



MICHELLE LUJAN GRISHAM  
GOVERNOR

JAMES C. KENNEY  
CABINET SECRETARY

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

August 29, 2023

Marlena Valenzuela, Clerk/Treasurer  
City of Bayard  
P.O. Box 728  
Bayard, New Mexico 88023

**RE: Draft Discharge Permit Renewal, DP-1611, City of Bayard Wastewater Treatment Facility**

Dear Marlena Valenzuela:

The New Mexico Environment Department (NMED) hereby provides notice to the City of Bayard of the proposed approval of Ground Water Discharge Permit Renewal, DP-1611, (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/)

Marlena Valenzuela

August 29, 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, Water Resources Professional III

enc: Draft Discharge Permit Renewal, DP-1611

cc: Robert Terrazas, Wastewater Director, [wastewater@cityofbayardnm.com](mailto:wastewater@cityofbayardnm.com)



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



***Draft: August 29, 2023***

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

**Facility Name:** City of Bayard Wastewater Treatment Facility  
**Discharge Permit Number:** DP-1611  
**Facility Location:** 208 North Hurley Road  
 Bayard, New Mexico

**County:** Grant

**Permittee:** Marlana Valenzuela, Clerk/Treasurer  
**Mailing Address:** City of Bayard  
 P.O. Box 728  
 Bayard, New Mexico 88023

**Facility Contact:** Robert Terrazas, Wastewater Director  
**Telephone Number/Email:** (575) 537-3462 / wastewater@cityofbayardnm.com

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

**NMED Permit Contact:** Gerald Knutson, Water Resources Professional III  
**Telephone Number/Email:** (505) 660-7189 / gerald.knutson@env.nm.gov  
 (505) 827-2900 / 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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**ATTACHMENTS**

- Discharge Permit Summary
- Fertilizer Log
- Surface Water Quality Bureau Work Plan

## I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this groundwater discharge permit Renewal (Discharge Permit or DP-1611) to the City of Bayard (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 Bayard Wastewater Treatment Facility (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 wastewater treatment facility (WWTF) receives and treats municipal wastewater at a volume of up to 600,000 gallons per day (gpd). The Permittee discharges treated wastewater (reclaimed domestic wastewater) to City-owned property for irrigation. The Permittee also transfers reclaimed domestic wastewater to facilities separately permitted by NMED and for temporary reuses with NMED approval. Treated wastewater that the Permittee does not reclaim for reuse purposes, the Permittee transfers it to a facility separately permitted by NMED to receive treated wastewater and discharges treated wastewater to Whitewater Creek through Outfall 001 pursuant to the workplan identified in Subsection C of this Discharge Permit.

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 208 N. Hurley Road, approximately 0.75 miles south of Bayard, in Section 18, Township 18S, Range 12W, in Grant County. The reuse sites are located in Section 18, Township 18S, Range 12W and Sections 12 and 13, Township 18S, Range 13W, Grant County. A discharge at the Facility is most likely to affect groundwater at a depth of approximately 10 feet and having a pre-discharge total dissolved solids (TDS) concentration of approximately 1,200 milligrams per liter.

NMED issued the original Discharge Permit to the Permittee on January 10, 2017. The application (i.e., discharge plan) associated with this Discharge Permit consists of the materials submitted by the Permittee dated February 9, 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                       |
|------------------|---|--------------------|-----------------------------------|
| BOD <sub>5</sub> | 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 <sub>3</sub> -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 <sub>3</sub> -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 receive and treat up to 600,000 gpd of municipal wastewater using a WWTF. Treated wastewater gravity flows to a tertiary treatment system, with a capacity to treat up to 600,000 gpd of treated wastewater, consisting of a cloth disc filter basin and a hypochlorite disinfection unit.

This Discharge Permit authorizes the Permittee to discharge Class 1A reclaimed domestic wastewater for reuse in accordance with this Discharge Permit into a 200,000-gallon storage tank and as follows for:

- spray irrigation of the City of Bayard Cemetery #1 (40.10 acres);
- future spray irrigation of the City of Bayard Cemetery #2 (40 acres);
- spray irrigation of the City of Bayard Little League Baseball Field (0.91 acres); and
- spray irrigation of the City of Bayard T-Ball Field (0.41 acres).

This Discharge Permit authorizes the Permittee to transfer reclaimed domestic wastewater for reuse in accordance with this Discharge Permit and as follows for:

- Class 1A reclaimed domestic wastewater for temporary uses that NMED has determined to not require a Discharge Permit including construction projects, dust control, and firefighting activities from a standpipe located at the Facility;

- Class 1A reclaimed domestic wastewater to future entities as authorized by NMED under a separate Discharge Permit(s); and
- Class 2 reclaimed domestic wastewater to future entities as authorized by NMED under a separate Discharge Permit(s).

This Discharge Permit authorizes the Permittee to transfer and discharge treated wastewater in accordance with this Discharge Permit and as follows:

- transfer to the Chino Mines Company pursuant to DP-484; and
- discharge to Whitewater Creek through Outfall 001.

[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.<br><br>[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.<br><br>[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. | Prior to discharging Class 1A reclaimed domestic wastewater to the City of Bayard Cemetery #2, 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 submit this documentation to NMED prior to discharging to the Cemetery #2. |



| #  | Terms and Conditions  |
|----|---|
|    | [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]  |
| 4. | <p>Prior to discharging from the Facility to the City of Bayard Cemetery #2, the Permittee shall post signs in English and Spanish at all reuse areas. 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: <b>NOTICE: THIS AREA IS IRRIGATED WITH RECLAIMED WASTEWATER - DO NOT DRINK. AVISO: ESTA ÁREA ESTÁ REGADA CON AGUAS NEGRAS RECOBRADAS - NO TOMAR.</b> The Permittee may submit alternate wording and/or graphics to NMED for approval.</p> <p>Documentation of sign installation shall consist of a narrative statement describing the number and location of the signs and date-stamped photographs. The Permittee shall submit the documentation to NMED in the next required periodic monitoring report.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p> |

