CERTIFIED MAIL – RETURN RECEIPT REQUESTED

October 21, 2026

Seth Frederick, Environmental Engineer
Public Service Company of New Mexico
2401 Aztec Road NE, MS-Z100
Albuquerque, NM 87107

RE: Draft Discharge Permit Renewal, DP-1829, PNM La Luz Energy Center

Dear Seth Frederick:

The New Mexico Environment Department (NMED) hereby provides notice to Public Service Company of New Mexico of the proposed approval of Ground Water Discharge Permit Renewal, DP-1829, (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 marchell.schuman@env.nm.gov or to pps.general@env.nm.gov, or directly into the NMED Public Comment Portal at https://nmed.commentinput.com/comment/search. If NMED does not receive written comments or a request for hearing during the public comment period, the draft Discharge Permit will become final.

Thank you for your cooperation during the review process. Feel free to contact me with any questions at (505) 795-3275.

Sincerely,

Marchell Schuman

Digitally signed by Marchell Schuman
Date: 2026.10.21 13:08:46 -06'00'

Marchell Schuman, Senior Water Resource Professional

Encl: Draft Discharge Permit Renewal, DP-1829

cc: Heath Lee, Generation Director, PNM La Luz Energy Center (electronic copy)
Alaina Pershall, Environmental Manager, PNM (electronic copy)

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

Draft: *September 22, 2026*

GROUND WATER QUALITY BUREAU
DISCHARGE PERMIT
Issued under 20.6.2 NMAC

Facility Name:	PNM La Luz Energy Center
Discharge Permit Number:	DP-1829
Facility Location:	11 La Luz Energy Center Road Belen, NM 87002
County:	Valencia
Permittee:	Public Service Company of New Mexico Seth Frederick, Environmental Engineer
Mailing Address:	2401 Aztec Road NE, MS-Z100 Albuquerque, New Mexico 87107
Facility Contact: Telephone Number/Email:	Heath Lee, Generation Director (505) 241-4723 / heath.lee@pnm.com
Permitting Action:	Renewal
Permit Issuance Date: **Permit Expiration Date:**	[DATE] [DATE]
NMED Contact: Telephone Number/Email:	Marchell Schuman (505) 795-3275 / marchell.schuman@env.nm.gov or (505) 827-2900 / pps.general@env.nm.gov

Justin D. Ball
Chief, Ground Water Quality Bureau
New Mexico Environment Department

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Discharge Permit Summary
Groundwater Discharge Permit Guidance for Synthetically Lined Lagoons – Liner Material and Site Preparation, Revision 0.0, May 2007
Resource Recovery Bureau October 23, 2025 Sludge Disposal Management Plan Preparation Guidelines

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I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this groundwater discharge permit renewal (Discharge Permit or DP-1829) to the Public Service Company of New Mexico (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 PNM La Luz Energy Center (Facility) in order to protect groundwater and those segments of surface water gaining from groundwater inflow for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health. It is NMED's determination in issuing this Discharge Permit that the Permittee has met the requirements of Subsection C of 20.6.2.3109 NMAC. The Permittee is responsible for complying with the terms and conditions of this Discharge Permit pursuant to Section 20.6.2.3104 NMAC; failure to do so may result in enforcement action by NMED (20.6.2.1220 NMAC).

Described below are the activities that produce the discharge, the location of the discharge, and the quantity, quality, and flow characteristics.

The Facility discharges up to 47,520 gallons per day (gpd) of industrial wastewater to a double, synthetically lined impoundment system with leak detection and recovery systems for disposal by evaporation.

This Discharge Permit has an associated Closure Plan, the intent of which it is to prevent the exceedance of the groundwater protection standards of 20.6.2.3103 NMAC after the Facility ceases to operate. The original Closure Plan was approved by NMED on October 24, 2022. The Permittee's obligation to implement the Closure Plan and associated permit requirements survives the termination or expiration of this Discharge Permit. Portions of the Closure Plan may be implemented and completed prior to the cessation of the operation of the Facility.

