the latest revision of the New Mexico Plumbing Code (14.8.2 NMAC) and New Mexico Mechanical Code (14.9.2 NMAC) to differentiate piping or fixtures used to convey reclaimed wastewater from those intended for potable or other uses.</p> <p>h) Valves, outlets, and sprinkler heads used in reclaimed wastewater systems shall be accessible only to authorized personnel.</p> <p>The Permittee shall demonstrate adherence to these requirements by submitting documentation consisting of narrative statements and date-stamped photographs as appropriate. The Permittee shall submit the documentation to NMED once during the term of this Discharge Permit in the next required periodic monitoring report after the issuance of the Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1-78, § 74-6-5.D]</p>
5.	<p>The Permittee shall institute a backflow prevention method to protect wells and public water supply systems from contamination by reclaimed domestic wastewater prior to discharging to the reuse area. Backflow prevention shall be achieved by a total disconnect (physical air gap separation between the discharge pipe and the liquid surface at least twice the diameter of the discharge pipe), or by a reduced pressure principal backflow prevention assembly (RP) installed on the line between the fresh water supply wells or public water supply and the reclaimed domestic wastewater delivery system. The Permittee shall maintain backflow prevention at all times.</p> <p>The Permittee shall have RP devices inspected and tested by a certified backflow prevention assembly tester at the time of installation, repair or relocation and at least on an annual basis thereafter. The backflow prevention assembly tester shall have successfully completed a 40-hour backflow prevention course based on the University of Southern California’s Backflow Prevention Standards and Test Procedures, and obtained</p>

#	Terms and Conditions
	<p>certification demonstrating completion. The Permittee shall have all malfunctioning RP devices repaired or replaced within 30 days of discovery. The Permittee shall cease using supply lines associated with the RP device until repair or replacement is complete.</p> <p>The Permittee shall maintain copies of the inspection and maintenance records and test results for each RP device associated with the backflow prevention program at a location available for inspection by NMED.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
6.	<p>The Permittee shall apply reclaimed domestic wastewater evenly throughout the entire reuse area such that the amount of total nitrogen applied does not exceed 200 pounds per acre in any rolling 12-month period. The Permittee shall not adjust nitrogen content to account for volatilization or mineralization processes. The Permittee shall prevent excessive ponding from occurring due to the discharge.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
7.	<p>The Permittee shall maintain the holding pond liner to avoid conditions that could affect the liner or the structural integrity of the impoundment. Characterization of such conditions may include the following:</p> <ul style="list-style-type: none">• erosion damage;• animal burrows or other damage;• the presence of vegetation including aquatic plants, weeds, woody shrubs or trees growing within five feet of the top inside edge of a sub-grade impoundment, within five feet of the toe of the outside berm of an above-grade impoundment, or within the impoundment itself;• the presence of large debris or large quantities of debris in the impoundment;• evidence of seepage; or• evidence of berm subsidence. <p>The Permittee shall routinely control vegetation growing around the impoundment by mechanical removal that is protective of the impoundment liner.</p> <p>The Permittee shall visually inspect the impoundment and surrounding berms on a monthly basis to ensure proper maintenance. In the event that inspection reveals any evidence of damage that threatens the structural integrity of an impoundment berm or liner, or that may result in an unauthorized discharge, the Permittee shall implement the Contingency Plan set forth in this Discharge Permit.</p>

#	Terms and Conditions
	<p>The Permittee shall create and maintain a log of all impoundment inspections which describes the date of the inspection, any findings and repairs and the name of the person responsible for the inspection. The Permittee shall make the log available to NMED upon request.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
8.	<p>The Permittee shall preserve a minimum of two feet of freeboard, i.e., the liquid level in the holding pond and the elevation of the lowest-most top of the pond liner.</p> <p>In the event that the Permittee determines that it cannot preserve two feet of freeboard in the impoundment, the Permittee shall implement the Contingency Plan set forth in this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

Operating Conditions Applicable to the Discharge and Transfer of Class 1A Reclaimed Domestic Wastewater