**Operating Conditions**

| #                | Terms and Conditions  |                             |                       |                |                  |                            |                             |                  |                |                |           |              |              |     |                     |                     |
|------------------|---|-----------------------------|-----------------------|----------------|------------------|----------------------------|-----------------------------|------------------|----------------|----------------|-----------|--------------|--------------|-----|---------------------|---------------------|
| 5.               | <p>The Permittee shall ensure that treated wastewater discharged from the ultraviolet disinfection system does not exceed the following discharge limit.</p> <p><b>Total Nitrogen: 10 mg/L</b></p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>  |                             |                       |                |                  |                            |                             |                  |                |                |           |              |              |     |                     |                     |
| 6.               | <p>The Permittee shall ensure that Class 1A reclaimed domestic wastewater discharged from the tertiary treatment system does not exceed the following discharge limits.</p> <table border="1" data-bbox="293 1486 1430 1703"> <thead> <tr> <th><u>Test</u></th> <th><u>30-day Average</u></th> <th><u>Maximum</u></th> </tr> </thead> <tbody> <tr> <td>E. coli bacteria</td> <td><b>3 CFU or MPN/100 mL</b></td> <td><b>15 CFU or MPN/100 mL</b></td> </tr> <tr> <td>BOD<sub>5</sub></td> <td><b>10 mg/L</b></td> <td><b>15 mg/L</b></td> </tr> <tr> <td>Turbidity</td> <td><b>3 NTU</b></td> <td><b>5 NTU</b></td> </tr> <tr> <td>TRC</td> <td><b>Monitor Only</b></td> <td><b>Monitor Only</b></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> | E. coli bacteria | <b>3 CFU or MPN/100 mL</b> | <b>15 CFU or MPN/100 mL</b> | BOD <sub>5</sub> | <b>10 mg/L</b> | <b>15 mg/L</b> | Turbidity | <b>3 NTU</b> | <b>5 NTU</b> | TRC | <b>Monitor Only</b> | <b>Monitor Only</b> |
| <u>Test</u>      | <u>30-day Average</u>   | <u>Maximum</u>              |                       |                |                  |                            |                             |                  |                |                |           |              |              |     |                     |                     |
| E. coli bacteria | <b>3 CFU or MPN/100 mL</b>  | <b>15 CFU or MPN/100 mL</b> |                       |                |                  |                            |                             |                  |                |                |           |              |              |     |                     |                     |
| BOD <sub>5</sub> | <b>10 mg/L</b>  | <b>15 mg/L</b>              |                       |                |                  |                            |                             |                  |                |                |           |              |              |     |                     |                     |
| Turbidity        | <b>3 NTU</b>  | <b>5 NTU</b>                |                       |                |                  |                            |                             |                  |                |                |           |              |              |     |                     |                     |
| TRC              | <b>Monitor Only</b>   | <b>Monitor Only</b>         |                       |                |                  |                            |                             |                  |                |                |           |              |              |     |                     |                     |
| 7.               | <p>The Permittee shall ensure that Class 2 reclaimed domestic wastewater discharged from the WWTP ultraviolet disinfection system does not exceed the following discharge limits.</p>   |                             |                       |                |                  |                            |                             |                  |                |                |           |              |              |     |                     |                     |