This Discharge Permit requires financial assurance, a mechanism required of the Permittee to demonstrate that they will have the financial resources to properly close the impoundments when its operational life is over. Associated with financial assurance is the Discharge Permit requirement to produce and keep updated a closure cost estimate intended to sufficiently identify the cost of implementing all aspects of closure as described in the Closure Plan.

Discharge Permit Location Information:

Physical Address	11 La Luz Energy Center Road
Nearest Town/City	4 miles southwest of Belen
Section, Township, Range	Section(s) 34 and 35, Township 05 North, Range 01 East

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County	Valencia
Depth to Groundwater	390 feet below ground surface
Pre-Discharge TDS	796 mg/L

Discharge Permit Issuance History:

Original Permit Issuance	May 20, 2015
Permit Renewal	March 19, 2021

The application (i.e., discharge plan) associated with this Discharge Permit consists of the materials submitted by Public Service Company of New Mexico dated September 22, 2025, and materials contained in the administrative record prior to issuance of this Discharge Permit.

The Permittee shall manage the discharge in accordance with all conditions and requirements of this Discharge Permit.

NMED reserves the right to require a Discharge Permit modification in the event NMED determines that the Permittee is or may be violating, or is likely to violate in the future, the requirements of 20.6.2 NMAC or the standards of Section 20.6.2.3103 NMAC. NMED reserves this right pursuant to Section 20.6.2.3109 NMAC. An NMED requirement to modify the Discharge Permit may result from a determination by the department that structural controls and/or management practices approved under this Discharge Permit are insufficiently protective of groundwater quality and human health. NMED reserves the right to require the Permittee to implement abatement of water pollution and remediate groundwater quality.

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

This Discharge Permit may use the following acronyms and abbreviations.

Abbreviation	Explanation		Abbreviation	Explanation
BOD_5	biochemical oxygen demand (5-day)		NMED	New Mexico Environment Department
CAP	Corrective Action Plan		NMSA	New Mexico Statutes Annotated
CFR	Code of Federal Regulations		NO_3-N	nitrate-nitrogen
CFU	colony forming unit		NTU	nephelometric turbidity units
Cl	chloride		QA/QC	Quality Assurance/Quality Control
EPA	United States Environmental Protection Agency		TDS	total dissolved solids
Gpd	gallons per day		TKN	total Kjeldahl nitrogen

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Abbreviation	Explanation		Abbreviation	Explanation
LAA	land application area		total nitrogen	= TKN + NO_3-N
LADS	Land Application Data Sheet(s)		TRC	total residual chlorine
mg/L	milligrams per liter		TSS	total suspended solids
mL	milliliters		WQA	New Mexico Water Quality Act
MPN	most probable number		WQCC	Water Quality Control Commission
NMAC	New Mexico Administrative Code		WWTF	Wastewater Treatment Facility

II. FINDINGS

In issuing this Discharge Permit, NMED finds the following.

1. The Permittee is discharging effluent or leachate from the Facility so that such effluent or leachate may move into groundwater of the State of New Mexico that has an existing concentration of 10,000 mg/L or less of TDS, within the meaning of Subsection A of 20.6.2.3101 NMAC, without exceeding standards of 20.6.2.3103 NMAC for any water contaminant.

2. The Permittee is discharging effluent or leachate from the Facility directly or indirectly into groundwater pursuant to this Discharge Permit and Sections 20.6.2.3000 through 20.6.2.3114 NMAC.

3. The discharge from this Facility has the potential to 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 NMAC.

III. AUTHORIZATION TO DISCHARGE

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

This Discharge Permit authorizes the Permittee to discharge up to 47,520 gpd of industrial wastewater consisting of reverse osmosis (RO) concentrate and evaporative cooling blowdown water to two double synthetically lined impoundments equipped with leak detection and recovery systems for disposal by evaporation.