#	Terms and Conditions																		
9.	<p>Class 1A reclaimed domestic wastewater received from a wastewater treatment facility must meet the following discharge limits.</p> <table border="1" data-bbox="415 1234 1308 1625"> <thead> <tr> <th data-bbox="415 1234 712 1276"><u>Test</u></th> <th data-bbox="712 1234 1010 1276"><u>30-day Average</u></th> <th data-bbox="1010 1234 1308 1276"><u>Maximum</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="415 1276 712 1333">Total Nitrogen</td> <td data-bbox="712 1276 1010 1333">n/a</td> <td data-bbox="1010 1276 1308 1333">10 mg/L</td> </tr> <tr> <td data-bbox="415 1333 712 1446">Fecal coliform</td> <td data-bbox="712 1333 1010 1446">5 CFU or MPN/100 mL</td> <td data-bbox="1010 1333 1308 1446">23 CFU or MPN/100 mL</td> </tr> <tr> <td data-bbox="415 1446 712 1505">BOD₅</td> <td data-bbox="712 1446 1010 1505">10 mg/L</td> <td data-bbox="1010 1446 1308 1505">15 mg/L</td> </tr> <tr> <td data-bbox="415 1505 712 1564">Turbidity</td> <td data-bbox="712 1505 1010 1564">3 NTU</td> <td data-bbox="1010 1505 1308 1564">5 NTU</td> </tr> <tr> <td data-bbox="415 1564 712 1625">TRC</td> <td data-bbox="712 1564 1010 1625">Monitor Only</td> <td data-bbox="1010 1564 1308 1625">Monitor Only</td> </tr> </tbody> </table> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>	<u>Test</u>	<u>30-day Average</u>	<u>Maximum</u>	Total Nitrogen	n/a	10 mg/L	Fecal coliform	5 CFU or MPN/100 mL	23 CFU or MPN/100 mL	BOD ₅	10 mg/L	15 mg/L	Turbidity	3 NTU	5 NTU	TRC	Monitor Only	Monitor Only
<u>Test</u>	<u>30-day Average</u>	<u>Maximum</u>																	
Total Nitrogen	n/a	10 mg/L																	
Fecal coliform	5 CFU or MPN/100 mL	23 CFU or MPN/100 mL																	
BOD ₅	10 mg/L	15 mg/L																	
Turbidity	3 NTU	5 NTU																	
TRC	Monitor Only	Monitor Only																	
10.	<p>The Permittee shall meet the following setbacks, access restrictions and equipment requirements for spray irrigation using Class 1A reclaimed domestic wastewater.</p> <p>a) No required setback between any dwellings or occupied establishments and the edge of the reuse area.</p>																		

#	Terms and Conditions
	b) Postpone irrigation using reclaimed domestic wastewater at times when windy conditions may result in drift of reclaimed wastewater outside the reuse area. c) No required access control. d) Limit spray irrigation system to low trajectory spray nozzles. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1-78, § 74-5.D]

B. MONITORING AND REPORTING

#	Terms and Conditions
11.	The Permittee shall conduct the monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
12.	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. [Subsection B of 20.6.2.3107 NMAC]

Due Dates for Monitoring Reports

#	Terms and Conditions
13.	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: <ul style="list-style-type: none"> • January 1st through March 31st – due by May 1st; • April 1st through June 30th – due by August 1st; • July 1st through September 30th – due by November 1st; and • October 1st through December 31st – due by February 1st. [Subsection A of 20.6.2.3107 NMAC]

Monitoring Conditions Applicable to the Discharge and Transfer of Class 1A Reclaimed Domestic Wastewater

#	Terms and Conditions
14.	<p>The Permittee shall on a monthly basis obtain from the entity transferring the reclaimed domestic wastewater the volume of reclaimed domestic wastewater discharged to each Class 1A re-use area during the period.</p> <p>The Permittee shall submit the monthly meter readings, calculated monthly discharge volumes, and average daily discharge volumes 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>
15.	<p>During any week that the discharge of Class 1A reclaimed domestic wastewater occurs, the Permittee shall obtain from the entity transferring the reclaimed domestic wastewater the following analyses results on the wastewater samples collected from the tertiary treatment (re-use) system using the following sampling method and frequency:</p> <ul style="list-style-type: none">• Fecal coliform; grab sample at peak daily flow three times per week;• BOD₅; six-hour composite sample three times per week;• Turbidity; continuously monitor reclaimed domestic wastewater for turbidity after the final treatment process and while discharging; record the average and maximum turbidity values for each calendar month; and• TRC concentrations; record whenever collecting bacteria samples. <p>The Permittee shall submit the laboratory analytical data results, including the QA/QC summary and Chain of Custody, monthly average and maximum turbidity values, and a copy of the log of TRC concentrations to NMED in the subsequent quarterly monitoring report.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections B, C and H of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
16.	<p>The Permittee shall keep a Fertilizer Log (copy enclosed) of all additional nitrogenous fertilizer applied to City owned and operated field within the reuse areas. The Log shall contain the date of fertilizer application, the type (organic or inorganic) and form (granular or liquid), nitrogen concentration (in percent), the amount of fertilizer applied (in pounds per acre), and the amount of nitrogen applied (in pounds per acre) for each location. The Permittee shall submit the log, or a statement that application of fertilizer did not occur, to NMED in the subsequent quarterly monitoring report.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