| #                 | Terms and Conditions  |                         |                |         |                  |                       |                         |                  |         |         |     |         |         |                   |              |              |
|-------------------|---|-------------------------|----------------|---------|------------------|-----------------------|-------------------------|------------------|---------|---------|-----|---------|---------|-------------------|--------------|--------------|
|                   | <table border="1" data-bbox="293 352 1430 569"> <thead> <tr> <th data-bbox="293 352 630 394">Test</th> <th data-bbox="630 352 1036 394">30-day Average</th> <th data-bbox="1036 352 1430 394">Maximum</th> </tr> </thead> <tbody> <tr> <td data-bbox="293 394 630 436">E. coli bacteria</td> <td data-bbox="630 394 1036 436">126 CFU or MPN/100 mL</td> <td data-bbox="1036 394 1430 436">252 CFU or MPN/100 mL</td> </tr> <tr> <td data-bbox="293 436 630 485">BOD<sub>5</sub></td> <td data-bbox="630 436 1036 485">30 mg/L</td> <td data-bbox="1036 436 1430 485">45 mg/L</td> </tr> <tr> <td data-bbox="293 485 630 527">TTS</td> <td data-bbox="630 485 1036 527">30 mg/L</td> <td data-bbox="1036 485 1430 527">45 mg/L</td> </tr> <tr> <td data-bbox="293 527 630 569">UV Transmissivity</td> <td data-bbox="630 527 1036 569">Monitor Only</td> <td data-bbox="1036 527 1430 569">Monitor Only</td> </tr> </tbody> </table> <p data-bbox="293 611 1174 646">[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>   | Test                    | 30-day Average | Maximum | E. coli bacteria | 126 CFU or MPN/100 mL | 252 CFU or MPN/100 mL   | BOD <sub>5</sub> | 30 mg/L | 45 mg/L | TTS | 30 mg/L | 45 mg/L | UV Transmissivity | Monitor Only | Monitor Only |
| Test              | 30-day Average  | Maximum                 |                |         |                  |                       |                         |                  |         |         |     |         |         |                   |              |              |
| E. coli bacteria  | 126 CFU or MPN/100 mL   | 252 CFU or MPN/100 mL   |                |         |                  |                       |                         |                  |         |         |     |         |         |                   |              |              |
| BOD <sub>5</sub>  | 30 mg/L   | 45 mg/L                 |                |         |                  |                       |                         |                  |         |         |     |         |         |                   |              |              |
| TTS               | 30 mg/L   | 45 mg/L                 |                |         |                  |                       |                         |                  |         |         |     |         |         |                   |              |              |
| UV Transmissivity | Monitor Only  | Monitor Only            |                |         |                  |                       |                         |                  |         |         |     |         |         |                   |              |              |
| 8.                | <p data-bbox="293 667 1430 743">The Permittee shall ensure that treated wastewater transferred from the WWTP ultraviolet disinfection system does not exceed the following discharge limit.</p> <table border="1" data-bbox="293 779 1430 863"> <thead> <tr> <th data-bbox="293 779 630 821">Test</th> <th data-bbox="630 779 1036 821">30-day Average</th> <th data-bbox="1036 779 1430 821">Maximum</th> </tr> </thead> <tbody> <tr> <td data-bbox="293 821 630 863">E. coli bacteria</td> <td data-bbox="630 821 1036 863">630 CFU or MPN/100 mL</td> <td data-bbox="1036 821 1430 863">3,150 CFU or MPN/100 mL</td> </tr> </tbody> </table> <p data-bbox="293 905 1174 940">[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>  | Test                    | 30-day Average | Maximum | E. coli bacteria | 630 CFU or MPN/100 mL | 3,150 CFU or MPN/100 mL |                  |         |         |     |         |         |                   |              |              |
| Test              | 30-day Average  | Maximum                 |                |         |                  |                       |                         |                  |         |         |     |         |         |                   |              |              |
| E. coli bacteria  | 630 CFU or MPN/100 mL   | 3,150 CFU or MPN/100 mL |                |         |                  |                       |                         |                  |         |         |     |         |         |                   |              |              |
| 9.                | <p data-bbox="293 966 1430 1041">The Permittee shall ensure adherence to the following general requirements for above-ground use of Class 1A reclaimed domestic wastewater at City owned properties.</p> <ol data-bbox="293 1041 1430 1890" style="list-style-type: none"> <li>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: <b>NOTICE: THIS AREA IS IRRIGATED WITH RECLAIMED WASTEWATER - DO NOT DRINK. AVISO: ESTA ÁREA ESTÁ REGADA CON AGUAS NEGRAS RECOBRADAS - NO TOMAR.</b> The Permittee may submit alternate wording and/or graphics to NMED for approval.</li> <li>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).</li> <li>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 crop. The Permittee shall not discharge reclaimed domestic wastewater at times when the reuse area is saturated or frozen.</li> <li>d) The Permittee shall confine discharge of reclaimed domestic wastewater to the reuse area.</li> <li>e) The Permittee shall not discharge reclaimed domestic wastewater to crops used for human consumption.</li> <li>f) Water supply wells within 200 feet of a reuse area shall have adequate wellhead construction pursuant to 19.27.4 NMAC.</li> </ol> |                         |                |         |                  |                       |                         |                  |         |         |     |         |         |                   |              |              |

| #   | Terms and Conditions   |
|-----|--|
|     | <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> |
| 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> <p>b) Postpone irrigation using reclaimed domestic wastewater at times when windy conditions may result in drift of reclaimed wastewater outside the reuse area.</p> <p>c) No required access control.</p> <p>d) Limit spray irrigation system to low trajectory spray nozzles.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1–78, § 74–5.D]</p>   |
| 11. | <p>The Permittee shall meet the following requirements for the temporary above-ground use of Class 1A reclaimed domestic wastewater.</p> <p>a) Restrict access to the reclaimed domestic wastewater distribution system (standpipe). Transfer of reclaimed domestic wastewater to other users shall only be done by the Permittee or its designee. The Permittee shall prohibit public access to the reclaimed domestic wastewater system.</p> <p>b) Notify all recipients of reclaimed domestic wastewater for temporary uses in writing of the following.</p> <p>i. Reclaimed domestic wastewater is approved only for construction activities; soil compaction; mixing of mortars, slurries or cement; dust control on roads</p>  |

| #   | Terms and Conditions  |
|-----|---|
|     | <p>and construction sites; animal watering; irrigation of non-food crops; and firefighting activities.</p> <ul style="list-style-type: none"> <li>ii. Reclaimed domestic wastewater shall be discharged by gravity flow or under low pressure in a manner that minimizes misting and does not results in excessive standing or ponding of wastewater.</li> <li>iii. If the discharge method results in misting, the area(s) receiving the reclaimed domestic wastewater must be 100 feet from areas accessible to the public.</li> <li>iv. The area receiving the discharge must be 300 feet from potable water supply wells.</li> <li>v. Transport vehicles and storage tanks containing reclaimed domestic wastewater shall have signs, in English and Spanish, identifying the contents as non-potable water and advising against consumption.</li> <li>vi. The user shall not apply of reclaimed domestic wastewater at times when the receiving area is saturated or frozen.</li> </ul> <p>The Permittee shall maintain a log of all recipients of reclaimed domestic wastewater and shall provide the log to NMED upon request.</p> <p>[20.6.2.3109 NMAC]</p>   |
| 12. | <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 any of 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 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> |

| #   | Terms and Conditions  |
|-----|---|
|     | [Subsection C of 20.6.2.3109 NMAC]  |
| 13. | <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>   |
| 14. | <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>   |
| 15. | <p>The Permittee shall properly manage all solids generated by the treatment system 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 solids removed from the treatment process in accordance with all local, state, and federal regulations.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>   |
| 16. | <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   |
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| 17. | The Permittee shall conduct the monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit.<br><br>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]                                      |
| 18. | 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.<br><br>[Subsection B of 20.6.2.3107 NMAC] |

***Due Dates for Monitoring Reports***

| #   | Terms and Conditions   |
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| 19. | 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"> <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> The Permittee shall also perform monitoring in accordance with the Surface Water Discharge work plan during the same periods and shall submit monthly DMR reports to NMED monthly by the 1 <sup>st</sup> of each month.<br><br>[Subsection A of 20.6.2.3107 NMAC] |