[20.6.2.3104 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection D of 20.6.2.3109 NMAC]

IV. CONDITIONS

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NMED issues this Discharge Permit for the discharge of water contaminants subject to the following conditions.

A. OPERATIONAL PLAN

#	Terms and Conditions
1.	The Permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 2 and 4 NMAC. [Subsection C of 20.6.2.3109 NMAC]
2.	The Permittee shall operate in a manner that does not violate standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC. [20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]

Operating Conditions

#	Terms and Conditions
3.	The Permittee shall maintain fences around the Facility to restrict unauthorized 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. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
4.	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. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
5.	The Permittee shall maintain the impoundment liners to avoid conditions that could affect the liner or the structural integrity of the impoundments. Characterization of such conditions may include the following: • erosion damage; • animal burrows or other damage;

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#	Terms and Conditions
	• the presence of vegetation including aquatic plants, weeds, woody shrubs or trees growing within five feet of the top inside edge of a sub-grade impoundment, within five feet of the toe of the outside berm of an above-grade impoundment, or within the impoundment itself; • the presence of large debris or large quantities of debris in the impoundment; • evidence of seepage; or • evidence of berm subsidence. The Permittee shall routinely control vegetation growing around the impoundments by mechanical removal that is protective of the impoundment liner. The Permittee shall visually inspect the impoundments and surrounding berms on a monthly basis to ensure proper maintenance. In the event that an inspection reveals any evidence of damage that threatens the structural integrity of an impoundment berm or liner, or that may result in an unauthorized discharge, the Permittee shall implement the Contingency Plan set forth in this Discharge Permit. The Permittee shall create and maintain a log of all impoundment inspections which describes the date of the inspection, any findings and repairs and the name of the person responsible for the inspection. The Permittee shall make the log available to NMED upon request. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
6.	The Permittee shall preserve a minimum of two feet of freeboard, i.e., the distance between the highest calculated liquid level in the impoundments and the liquid level which would result in the release of stored liquid from the impoundments. In the event that the Permittee determines that it cannot preserve two feet of freeboard in the impoundment(s), the Permittee shall implement the Contingency Plan set forth in this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
7.	The Permittee shall inspect the leak detection and recovery system on a monthly basis for the presence of liquid. If the Permittee detects leachate, the Permittee shall collect a sample and analyze the sample for Fluoride (F), Cl, NO_3-N, sulfate (SO_4), and TDS within 30 days of discovery. The Permittee shall keep and submit a log of the inspection findings and repairs made.

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#	Terms and Conditions
	The Permittee shall submit the inspection log, including a statement whether or not liquids were observed in the leak detection and recovery systems, to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC]
8.	The Permittee shall only add Vitec 4000 (RO antiscalent and antifoulant) and propylene glycol (heat transfer fluid) to water reasonably expected to enter the impoundment system. In the event that the Permittee intends to replace a product with a similar product, intended for the same use, for which a Safety Data Sheet (SDS) was not previously submitted during the term of this Discharge Permit, the Permittee shall submit the product's SDS to NMED within 30 days of knowledge of the product's use. In the event that the Permittee intends to introduce a new product or chemical into the treatment process, the Permittee shall submit a request, including the product's SDS, to NMED for approval within 60 days prior to use. [20.6.2.3109 NMAC]

B. MONITORING AND REPORTING

#	Terms and Conditions
9.	The Permittee shall conduct the monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
10.	METHODOLOGY – Unless otherwise specified by this Discharge Permit, or approved in writing by NMED, the Permittee shall use sampling and analytical techniques that conform with the references listed in Subsection B of 20.6.2.3107 NMAC. [Subsection B of 20.6.2.3107 NMAC]