C. CONTINGENCY PLAN

#	Terms and Conditions
17.	<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>
18.	<p>In the event that an inspection reveals significant damage has occurred or is likely to affect the structural integrity of an impoundment or liner or their ability to contain contaminants, the Permittee shall propose the repair or replacement by submitting a CAP to NMED for approval. The Permittee shall submit the CAP to NMED within 30 days after discovery of the damage or following notification from NMED that significant damage is evident. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions. The Permittee shall initiate implementation of the CAP following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
19.	<p>In the event that an impoundment cannot preserve a minimum of two feet of freeboard, the Permittee shall take actions to restore the required freeboard as authorized by this Discharge Permit and all applicable local, state, and federal regulations.</p> <p>In the event that two feet of freeboard cannot be restored within a period of 72 hours following discovery, the Permittee shall propose actions to restore two feet of freeboard by submitting a short-term Corrective Action Plan (CAP) to NMED for approval. Examples of short-term corrective actions include the pumping and hauling of excess wastewater from the impoundment or reducing the volume of wastewater discharged to the impoundment. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions. The Permittee shall submit the CAP within 15 days following the date the Permittee or the NMED discover the exceedance. The Permittee shall implement the CAP following NMED approval.</p>

#	Terms and Conditions
	<p>In the event that the short-term corrective actions fail to restore two feet of freeboard, the Permittee shall submit to NMED a proposal for permanent corrective actions in a long-term CAP. The Permittee shall submit the long-term CAP within 90 days following failure of the short-term CAP. Examples corrective actions include the installation of an additional storage impoundment or a significant and permanent reduction in the volume of wastewater discharged to the impoundment. The Permittee shall ensure the long-term CAP includes a schedule for completion of corrective actions. The Permittee shall implement the CAP following NMED approval.</p> <p>[Subsection A of 20.6.2.3107 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"> a) The name, address, and telephone number of the person or persons in charge of the Facility, as well as of the owner and/or operator of the Facility. b) The name and address of the Facility. c) The date, time, location, and duration of the unauthorized discharge. d) The source and cause of unauthorized discharge. e) A description of the unauthorized discharge, including its estimated chemical composition. f) The estimated volume of the unauthorized discharge. g) Any actions taken to mitigate immediate damage from the unauthorized discharge. <p>Within <u>one week</u> following discovery of the unauthorized discharge, the Permittee shall submit written notification to NMED providing the information listed above and any pertinent updates.</p> <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> <ol style="list-style-type: none"> a) A description of proposed actions to mitigate damage from the unauthorized discharge.

#	Terms and Conditions
	<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

#	Terms and Conditions
22.	<p>In the event that the Permittee elects to no longer receive reclaimed wastewater, the Permittee shall perform the following closure measures.</p> <p>Within <u>60 days</u> of ceasing to discharge to the holding pond and to the reuse areas, the Permittee shall plug the impoundment influent lines and discharge lines so that a discharge can no longer occur.</p> <p>Within <u>60 days</u> of ceasing to discharge, the Permittee shall discharge wastewater from the holding pond and any other wastewater system component to the reuse area. The Permittee shall not discharge accumulated solids (sludge) from the impoundment to the reuse area.</p>