***Monitoring Actions with Implementation Deadlines***

| #   | Terms and Conditions   |
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| 20. | Within 90 days following the issuance date of this Discharge Permit ( <b>by DATE</b> ), the Permittee shall install the following flow meter.<br><br>One totalizing flow meter installed on the discharge line from the treatment system to Outfall 01 to measure the volume of treated wastewater discharged to |

| #   | Terms and Conditions   |
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|     | <p>Whitewater Creek.</p> <p>The Permittee shall submit confirmation of meter installation, type, calibration, and location within 30 days of completed installations.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>  |
| 21. | <p>Prior to discharging Class 1A reclaimed domestic wastewater to the City of Bayard Cemetery #2, the Permittee shall install the following flow meter.</p> <p>One totalizing flow meter installed on the discharge line between the Class 1A reclaimed domestic wastewater storage tank and the Cemetery to measure the volume of reclaimed domestic wastewater discharged to the Cemetery.</p> <p>The Permittee shall submit confirmation of meter installation, type, calibration, and location within 30 days of completed installation.</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  |
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| 22. | <p>The Permittee shall measure the total monthly volume, calculate the daily average volume, and record the daily peak volume of wastewater received by the treatment facility each month using a primary measuring device (equipped with head sensing, totalizing and chart recording/data logging mechanisms) located on the influent line prior to the treatment facility. The Permittee shall submit the totalized, average daily, and peak daily influent volumes for each 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> |
| 23. | <p>The Permittee shall on a monthly basis measure the volume of treated wastewater received and treated to a Class 1A reclaimed domestic wastewater by the tertiary treatment system.</p> <p>To determine the discharge volume, the Permittee shall obtain readings from a totalizing flow meter located after the tertiary treatment system cloth disc filter basin on a monthly basis and calculate the monthly and average daily discharge volume.</p>   |

| #   | Terms and Conditions  |
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|     | <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>   |
| 24. | <p>The Permittee shall on a monthly basis measure the volume of Class 1A reclaimed domestic wastewater discharged to <i>each</i> City of Bayard reuse location using totalizing flow meters. The meters shall be located on the transfer line between the Class 1A reclaimed domestic wastewater storage tank and <i>each</i> reuse location listed below:</p> <ul style="list-style-type: none"> <li>• irrigation of the City of Bayard Cemetery #1;</li> <li>• future irrigation of the City of Bayard Cemetery #2;</li> <li>• irrigation of the City of Bayard Little League Baseball Field; and</li> <li>• irrigation of the City of Bayard T-Ball Field.</li> </ul> <p>The Permittee shall maintain a log that records the date that discharges occur to <i>each</i> location and the monthly totalizing meter readings and units of measurement. The Permittee shall use the log to calculate the total monthly volume of reclaimed domestic wastewater discharged to <i>each</i> location. The Permittee shall submit a copy of the log to NMED in the quarterly monitoring reports.</p> <p>When no discharge occurs for a complete calendar month to a location listed in this condition, the Permittee shall report “no discharge” for that location.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p> |
| 25. | <p>The Permittee shall on a monthly basis measure the volume of Class 1A reclaimed domestic wastewater transferred from the treatment system to the standpipe for NMED approved temporary uses that do not require a Discharge Permit and to future entities that have been separately permitted by NMED to receive Class 1A reclaimed wastewater.</p> <p>To determine the discharge volume, the Permittee shall obtain readings from totalizing flow meters located on the transfer line(s) between the Class 1A reclaimed domestic wastewater storage tank and <i>each</i> point of transfer on a monthly basis and calculate the monthly and average daily discharge volume to <i>each</i> point of transfer.</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>  |



| #   | Terms and Conditions  |
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| 26. | <p>The Permittee shall on a monthly basis measure the volume of Class 2 reclaimed domestic wastewater transferred from the treatment system to future entities that have been separately permitted by NMED to receive Class 2 reclaimed wastewater.</p> <p>To determine the discharge volume, the Permittee shall obtain readings from totalizing flow meters located on the transfer line(s) between the ultraviolet disinfection unit and <i>each</i> point of transfer on a monthly basis and calculate the monthly and average daily discharge volume to <i>each</i> point of transfer.</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> |
| 27. | <p>The Permittee shall on a monthly basis measure the volume of treated wastewater transferred from the treatment system to the Chino Mines Company pursuant to DP-484.</p> <p>To determine the discharge volume, the Permittee shall obtain readings from a primary measuring device (equipped with head sensing and totalizing meter) located at the effluent distribution box on a monthly basis and calculate the monthly and average daily discharge volume.</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>When no transfer occurs for a complete calendar, the Permittee shall report “no discharge” for this location.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>      |
| 28. | <p>The Permittee shall on a monthly basis measure the volume of treated wastewater discharged from the treatment system to Whitewater Creek through Outfall 001.</p> <p>To determine the discharge volume, the Permittee shall obtain readings from a totalizing flow meter located after the effluent distribution box and prior to Outfall 001 on a monthly basis and calculate the monthly and average daily discharge volume.</p>   |

| #   | Terms and Conditions  |
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|     | <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>When no discharge occurs for a complete calendar month to, the Permittee shall report “no discharge” for this location.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>  |
| 29. | <p>All flow meters shall be capable of having their accuracy verified under working (i.e., real-time in-the-field) conditions. The Permittee shall develop a field verification method for each flow meter and shall utilize that method to check the accuracy of each respective meter. The Permittee shall perform field calibrations, at a minimum, on an annual basis. The Permittee shall also perform field calibrations upon repair or replacement of a flow measurement device.</p> <p>The Permittee shall calibrate each 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 each 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 each 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> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p> |
| 30. | <p>The Permittee shall visually inspect flow meters on a monthly basis for evidence of malfunction. The Permittee shall maintain a log of the inspections that includes a date of</p>   |

