



CERTIFIED MAIL – RETURN RECEIPT REQUESTED

September 29, 2023

Debby Hill, Owner
Rio Grande Winery
5321 NM 28
Las Cruces, NM 88005

RE: Draft Discharge Permit, DP-1961, Rio Grande Winery

Dear Debby Hill:

The New Mexico Environment Department (NMED) hereby provides notice to you of the proposed approval of Ground Water Discharge Permit, DP-1961, (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, through the online portal accessible at <https://nmed.commentinput.com/comment/search> or via email to jaben.richards@env.nm.gov or acs.general@state.nm.us . If NMED does not receive written comments or a request for hearing during the public comment period, the draft Discharge Permit will become final.

Thank you for your cooperation during the review process. Feel free to contact me with any questions at jaben.richards@env.nm.gov or acs.general@env.nm.gov

Sincerely,

Jaben Richards
Program Manager

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/

Enc: Draft Discharge Permit, DP-1961

cc: ACS Reading File



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

Ground Water Quality Bureau

1190 Saint Francis Drive / PO Box 5469
Santa Fe, NM 87502-5469
Phone (505) 827-2900 Fax (505) 827-2965
www.env.nm.gov

Draft: September 29, 2023

**GROUND WATER QUALITY BUREAU
GENERAL DISCHARGE PERMIT – NEW
Issued under 20.6.2 NMAC**

Facility Name: Rio Grande Winery
Discharge Permit No: DP-1961
Permittee Name: Debby Hill
Mailing Address: PO Box 571

Facility Location: 5321 NM 28
Las Cruces, NM 88005
Section 8, Township 24S, Range 02E

County: Doña Ana

Permitting Action: **New**
Source Classification: Agriculture – Crop/Food Processing

Permit Issuance Date: DATE
Permit Expiration Date: DATE

NMED Permit Contact: Jaben Richards
Telephone Number/Email: (505) 505-660-8376/ jaben.richards@env.nm.gov or
Main Bureau/Section Contact: (505) 827-2900/ acs.general@env.nm.gov

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

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PART A GENERAL INFORMATION

A100 Introduction

- A. The New Mexico Environment Department (NMED) issues this General Discharge Permit **DP-1961**, to Debby Hill (Permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978, §§ 74-6-1 through 74-6-17, and the New Mexico Ground and Surface Water Protection Regulations, 20.6.2 NMAC. NMED's purpose in issuing this Discharge Permit is to control the discharge of water contaminants from the Rio Grande Winery (Facility) for the protection of 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.
- B. The Permittee is discharging up to 390 gallons per day (gpd) of effluent from the Rio Grande Winery. This discharge or leachate may move directly or indirectly into groundwater of the State of New Mexico which has an existing concentration of 10,000 milligrams per liter (mg/L) or less of total dissolved solids (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.
- C. In issuing this Discharge Permit, NMED has determined that the Permittee has met the requirements of Subsection C of 20.6.2.3109 NMAC. Pursuant to Section 20.6.2.3104 NMAC, it is the Permittee's responsibility to comply with the terms and conditions of this Discharge Permit; failure to do so may result in enforcement action by NMED (20.6.2.1220 NMAC).

A101 Acronyms

Abbreviation	Explanation	Abbreviation	Explanation
BOD ₅	biochemical oxygen demand (5-day)	NMED	New Mexico Environment Department
CFR	Code of Federal Regulations	NMSA	New Mexico Statutes Annotated
CFU	Colony Forming Unit	NO ₃ -N	nitrate-nitrogen
Cl	chloride	NTU	nephelometric turbidity units
EPA	United States Environmental Protection Agency	TDS	total dissolved solids
gpd	gallons per day	TKN	total Kjeldahl nitrogen
LAA	land application area	total nitrogen	= TKN + NO ₃ -N
LADS	land application data sheet(s)	TRC	Total Residual Chlorine
mg/L	milligrams per liter	TSS	total suspended solids
mL	milliliters	WQA	New Mexico Water Quality Act

Abbreviation	Explanation		Abbreviation	Explanation
MPN	Most Probable Number		WQCC	Water Quality Control Commission
NMAC	New Mexico Administrative Code		WWTF	Wastewater Treatment Facility