#	Terms and Conditions
	<p>Within <u>90 days</u> of ceasing to discharge to the impoundments, the Permittee shall submit a sludge removal and disposal plan to NMED for approval. The Permittee shall initiate implementation of the plan within 30 days following approval by NMED. The sludge removal and disposal plan shall include the following information.</p> <ul style="list-style-type: none">a) The estimated volume and dry weight of sludge planned for removal and disposal, including measurements and calculations.b) Analytical results for samples of the sludge taken from the impoundment for TKN, NO₃-N, percent total solids, and any other parameters tested (reported in mg/kg, dry weight basis).c) The method of sludge <i>removal</i> from the impoundment(s).d) The method of <i>disposal</i> for all the sludge (and its contents) removed from the impoundment(s). The method shall comply with all local, state, and federal regulations, including 40 CFR Part 503. <i>Note: A proposal that includes the surface disposal of sludge may be subject to Groundwater Discharge Permitting requirements pursuant to 20.6.2.3104 NMAC that are separate from the requirements of this Discharge Permit.</i>e) A schedule for completion of sludge removal and disposal not to exceed two years from the date discharge to the impoundment(s) ceased. <p>Within <u>one year</u> following completion of the sludge removal and disposal, the Permittee shall complete the following closure measures.</p> <ul style="list-style-type: none">a) Remove all lines leading to and from the holding pond, or permanently plug and abandon them in place.b) Remove or demolish any other wastewater system components and re-grade area with suitable fill to blend with surface topography, promote positive drainage and prevent ponding.c) Remove the impoundment liner.d) Fill the impoundments with suitable fill.e) Re-grade the impoundment site to blend with surface topography, promote positive drainage and prevent ponding. <p>When the Permittee has met all closure and post-closure requirements and verified appropriate actions with date stamped photographic evidence or an associated NMED inspection, the Permittee may submit to NMED a written request, including photographic evidence, for termination of the Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]</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">• Information and data used to complete the application for this Discharge Permit;• Information, data, and documents demonstrating completion of closure activities;• Any releases (commonly known as “spills”) not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC;• The operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater;• Facility record drawings (plans and specifications) showing the actual construction of the Facility and bear the seal and signature of a licensed New Mexico professional engineer;• Copies of logs, inspection reports, and monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit;• The volume of wastewater or other wastes discharged pursuant to this Discharge Permit;• Groundwater quality and wastewater quality data collected pursuant to this Discharge Permit;• Copies of construction records (well log) for all sampled groundwater monitoring wells pursuant to this Discharge Permit;• The maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and• Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including:<ul style="list-style-type: none">○ the dates, location and times of sampling or field measurements;○ the name and job title of the individuals who performed each sample collection or field measurement;○ the sample analysis date of each sample○ the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis;○ the analytical technique or method used to analyze each sample or collect each field measurement;○ the results of each analysis or field measurement, including raw data;○ the results of any split, spiked, duplicate or repeat sample; and○ a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used.

#	Terms and Conditions
	<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 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 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</p>

#	Terms and Conditions
	<p>(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>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>
29.	<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>
30.	<p>CRIMINAL PENALTIES – No person shall:</p> <ul style="list-style-type: none"> • Make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or maintained under the WQA; • Falsify, tamper with or render inaccurate any monitoring device, method or record maintained under the WQA; or

#	Terms and Conditions
	<ul style="list-style-type: none"> • Fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation. <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
31.	<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>
32.	<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>
33.	<p>TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this Facility or any portion thereof, the Permittee shall:</p> <ul style="list-style-type: none"> • Notify the proposed transferee in writing of the existence of this Discharge Permit; • Include a copy of this Discharge Permit with the notice; and • Deliver or send by certified mail to NMED a copy of the notification and proof that the proposed transferee has received such notification.

#	Terms and Conditions
	<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>
34.	<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 City of Clovis Discharge Locations
Discharge Permit Number DP-1962
Legally Responsible Party Russell Hooper, Parks Director
 City of Clovis
 500 Sycamore Street
 Clovis, New Mexico 88101
 (575) 763-9671

Treatment, Disposal and Site Information

Primary Waste Type Reclaimed Domestic Wastewater
Facility Type Landscape Irrigation

Discharge Locations

Type	Designation	Description & Comments
Re-use Area	Rierson Park	City-owned property authorized by this Discharge Permit to receive Class 1A reclaimed wastewater for above ground irrigation; 5.5 acres; T2N, R36E, Section 20
Re-use Area	Hillcrest Golf Course	City-owned property authorized by this Discharge Permit to receive Class 1A reclaimed wastewater for above ground irrigation; 84 acres; T2N, R36E, Section 8
Re-use Area	Hillcrest Park	City-owned property authorized by this Discharge Permit to receive Class 1A reclaimed wastewater for above ground irrigation; 23.5 acres; T2N, R36E, Section 8
Re-use Area	AYSO Field	City-owned property authorized by this Discharge Permit to receive Class 1A reclaimed wastewater for above ground irrigation; 13 acres; T2N, R36E, Section 8
Re-use Area	Guy Leeder Softball Complex	City-owned property authorized by this Discharge Permit to receive Class 1A reclaimed wastewater for above ground irrigation; 20 acres; T2N, R36E, Section 8
Re-use Area	Jim Hill Park	City-owned property authorized by this Discharge Permit to receive Class 1A reclaimed wastewater for above ground irrigation; 2 acres; T2N, R36E, Section 8
Re-use Area	Dickerson Park	City-owned property authorized by this Discharge Permit to receive Class 1A reclaimed wastewater for above ground irrigation; 1.75 acres; T2N, R36E, Section 8
Re-use Area	Bell Park	City-owned property authorized by this Discharge Permit to receive Class 1A reclaimed wastewater for above ground irrigation; 2.25 acres; T2N, R36E, Section 17