| #   | Terms and Conditions  |
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|     | <p>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 a 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> |
| 31. | <p>The Permittee shall collect samples of treated wastewater after the WWTP ultraviolet disinfection unit 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>   |
| 32. | <p>During any week that the discharge of Class 1A reclaimed domestic wastewater occurs, the Permittee shall perform the following analyses on the wastewater samples collected after the tertiary treatment system hypochlorite disinfection unit using the following sampling method and frequency:</p> <ul style="list-style-type: none"> <li>• E. coli bacteria: grab sample at peak daily flow once per week;</li> <li>• BOD<sub>5</sub>: minimum six-hour composite sample once per two weeks;</li> <li>• 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</li> <li>• TRC concentrations: record whenever collecting bacteria samples.</li> </ul>   |

| #   | Terms and Conditions  |
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|     | <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, 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>  |
| 33. | <p>During any month that the transfer of Class 2 reclaimed domestic wastewater occurs, the Permittee shall perform the following analyses on the wastewater samples collected after the WWTP ultraviolet disinfection unit using the following sampling method and frequency:</p> <ul style="list-style-type: none"> <li>• E. coli bacteria: grab sample at peak daily flow once per month;</li> <li>• BOD<sub>5</sub>: grab sample once per month;</li> <li>• TSS: grab sample once per month; and</li> <li>• UV transmissivity values: record whenever collecting bacteria samples.</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, and a copy of the log of UV transmissivity values 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> |
| 34. | <p>During any month that the transfer of treated wastewater occurs, the Permittee shall perform the following analyses on the wastewater samples collected after the WWTP ultraviolet disinfection unit using the following sampling method and frequency:</p> <p style="padding-left: 40px;">E. coli bacteria: grab sample at peak daily flow once per month.</p> <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 B, C and H of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>   |

| #   | Terms and Conditions  |
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| 35. | <p>Once during the term of this Discharge Permit, the Permittee shall collect a 24-hour flow weighted composite sample (except as noted for pH) of treated wastewater after the WWTP ultraviolet disinfection unit and analyze the sample for the following inorganic contaminants (dissolved fraction, except as noted):</p> <ul style="list-style-type: none"> <li>• aluminum (CAS 7429-90-5)</li> <li>• antimony (CAS 7440-36-0)</li> <li>• arsenic (CAS 7440-38-2)</li> <li>• barium (CAS 7440-39-3)</li> <li>• beryllium (CAS 7440-41-7)</li> <li>• boron (CAS 7440-42-8)</li> <li>• cadmium (CAS 7440-43-9)</li> <li>• chromium (CAS 7440-47-3)</li> <li>• cobalt (CAS 7440-48-4)</li> <li>• copper (CAS 7440-50-8)</li> <li>• cyanide CAS 57-12-5)</li> <li>• fluoride (CAS 16984-48-8)</li> <li>• iron (CAS 7439-89-6)</li> <li>• lead (CAS 7439-92-1)</li> <li>• manganese (CAS 7439-96-5)</li> <li>• molybdenum (CAS 7439-98-7)</li> <li>• total mercury (nonfiltered) (CAS 7439-97-6)</li> <li>• pH (instantaneous)</li> <li>• nickel (CAS 7440-02-0)</li> <li>• radioactivity: combined radium-226 &amp; radium-228 (CAS 15262-20-1)</li> <li>• selenium (CAS 7782-49-2)</li> <li>• silver (CAS 7440-224)</li> <li>• sulfate (CAS 14808-79-8)</li> <li>• thallium (CAS 7440-28-0)</li> <li>• uranium (CAS 7440-61-1)</li> <li>• zinc (CAS 7440-66-6)</li> </ul> <p>The Permittee shall properly collect, prepare, preserve, transport, and analyzed the samples in accordance with the methods authorized in this Discharge Permit. The Permittee shall analyze the sample using methods with reporting limits that are less than the corresponding numerical groundwater standards identified in 20.6.2.3103 NMAC.</p> <p>The Permittee shall submit a summary of measured concentrations compared with the corresponding groundwater standards, a copy of the laboratory report including the laboratory analytical data results, the QA/QC summary and the Chain of Custody, to NMED in the monitoring report due by August 1<sup>st</sup> of the year sampling is performed.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p> |
| 36. | <p>Once during the term of this Discharge Permit, the Permittee shall collect a grab sample of treated wastewater after the ultraviolet disinfection unit and analyze the non-filtered sample for the following organic contaminants:</p> <ul style="list-style-type: none"> <li>• atrazine (CAS 1912-24-9)</li> <li>• benzene (CAS 71-43-2)</li> <li>• benzo-a-pyrene (CAS 50-32-8)</li> <li>• methylene chloride (CAS 75-09-2)</li> <li>• <u>PAHs</u>: total naphthalene (CAS 91-20-3) plus monomethylnaphthalenes</li> </ul>   |