A102 Terms of Permit Issuance

- A. **Permit Duration** - Pursuant to WQA 74-6-5(I) and Subsection H of 20.6.2.3109 NMAC, the term of a Discharge Permit shall be for the fixed term of **five years** from the effective date of the Discharge Permit.
- B. **Permit Fees** – Payment of permit fees is due at the time of Discharge Permit approval. Permit fees shall be paid in a single payment or shall be paid in equal installments on a yearly basis over the term of the Discharge Permit. Single payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date. Initial installment payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date; subsequent installment payments shall be remitted to NMED no later than the anniversary of the Discharge Permit effective date. Permit fees are associated with issuance of this Discharge Permit. Nothing in this Discharge Permit relieves 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. An approved Discharge Permit shall be suspended or terminated if the facility fails to remit an installment payment by its due date. [Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]
- C. **Permit Renewal** - To renew this Discharge Permit, the Permittee shall submit, in accordance with 20.6.2.3106 NMAC, an application and any associated fees for renewal, renewal and modification, or renewal for closure at least 120 days before the discharge permit expiration date, unless closure of the facility is approved by NMED before that date.
- D. **Transfer of Ownership** - This Discharge Permit is being issued to Debby Hill as identified in **Section A100** above. In accordance with Section 20.6.2.3111 NMAC, the Permittee, any listed owner(s) of record, and any [other] holder(s) of an expired discharge permit are responsible for complying with the conditions listed herein. If during the duration of this Discharge Permit a change in the list of responsible parties is required, transfer of ownership shall be completed in accordance with Section 20.6.2.3111(A).

A103 Applicable Regulations

- A. **Scope** - This Discharge Permit applies solely for the regulation of process wastewater or stormwater generated from facility operations and does not include regulation of domestic wastewater at the facility. Domestic wastewater generated at the facility is treated or disposed of pursuant to 20.7.3 NMAC.
- B. The discharge from the facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

- C. Groundwater quality as observed in on-site monitoring wells is subject to the criteria of Sections 20.6.2.3101 and 20.6.2.3103 NMAC unless otherwise specified in this Discharge Permit.
- D. Complying with the applicable requirements of 20.6.2 NMAC does not relieve a facility's owner, operator or Permittee from complying with the requirements of other applicable local, state and federal regulations or laws.

A104 Facility: Documented Hydrogeologic Conditions

- A. Groundwater most likely to be affected at this facility is at a depth of approximately 44 feet and had a total dissolved solids concentration of 500 milligrams per liter.

PART B FACILITY SPECIFIC REQUIREMENTS

B100 Facility: Authorized Discharge

- A. NMED authorizes the Permittee to discharge water contaminants as part of facility operations subject to the following requirements:
 - 1. The Permittee is authorized to discharge up to 390 gpd of wastewater from the production area, tasting room, and commercial kitchen of a winery. Wastewater from the grape washing and wine making area goes through floor drains into an underground plastic tank and then through French drains under the vineyard. Wastewater from two bathrooms associated with the production area and tasting room are discharged to a 1,500-gallon septic/leachfield system for treatment and disposal. Wastewater from one bathroom and a commercial kitchen is discharged to a separate 1,500-gallon septic/leachfield system for treatment and disposal.

B101 Conditions for Operation

- A. NMED has reviewed the permit application for the proposed facility and has determined that the provisions of the applicable groundwater quality standards will be met in accordance with this Discharge Permit. General and specific conditions for the General Discharge Permit issued by the Ground Water Quality Bureau pursuant to NMAC 20.6.2 are summarized on below. Unless otherwise specified in Parts A or B of this Discharge Permit, both the general conditions for a facility discharge permit (as listed in this part) and facility-specific conditions as listed are mandated to assure continued compliance.