New Mexico Environment Department Ground Water Quality Bureau Discharge Permit Summary

Re-use Area	14 th Street City Park	City-owned property authorized by this Discharge Permit to receive Class 1A reclaimed wastewater for above ground irrigation; 5 acres; T2N, R36E, Section 8
Re-use Area	Green Acres Park	City-owned property authorized by this Discharge Permit to receive Class 1A reclaimed wastewater for above ground irrigation; 24.5 acres; T2N, R36E, Section 7
Re-use Area	Robbie Pierce Complex	City-owned property authorized by this Discharge Permit to receive Class 1A reclaimed wastewater for above ground irrigation; 5 acres; T2N, R36E, Section 7
Re-use Area	Dennis Chavez Park	City-owned property authorized by this Discharge Permit to receive Class 1A reclaimed wastewater for above ground irrigation; 5.5 acres; T2N, R35E, Section 12
Re-use Area	Bob Spencer Complex	City-owned property authorized by this Discharge Permit to receive Class 1A reclaimed wastewater for above ground irrigation; 15.75 acres; T3N, R35E, Section 1
Re-use Area	Clovis Municipal Golf Course	City-owned property authorized by this Discharge Permit to receive Class 1A reclaimed wastewater for above ground irrigation; 30 acres; T2N, R36E, Section 32
Re-use Area	Mike Harris Baseball Field	City-owned property authorized by this Discharge Permit to receive Class 1A reclaimed wastewater for above ground irrigation; 4.75 acres; T2N, R35E, Section 1
Re-use Area	Clovis Girls Softball Field	City-owned property authorized by this Discharge Permit to receive Class 1A reclaimed wastewater for above ground irrigation; 4.5 acres; T2N, R35E, Section 1
Re-use Area	City Zoo	City-owned property authorized by this Discharge Permit to receive Class 1A reclaimed wastewater for above ground irrigation; 27.5 acres; T2N, R36E, Section 8.
Re-use Area	Curry County Fair Grounds	County-owned property authorized by this Discharge Permit to receive Class 1A reclaimed wastewater for above ground irrigation; 114 acres; T2N, R36E, Section 17.

Depth-to-Ground Water 281 feet
Total Dissolved Solids (TDS) 350 mg/L

Permit Information

Current Action

Application Received
 Public Notice Published
 Permit Issued (Issuance Date)
 Permitted Discharge Volume

Original Permit Issuance

February 23, 2023
 [not yet published]
 [issuance date]
 4.5 million gallons per day



New Mexico Environment Department Ground Water Quality Bureau Discharge Permit Summary

NMED Contact Information

Mailing Address

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

GWQB Telephone Number

(505) 827-2900

NMED Lead Staff

Avery Young

Lead Staff Telephone Number

(505) 699-8564

Lead Staff Email

avery.young@env.nm.gov or pps.general@env.nm.gov

DRAFT

Fertilizer Log

New Mexico Environment Department Ground Water Quality Bureau



DATE:

MONITORING REPORT DUE DATE:

FACILITY NAME:

REPORTING PERIOD (i.e., from ___ to ___):

DP#:

FIELD:¹

ACRES IN FIELD:

DAY, MONTH & YEAR OF APPLICATION ²	A TYPE organic = O inorganic = I	B FORM granular = G liquid = L	C NITROGEN CONCENTRATION %	D FERTILIZER: TOTAL AMOUNT APPLIED lbs	E NITROGEN: TOTAL AMOUNT APPLIED lbs/acre (C X D) / # acres	NOTES ³
DD - MM - YY	I	G	10	200	5 (field size 4 acres)	
TOTALS						

¹One Fertilizer Log form should be used for each field.
²Each form must reflect the *most recent* 12 months of fertilizer application.
³In the event application did not occur, please report "no application" in the NOTES column.