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|     | <ul style="list-style-type: none"> <li>• carbon tetrachloride (CAS 56-23-5)</li> <li>• chloroform (CAS 67-66-3)</li> <li>• 1,2-dichlorobenzene (CAS 95-50-1)</li> <li>• 1,4-dichlorobenzene (CAS 106-46-7)</li> <li>• 1,1-dichloroethane (CAS 75-34-3)</li> <li>• 1,2-dichloroethane (EDC, CAS 107-06-2)</li> <li>• 1,1-dichloroethene (1,1-DCE, CAS 75-35-4)</li> <li>• cis-1,2-dichloroethene (CAS 156-59-2)</li> <li>• trans-1,2-dichloroethene (CAS 156-60-5)</li> <li>• 1,2-dichloropropane (PDC, CAS 78-87-5)</li> <li>• ethylbenzene (CAS 100-41-4)</li> <li>• ethylene dibromide (EDB, CAS 106-93-4)</li> <li>• phenols</li> <li>• polychlorinated biphenyls (PCBs, CAS 1336-36-3)</li> <li>• pentachlorophenol (CAS 87-86-5)</li> <li>• toluene (CAS 108-88-3)</li> <li>• styrene (CAS 100-42-5)</li> <li>• 1,1,2,2-tetrachloroethane (CAS 79-34-5)</li> <li>• tetrachloroethene (PCE, CAS 127-18-4)</li> <li>• 1,2,4-trichlorobenzene (CAS 120-82-1)</li> <li>• 1,1,1-trichloroethane (1,1,1-TCA, CAS 71-55-6)</li> <li>• 1,1,2-trichloroethane (CAS 79-00-5)</li> <li>• trichloroethene (TCE, CAS 79-01-6)</li> <li>• vinyl chloride (CAS 75-01-4)</li> <li>• total xylenes (CAS 1330-20-7)</li> </ul> <p>The Permittee shall properly collect, prepare, preserve, transport, and analyze the samples in accordance with the methods authorized in this Discharge Permit. The Permittee shall analyze samples using methods with reporting limits that are less than the corresponding numerical groundwater standards identified in 20.6.2.3103 NMAC.</p> <p>The Permittee shall submit a summary of measured concentrations compared with the corresponding groundwater standards, and a copy of the laboratory report including the laboratory analytical data results, the QA/QC summary and the Chain of Custody to NMED in the monitoring report due by August 1<sup>st</sup> of the year sampling is performed.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p> |
| 37. | <p>The Permittee shall keep a Fertilizer Log (copy enclosed) of all additional nitrogenous fertilizer applied to <i>each</i> City of Bayard location. 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>  |

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| 38. | <p>The Permittee shall submit records of solids disposal, 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> |

**C. SUFACE WATER QUALITY BUREAU WORK PLAN**

| #   | Terms and Conditions   |
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| 39. | <p>Discharges of wastewater by the Permittee through Outfall 001 have been identified as a discharge to a surface water of the state that may affect groundwater and is no longer subject to any of the exemptions of 20.6.2.3105 NMAC. The Permittee shall discharge to Outfall 001 in a manner that does not directly or potentially cause an exceedance of a surface water standard (20.6.4 NMAC) or a groundwater standard (20.6.2.3103 NMAC). The Permittee shall discharge treated municipal wastewater through Outfall 001 into Whitewater Creek in accordance with the attached Surface Water Discharge work plan. The work plan, developed by the NMED Surface Water Quality Bureau, identifies the necessary reporting, sampling, and monitoring. The work plan is an attachment of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p> |

**D. CONTINGENCY PLAN**

| #   | Terms and Conditions  |
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| 40. | <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> |

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| 41. | <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> <ul style="list-style-type: none"><li>a) Within 7 days of the second sample analysis date indicating exceedance of the discharge limit, the Permittee shall:<ul style="list-style-type: none"><li>i) notify NMED that the Permittee is implementing the Contingency Plan; and</li><li>ii) submit a copy of the first and second analytical results indicating an exceedance to NMED.</li></ul></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> |
| 42. | <p>In the event that analytical results of a Class 1A reclaimed domestic wastewater sample indicate an exceedance of any of the maximum discharge limits for BOD<sub>5</sub>, turbidity, or E. coli bacteria set by this Discharge Permit, the Permittee shall collect and submit for analysis a second sample within 24 hours after becoming aware of the exceedance. In the event the second sample results confirm the exceedance of the maximum discharge limits, the Permittee shall implement the Contingency Plan below.</p>   |



| #   | Terms and Conditions  |
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|     | <p>In the event that analytical results of a Class 1A reclaimed domestic wastewater sample indicate an exceedance of any of the 30-day average discharge limits for BOD<sub>5</sub>, turbidity, or E. coli bacteria set by this Discharge Permit (i.e., confirmed exceedance), the Permittee shall implement the Contingency Plan below.</p> <p><u>Contingency Plan</u></p> <ul style="list-style-type: none"><li>a) Within 24 hours of becoming aware of a confirmed exceedance (as identified above), the Permittee shall:<ul style="list-style-type: none"><li>i) notify NMED that the Permittee is implementing the Contingency Plan; and</li><li>ii) submit copies of the recent analytical results indicating an exceedance to NMED.</li></ul></li><li>b) The Permittee shall immediately cease discharging and transferring Class 1A reclaimed domestic wastewater to if the E. coli bacteria maximum limit is exceeded.</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 and shall correct any abnormalities discovered. The Permittee shall submit a report detailing the corrections made to NMED within 30 days following correction.</li></ul> <p>When the analytical results from samples of Class 1A reclaimed domestic wastewater, sampled as required by this Discharge Permit, no longer indicate an exceedance of any of the maximum discharge limits, the Permittee may resume discharging reclaimed domestic wastewater to the reuse area.</p> <p>If a Facility is required to implement the Contingency Plan more than two times in a 12-month period, the Permittee shall propose to modify operational procedures and/or upgrade the treatment process to achieve consistent compliance with the maximum and 30-day average discharge limits by submitting a CAP for NMED approval. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions and submit the CAP within 60 days following receipt of the analytical results confirming the exceedance. The Permittee shall initiate implementation of the CAP following approval by NMED. NMED may require, prior to recommencing discharge to the City of Bayard locations, additional sampling of any stored reclaimed domestic wastewater.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p> |
| 43. | In the event that analytical results of a Class 2 reclaimed domestic wastewater sample indicate an exceedance of any of the maximum discharge limits for BOD <sub>5</sub> , TSS, or E. coli   |