#	Terms and Conditions
1.	The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 2 and 4 NMAC. [Subsection C of 20.6.2.3109 NMAC]

#	Terms and Conditions
2.	<p>The permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated.</p> <p>[20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
3.	<p>If the GWQB or the Permittee identifies any failures in Permit to comply with 20.6.2 NMAC not specifically noted herein, GWQB may require the Permittee to submit a corrective action plan with a schedule for completion of corrective actions to address the failure. Additionally, GWQB may require the Permittee to submit a discharge permit modification to address failure(s) in the permit or both.</p> <p>[20.6.2.3107.A NMAC, 20.6.2.3109.E NMAC]</p>
4.	<p>The permittee shall implement industry accepted best management practices throughout the term of the Discharge Permit. Additionally, the permittee shall maintain all infrastructure (i.e. irrigation lines, storage tanks/impoundments, berms, meters) necessary to transfer, store or collect, distribute, apply, and contain process wastewater for the duration of this discharge permit. Infrastructure shall be inspected on a regular basis and repaired or replaced as necessary. Any solids generated on site shall be managed and disposed of in accordance with all local, state, and federal regulations.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
5.	<p>The permittee shall visually inspect the area above the subsurface irrigation system and leachfields (disposal system) semi-annually to ensure proper maintenance. Any conditions that indicate damage to the disposal system shall be corrected. Such conditions include, but are not limited to erosion damage, animal activity/damage, or evidence of seepage. The permittee shall keep a log of the inspection findings and repairs. The log shall be made available to NMED upon request.</p>

#	Terms and Conditions
	<p>In the event of a failure of the disposal system, the permittee shall enact the contingency plan set forth in this Discharge Permit.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
6.	<p>The permittee shall inspect the plastic tank and two septic tanks semi-annually for the accumulation of scum and solids. In the event that the scum layer exceeds three inches or the settled solids occupy 30% or more of the tank volume, the contents of the tanks shall be pumped by a septage pumper meeting the qualification requirements identified in Subsection D of 20.7.3.904 NMAC, Liquid Waste Disposal and Treatment Regulations. The permittee shall maintain a record of solids removal and disposal, including date, volume of solids removed, and method of disposal and make them available to NMED upon request.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
7.	<p>Within 120 days following the issuance date of this Discharge Permit, the Permittee shall install a grease interceptor designed in accordance with the New Mexico Plumbing Code, 14.8.2 NMAC, to accommodate the wastewater discharged from the commercial kitchen. The Permittee shall submit a schematic of the installed grease interceptor to NMED in the next required periodic monitoring report.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

B102 Facility: Monitoring and Reporting

#	Terms and Conditions
8.	<p>The permittee shall conduct the following monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
9.	<p>METHODOLOGY – Unless otherwise specified by this Discharge Permit, or approved in writing by NMED, the permittee shall use sampling and</p>

#	Terms and Conditions
	analytical techniques that conform with the references listed in Subsection B of 20.6.2.3107 NMAC. [Subsection B of 20.6.2.3107 NMAC]
10.	Annual monitoring shall be performed during the following periods and reports submitted to NMED as follows: <ul style="list-style-type: none"> • January 1st through December 31st – due by February 1st. [Subsection A of 20.6.2.3107 NMAC]
11.	Within 90 days following the effective date of this Discharge Permit (by DATE) OR Prior to discharging from the facility], the permittee shall install the following flow meters. <p>a) One totalizing flow meter installed on the fresh water supply line to estimate the amount of wastewater discharged to the three tanks.</p> Confirmation of meter installation, type, calibration and locations shall be submitted to NMED within 30 days of completed installation. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
12.	The permittee shall collect a wastewater sample from each underground storage tank annually. Each sample shall be analyzed for NO₃-N, TKN, TDS, BOD₅ and pH. The analytical results and laboratory reports shall be submitted to NMED in the annual monitoring report due February 1 st of each year.

Facility Monitoring Conditions

#	Terms and Conditions
13.	The permittee shall perform semi-annual groundwater sampling of the supply well and analyze the samples for TKN, NO ₃ -N, TDS and Cl. The permittee shall perform annual groundwater sampling of the other two wells on the property and analyze the samples for TKN, NO ₃ -N, TDS and Cl.