| #   | Terms and Conditions   |
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|     | <p>bacteria set by this Discharge Permit, the Permittee shall collect and submit for analysis a second sample within 24 hours after becoming aware of the exceedance. In the event the second sample results confirm the exceedance of the maximum discharge limits, the Permittee shall implement the Contingency Plan below.</p> <p>In the event that analytical results of a Class 2 reclaimed domestic wastewater sample indicate an exceedance of any of the 30-day average discharge limits for BOD<sub>5</sub>, TSS, or E. coli bacteria set by this Discharge Permit (i.e., confirmed exceedance), the Contingency Plan below shall be implemented.</p> <p><u>Contingency Plan</u></p> <p>a) Within 48 hours of becoming aware of a confirmed exceedance (as identified above), the Permittee shall:</p> <ul style="list-style-type: none"> <li>i) notify NMED that the Permittee is implementing the Contingency Plan; and</li> <li>ii) submit copies of the recent analytical results indicating an exceedance to NMED.</li> </ul> <p>b) The Permittee shall examine the operation and maintenance log, required by the Record Keeping conditions of this Discharge Permit, for improper operational procedures.</p> <p>c) 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 detailing the corrections made to NMED within 30 days following correction.</p> <p>If a Facility is required to implement the Contingency Plan more than two times in a 12-month period, the Permittee shall propose to modify operational procedures and/or upgrade the treatment process to achieve consistent compliance with the maximum and 30-day average discharge limits by submitting a CAP for NMED approval. The CAP shall include a schedule for completion of corrective actions and submitted within 60 days following receipt of the analytical results confirming the exceedance. 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> |
| 44. | <p>In the event that analytical results of a treated wastewater sample indicate an exceedance of any of the maximum discharge limit for E. coli bacteria set by this Discharge Permit, the Permittee shall collect and submit for analysis a second sample within 24 hours after becoming aware of the exceedance. In the event the second sample results confirm the exceedance of the maximum discharge limits, the Permittee shall implement the Contingency Plan below.</p>  |

| #   | Terms and Conditions  |
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|     | <p>In the event that analytical results of a treated wastewater sample indicate an exceedance of any of the 30-day average discharge limit for E. coli bacteria set by this Discharge Permit (i.e., confirmed exceedance), the Contingency Plan below shall be implemented.</p> <p><u>Contingency Plan</u></p> <ul style="list-style-type: none"><li>a) Within 48 hours of becoming aware of a confirmed exceedance (as identified above), the Permittee shall:<ul style="list-style-type: none"><li>i) notify NMED that the Permittee is implementing the Contingency Plan; and</li><li>ii) submit copies of the recent analytical results indicating an exceedance to NMED.</li></ul></li><li>b) 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>c) 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 detailing the corrections made to NMED within 30 days following correction.</li></ul> <p>If a Facility is required to implement the Contingency Plan more than two times in a 12-month period, the Permittee shall propose to modify operational procedures and/or upgrade the treatment process to achieve consistent compliance with the maximum and 30-day average discharge limits by submitting a CAP for NMED approval. The CAP shall include a schedule for completion of corrective actions and submitted within 60 days following receipt of the analytical results confirming the exceedance. 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> |
| 45. | <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>  |

| #   | Terms and Conditions  |
|-----|---|
|     | <p>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.</p> <p>b) The name and address of the Facility.</p> <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> |
| 46. | <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>   |

| # | Terms and Conditions   |
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|   | [Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC] |

**E. CLOSURE PLAN**

***Permanent Facility Closure Conditions***

| #   | Terms and Conditions   |
|-----|--|
| 47. | <p>The Permittee shall perform the following closure measures in the event the Facility, or a component of the Facility, is proposed to be permanently closed.</p> <p>Within <u>90 days</u> of ceasing to discharge to the treatment system, the Permittee shall complete the following closure measures.</p> <ul style="list-style-type: none"> <li>a) Plug the line leading to the system so that a discharge can no longer occur.</li> <li>b) Drain and dispose wastewater in the system components in accordance with all local, state, and federal regulations, or discharged from the system to the reuse area(s) as authorized by this Discharge Permit. The discharge of accumulated solids (sludge) to the reuse area(s) is prohibited.</li> <li>c) Contain, transport, and dispose of solids removed from the treatment system 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 treatment system (or unit), 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 treatment system, or permanently plug and abandon them in place.</li> <li>b) Remove or demolish all treatment system components, and re-grade the area with suitable fill to blend with surface topography, promote positive drainage and prevent ponding.</li> </ul> <p>When the Permittee has met all closure 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> |
| 48. | <p>The Permittee shall perform the following closure measures in the event that the discharge and/or transfer of reclaimed domestic wastewater from the Facility to any of the locations authorized under this Discharge Permit is proposed to permanently cease.</p>  |

| # | Terms and Conditions  |
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|   | <p>Within <u>90 days</u> of ceasing the discharge and/or transfer to the closed location(s), the Permittee shall complete the following closure measures:</p> <ul style="list-style-type: none"> <li>• Plug or remove the line(s) leading to the closed location(s) so that a discharge can no longer occur.</li> </ul> <p>When the Permittee has met all closure requirements, the Permittee may submit a written request for the removal of the proposed location(s) from this Discharge Permit to NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]</p> |

**F. GENERAL TERMS AND CONDITIONS**

| #   | Terms and Conditions   |
|-----|--|
| 49. | <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> </ul> </li> </ul> |

| #   | Terms and Conditions  |
|-----|---|
|     | <ul style="list-style-type: none"> <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> <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>  |
| 50. | <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>  |
| 51. | <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> |

| #   | Terms and Conditions   |
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| 52. | <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>   |
| 53. | <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>   |
| 54. | <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>   |
| 55. | <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.</p> |



| #   | Terms and Conditions  |
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|     | <p>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>  |
| 56. | <p><b>CRIMINAL PENALTIES</b> - 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> <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> |
| 57. | <p><b>COMPLIANCE with OTHER LAWS</b> - 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>   |
| 58. | <p><b>RIGHT to APPEAL</b> - 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>   |

| #   | Terms and Conditions   |
|-----|--|
|     | <p>[20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]</p>   |
| 59. | <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> <p>[20.6.2.3111 NMAC]</p>   |
| 60. | <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

|                                  |   |
|----------------------------------|---|
| <b>Facility Name</b>             | City of Bayard Wastewater Treatment Facility  |
| <b>Discharge Permit Number</b>   | DP-1611   |
| <b>Legally Responsible Party</b> | Marlena Valenzuela, Clerk/Treasurer<br>City of Bayard<br>P.O. Box 728<br>Bayard, New Mexico 88023<br>(575) 537-3327 |