#	Terms and Conditions
	<p>Analytical results, including the laboratory QA/QC summary report, and a facility layout map showing the location of the supply well and other two wells at the facility shall be submitted to NMED in the annual monitoring report due February 1st of each year.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
14.	<p>Using flow meter(s) installed on the fresh water supply line(s), measure the volume of all sources contributing to the wastewater discharged to the three underground tanks authorized to contain wastewater. Readings from the flow meter on the water supply line is used to estimate wastewater volumes discharged to wastewater tanks without adjustments or deductions to the meter readings. [Subsection N of 20.6.6.20 NMAC]</p> <p>Visually inspect flow meters on a weekly basis for evidence of malfunction. If a visual inspection indicates a flow meter is not functioning to measure flow, the permittee shall initiate repair or replacement of the meter within seven days of discovery. [Subsection O of 20.6.6.20 NMAC]</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>

B103 Facility: Contingency Plan

#	Terms and Conditions
15.	<p>If information should become available to NMED or the submission of monitoring reports documents any of the following items below, the permittee shall submit a corrective action plan to NMED for approval within 60 days of written notification from NMED. The corrective action plan at minimum should source control measures, repairs and/or replacements, and an implementation schedule.</p> <ul style="list-style-type: none"> a) An exceedance of groundwater standards as identified in 20.6.2.3103 NMAC or a toxic pollutant as defined in Section 20.6.2.7 NMAC is present in groundwater. b) Inspection findings reveal significant damage likely to affect the structural integrity of a wastewater storage system or its ability to

#	Terms and Conditions
	<p>contain contaminants, the permittee shall propose repairs or replacement to the system.</p> <p>The permittee may be required to install monitoring wells or abate water pollution consistent with the requirements and provisions of Section 20.6.24101-4115 NMAC if the corrective active measures are ineffective taken by the facility are ineffective or groundwater contamination persists.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
16.	<p>If information should become available to NMED that permittee is violating the agreed upon terms and conditions of the General Discharge Permit signed (DATE) the permittee may be required to modify their General Discharge Permit or the status the General Discharge Permit may be revoked and upgraded to a Discharge Permit</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
17.	<p>In the event that an inspection of the subsurface irrigation system or leachfields reveals failure, the following contingency plan shall be enacted.</p> <ul style="list-style-type: none">a) Within 24 hours following the discovered failure, the permittee shall:<ul style="list-style-type: none">i) notify NMED of the failure in accordance with the notification requirements described in the Contingency Plan for unauthorized discharges; andii) restrict public access to the area.b) The permittee shall conduct a physical inspection of the treatment and disposal system to identify additional potential failures.c) The permittee shall propose actions to address the failure and methods of correction by submitting a Corrective Action Plan to NMED for approval within 15 days following the discovered failure. The Corrective Action Plan shall include a schedule for completion of corrective actions and the permittee shall initiate implementation of the Plan following approval by NMED. <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
18.	<p>In the event that a release (commonly known as a “spill”) occurs that is not authorized under this Discharge Permit, the permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the</p>

#	Terms and Conditions
	<p>notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below.</p> <p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the permittee shall verbally notify NMED and provide the following information.</p> <ul style="list-style-type: none">a) The name, address, and telephone number of the person or persons in charge of the facility, as well as of the owner and/or operator of the facility.b) The name and address of the facility.c) The date, time, location, and duration of the unauthorized discharge.d) The source and cause of unauthorized discharge.e) A description of the unauthorized discharge, including its estimated chemical composition.f) The estimated volume of the unauthorized discharge.g) Any actions taken to mitigate immediate damage from the unauthorized discharge. <p>Within <u>one week</u> following discovery of the unauthorized discharge, the permittee shall submit written notification to NMED with 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 report/plan to NMED describing any corrective actions taken and/or to be taken relative to the unauthorized discharge that includes the following information.</p> <ul style="list-style-type: none">A description of proposed actions to mitigate damage from the unauthorized discharge.A description of proposed actions to prevent future unauthorized discharges of this nature.A schedule for completion of proposed actions. <p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, the permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p>

#	Terms and Conditions
	Nothing in this condition shall be construed as relieving the permittee of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC. [20.6.2.1203 NMAC]