### Treatment, Disposal and Site Information

|                           |                 |
|---------------------------|-----------------|
| <b>Primary Waste Type</b> | Municipal       |
| <b>Facility Type</b>      | MUNI-Wastewater |

#### Treatment Methods

| Type                        | Designation                       | Description & Comments  |
|-----------------------------|-----------------------------------|---|
| Wastewater Treatment System | Wastewater Treatment Plant (WWTP) | An activated sludge treatment system with primary treatment consisting of a mechanical bar screen, bypass manual bar screen, lift station, and grit tank; and secondary treatment consisting of two aeration basins, two post aeration basins, two secondary clarifiers, and two ultraviolet disinfections units. Sludge/solids is discharged to three aerobic digesters. |
| Tertiary Treatment System   | Effluent Reuse Plant              | Treatment system consisting of cloth disk filters and a hypochlorite disinfection unit discharging Class 1A reclaimed domestic wastewater.  |

#### Discharge Locations

| Type                      | Designation   | Description & Comments   |
|---------------------------|---|--|
| Above Ground Storage Tank | Class 1A Reclaimed Domestic Wastewater Storage Tank | A reclaimed domestic wastewater storage tank located at the WWTF with a 200,000-gallon capacity.               |
| Land Application Class 1A | City of Bayard Cemetery #1                          | Reclaimed domestic wastewater used for spray irrigation of 40.1 acres of landscape.                            |
| Land Application Class 1A | City of Bayard Cemetery #2                          | Reclaimed domestic wastewater used for spray irrigation of 40 acres of landscape.                              |
| Land Application Class 1A | City of Bayard Little League Baseball Field         | Reclaimed domestic wastewater used for spray irrigation of 0.91 acres of landscape.                            |
| Land Application Class 1A | City of Bayard T-Ball Field                         | Reclaimed domestic wastewater used for spray irrigation of 0.41 acres of landscape.                            |
| Transfer Class 1A         | Standpipe   | Reclaimed domestic wastewater transferred to a standpipe located at the WWTF for NMED approved temporary uses. |
| Transfer Class 1A         |   | Reclaimed domestic wastewater transferred to future entities permitted by NMED.                                |
| Transfer Class 2          |   | Reclaimed domestic wastewater transferred to future entities permitted by NMED.                                |



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

|                              |                     |   |
|------------------------------|---------------------|---|
| Transfer Treated Wastewater  | Chino Mines Company | Treated and disinfected wastewater transferred to an entity permitted by NMED under DP-484. |
| Discharge Treated Wastewater | Outfall 001         | Treated and disinfected wastewater discharge to Whitewater Creek through Outfall 001.       |
| Sludge Drying Beds           |                     | Three sludge drying beds used to dewater sludge after aerobic digestion.                    |

### Flow Metering Locations

| Type                       | Designation                                 | Description & Comments   |
|----------------------------|---|--|
| Primary Measurement Device | WWTP Influent                               | Primary measurement device located at the WWTP's bar screens.  |
| Primary Measurement Device | WWTP Effluent                               | Primary measurement device located after ultraviolet disinfection and prior the effluent distribution box. This meter is used for measuring the volume of treated wastewater transferred to DP-484.  |
| Totalizing Flow Meter      | Outfall 001                                 | Totalizing flow meter located after the effluent distribution box and prior to Outfall 001. This meter is used for measuring the volume of treated wastewater discharged to Outfall 001.             |
| Totalizing Flow Meter      | Effluent Reuse Plant                        | Totalizing flow meter located after the cloth disk filters.  |
| Totalizing Flow Meter      | City of Bayard Cemetery #1                  | Totalizing flow meter located on the transfer line between the Class 1A Reclaimed Domestic Wastewater Storage Tank and Cemetery #1.  |
| Totalizing Flow Meter      | City of Bayard Cemetery #2                  | Totalizing flow meter located on the transfer line between the Class 1A Reclaimed Domestic Wastewater Storage Tank and Cemetery #2.  |
| Totalizing Flow Meter      | City of Bayard Little League Baseball Field | Totalizing flow meter located on the transfer line between the Class 1A Reclaimed Domestic Wastewater Storage Tank and the little league baseball field.   |
| Totalizing Flow Meter      | City of Bayard T-Ball Field                 | Totalizing flow meter located on the transfer line between the Class 1A Reclaimed Domestic Wastewater Storage Tank and the T-Ball field.   |
| Totalizing Flow Meter      | Standpipe                                   | Totalizing flow meter located on the transfer line between the Class 1A Reclaimed Domestic Wastewater Storage Tank and the standpipe.  |
| Totalizing Flow Meter      | Class 1A Transfer                           | Totalizing flow meter located on the transfer line between the Class 1A Reclaimed Domestic Wastewater Storage Tank and entities permitted by NMED to receive Class 1A reclaimed domestic wastewater. |
| Totalizing Flow Meter      | Class 2 Transfer                            | Totalizing flow meter located on the transfer line between the WWTP and entities permitted by NMED to receive Class 2 reclaimed domestic wastewater.   |

**Depth-to-Ground Water** 10 feet  
**Total Dissolved Solids (TDS)** 1,200 mg/L



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

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### Permit Information

|                               |                         |
|-------------------------------|-------------------------|
| <b>Original Permit Issued</b> | January 10, 2017        |
| <b>Current Action</b>         | <b>Permit Renewal</b>   |
| Application Received          | February 9, 2022        |
| Public Notice Published       | [not yet published]     |
| Permit Issued (Issuance Date) | [issuance date]         |
| Permitted Discharge Volume    | 600,000 gallons per day |

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### NMED Contact Information

|                                    |   |
|------------------------------------|---|
| <b>Mailing Address</b>             | Ground Water Quality Bureau<br>P.O. Box 5469<br>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                             |