B104 Facility: Conditions for Closure

#	Terms and Conditions
19.	<p>In the event the facility, or a component of the facility, is proposed to be permanently closed, upon ceasing discharge, the permittee shall perform closure measures.</p> <p>Within <u>90 days</u> of ceasing discharge to the septic tank leachfield system(s) (or closed system components), the permittee shall complete the following closure measures:</p> <ul style="list-style-type: none"> a) Plug all lines leading to and from the closed system(s) so that a discharge can no longer occur. b) Wastewater, septage, and grease interceptor waste shall be pumped from the system components (e.g., septic tanks, grease trap/interceptors, lift stations, dosing chambers, distribution boxes) and it shall be contained, transported, and disposed of in accordance with all local, state, and federal regulations, including 40 CFR Part 503. The permittee shall maintain a record of all wastes transported for off-site disposal. <p>Within <u>180 days</u> of ceasing discharge to the septic tank leachfield system(s) (or closed system components), the permittee shall complete the following closure measures:</p> <ul style="list-style-type: none"> a) Remove all lines leading to and from the closed system(s) or permanently plug them and abandon them in place. b) Remove or demolish all closed septic tanks, grease trap/interceptors, lift stations, dosing chambers, distribution boxes or other system(s) components (with the exception of leachfields) and re-grade the area with suitable fill to blend with surface topography to promote positive drainage and prevent ponding.

#	Terms and Conditions
	<p>The permittee shall continue groundwater monitoring until the requirements of this condition have been met and groundwater monitoring confirms for a minimum of two years of consecutive groundwater sampling events that the standards of Section 20.6.2.3103 NMAC are not exceeded.</p> <p>If monitoring results show that a groundwater quality standard in Section 20.6.2.3103 NMAC is exceeded; or the total nitrogen concentration in groundwater is greater than 10 mg/L; or a toxic pollutant (defined in Subsection WW of 20.6.2.7 NMAC) is present in groundwater, the permittee shall implement the contingency plan required by this Discharge Permit.</p> <p>Following notification from NMED that post-closure monitoring may cease, the permittee shall plug and abandon the monitoring well(s) in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011.</p> <p>When all closure and post-closure requirements have been met, the permittee may submit a written request for termination of the Discharge Permit to NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, 40 CFR Part 503</p>

PART C GENERAL TERMS AND CONDITIONS

C100 Legal

- A. Nothing in this Discharge Permit in any way, relieves the Permittee of the obligation to comply with all applicable federal, state, and local laws, regulations, permits or orders [20.6.2 NMAC].
- B. Pursuant to Section 20.6.2.3109 NMAC, NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the requirements of 20.6.2 NMAC are being or may be violated or the standards of Section 20.6.2.3103 NMAC are being or may be violated. This may include a determination that structural controls and/or management practices approved under this Discharge Permit are not protective of groundwater quality, and NMED may require more stringent actions to protect groundwater quality. NMED may require the Permittee to implement abatement of water pollution and remediate groundwater quality.

- C. 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 20.6.2 NMAC, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the Permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit. [74-6-10 WQA, 74-6-10.1 WQA]
- D. Pursuant to WQA 74-6-10.2(A-F), NMED may assess criminal penalties for any person who knowingly violates or knowingly causes or allows another person to:
1. Make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or required to be maintained under the WQA;
 2. Falsify, tamper with or render inaccurate any monitoring device, method or record required to be maintained under the WQA; or
 3. Fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation, is subject to felony charges and shall be sentenced in accordance with the provisions of Section 31-18-15 NMSA 1978.
- E. The Permittee shall notify the proposed transferee in writing of the existence of this Discharge Permit and include a copy of this Discharge Permit with the notice in accordance with 20.6.2.3111 NMAC, prior to the transfer of any ownership, control, or possession of this permitted facility or any portion thereof. The transferee(s) shall notify NMED, in writing, of the date of transfer of ownership and provide contact information for the new owner(s) pursuant to Subsection B of 20.6.2.3111 NMAC. Submit to NMED notification of the transfer within 30 days of the ownership transfer date. [20.6.2.3111 NMAC]
- F. Pursuant to WQA 74-6-5(o), the Permittee has a right to appeal the conditions and requirements as outlined in this Discharge Permit through filing a petition for review before the WQCC. Such petition shall be in writing to the WQCC within thirty (30) days of the receipt of this Discharge Permit. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review.

C101 General Inspection and Entry Requirements

- A. Nothing in this Discharge Permit limits in any way, the inspection and entry authority of NMED under the WQA, 20.6.2 NMAC, or any other applicable law or regulation. [20.6.2.3107 NMAC, 74-6-9(B) & (E) WQA]

- B. The Permittee shall allow the Secretary or an authorized representative, upon the presentation of credentials, to [20.6.2.3107.D NMAC, 74-6-9(B) & (E) WQA]:
1. Enter at regular business hours or at other reasonable times upon the Permittee's premises or other location where records must be kept under the conditions of this Discharge Permit, 20.6.2 NMAC, or any other applicable law or regulation.
 2. Inspect and copy, during regular business hours or at other reasonable times, any records required to be kept under the conditions of this Discharge Permit, 20.6.2 NMAC, or any other applicable law or regulation.
 3. Inspect, at regular business hours or at other reasonable times, any facility, equipment (including monitoring and control equipment or treatment works), practices or operations regulated or required under this Discharge Permit, 20.6.2 NMAC, or any other applicable law or regulation.
 4. Sample or monitor, at reasonable times for the purpose of assuring compliance with this Discharge Permit or as otherwise authorized by the WQA, any effluent, water contaminant, or receiving water at any location before or after discharge.

C102 General Record Keeping and Reporting Requirements

- A. The Permittee shall maintain a written record of the following:
1. Amount of wastewater, effluent, leachate or other wastes discharged pursuant to this Discharge Permit. [20.6.2.3107.A NMAC]
 2. Operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater; to measure flow rates, to monitor water quality, or to collect other data required by this Discharge Permit. Per Section A of 20.6.2.3107 NMAC, this record shall include:
 - a. Repair, replacement or calibration of any monitoring equipment
 - b. Repair or replacement of any equipment used in the Permittee's waste or wastewater treatment and disposal system.
 3. Any spills, seeps, and/or leaks of effluent, and of leachate and/or process fluids not authorized by this Discharge Permit. [20.6.2.3107.A NMAC]
- B. The Permittee shall maintain at its facility a written record of all data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit. The following information shall be recorded and shall be made available to NMED upon request:
1. The dates, exact place and times of sampling or field measurements;
 2. The name and job title of the individuals who performed each sample collection or field measurement;
 3. The date of the analysis of each sample;

4. The name and address of the laboratory and the name and job title of the person that performed the analysis of each sample;
 5. The analytical technique or method used to analyze each sample or take each field measurement;
 6. The results of each analysis or field measurement, including raw data;
 7. The results of any split sampling, spikes or repeat sampling; and
 8. A description of the quality assurance (QA) and quality control (QC) procedures used.
- C. The Permittee shall furnish to NMED, within a reasonable time, any documents or other information which it may request to determine whether cause exists for modifying, terminating and/or renewing this Discharge Permit or to determine compliance with this Discharge Permit. The Permittee shall also furnish to NMED, upon request, copies of documents required to be kept by this Discharge Permit. [20.6.2.3107.D NMAC, 74-6-9(B) & (E) WQA]

C103 Modifications and/or Amendments

- A. The Permittee shall notify NMED of any changes to the Permittee's wastewater treatment and disposal system, including any changes in the wastewater flow rate or the volume of wastewater storage, or of any other changes to operations or processes that would result in any significant change in the discharge of water contaminants. The Permittee shall obtain NMED's approval, as a modification to this Discharge Permit pursuant to Subsections E, F, or G of 20.6.2.3109 NMAC, prior to any increase in the quantity discharged, or any increase in the concentration of water contaminants discharged, above those levels approved in this Discharge Permit [20.6.2.3107.C NMAC].
- B. The Permittee shall file plans and specifications with NMED for the construction of a wastewater system and for proposed changes that will change substantially the quantity or quality of the discharge from the system. The Permittee shall file plans and specifications prior to the commencement of construction. Changes to the wastewater system having a minor effect on the character of the discharge shall be reported as of January 1 and June 30 of each year to NMED. [20.6.2.1202 NMAC]