Due Dates for Monitoring Reports

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#	Terms and Conditions
11.	Semi-annual monitoring - The Permittee shall perform monitoring and other Permit required actions during the following periods and shall submit semi-annual reports to NMED by the following due dates: • January 1st through June 30th – **due by August 1st; and** • July 1st through December 31st – **due by February 1st.** [Subsection A of 20.6.2.3107 NMAC]

Monitoring Actions with Implementation Deadlines

#	Terms and Conditions
12.	The Permittee shall sample Facility wastewater for the presence of perfluorinated chemicals (PFCs). Within 2.5 years following the issuance date of this Discharge Permit (**by DATE**), the Permittee shall collect a single grab sample from each cell of the evaporative impoundments that are representative of the discharge contained therein. The Permittee shall analyze the sample for the following PFCs: • perfluorohexane sulfonic acid (PFHxS) (CAS 355-46-4) • perfluorooctane sulfonate (PFOS) (CAS 1763-23-1) • perfluorooctanoic acid (PFOA) (CAS 335-67-1) The Permittee shall properly collect, prepare, preserve, transport, and analyze the sample in accordance with EPA Method 1633, or an equivalent method that uses liquid chromatography and tandem mass spectrometry (LC/MS/MS). The reporting limit shall be low enough to identify whether the combined concentration of the perfluorinated chemicals is less than the Tap Water Screening Level identified in the *NMED Risk Assessment Guidance for Site Assessments and Investigations*, Table A-1 available on the NMED Hazardous Waste Bureau's website under Guidance Documents. The Permittee shall take appropriate measures to avoid cross-contamination while collecting and transporting the sample. The selected laboratory should be able to provide guidance that ensures sample integrity. The Permittee shall submit a copy of the laboratory report, including analytical results, the QA/QC summary, and the Chain of Custody to NMED within 30 days of laboratory report receipt. [Subsection H of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]

Facility Monitoring Conditions

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#	Terms and Conditions
13.	The Permittee shall on a monthly basis measure the volume of wastewater discharged to the evaporative impoundment system. To determine the discharge volume, the Permittee shall obtain readings from a totalizing flow meter located on the discharge line to the impoundments on a monthly basis and calculate the monthly and average daily volume discharged to the impoundment system. The Permittee shall submit calendar monthly meter readings, calculated monthly discharge volumes, and average daily discharge volumes to NMED in the semi-annual monitoring reports. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
14.	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. 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. a) The location and meter identification. b) The method of flow meter field calibration employed. 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. 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. e) Any flow meter repairs made during the previous year or during field calibration. f) The name of the individual performing the calibration and the date of the calibration. The Permittee shall maintain records of flow meter calibration(s) at a location accessible for review by NMED during Facility inspections. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]

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#	Terms and Conditions
15.	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 the inspection, findings and repairs, and the name of the inspector. The Permittee shall make the log available to NMED upon request. 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 *repaired* 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 *replacement* 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. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
16.	The Permittee shall collect a composite wastewater sample on a semi-annual basis (once every six months) from the North and South Impoundments. The composite sample shall consist of a minimum of six equal aliquots collected equidistantly around the entire perimeter of the evaporative impoundment and thoroughly mixed. The Permittee shall analyze the composite sample for: • NO_3-N; • TDS; • Cl; • SO_4; • pH; • F; and • TKN. The Permittee shall ensure the sample is 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 semi-annual monitoring reports. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
17.	Twice during the term of this Discharge Permit (2027 and 2029) the Permittee shall collect a composite sample (except as noted for pH) of wastewater alternating between impoundments each year. If the impoundment scheduled for sampling is dry or has

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#	Terms and Conditions
	insufficient liquid to collect a representative sample, then the Permittee shall collect a sample from the other impoundment. If both impoundments are dry, then no sample shall be required. The composite sample shall consist of a minimum of six aliquots collected equidistantly around the entire perimeter of the evaporative impoundment and thoroughly mixed, and analyze the sample for the following inorganic contaminants (dissolved fraction, except as noted): • aluminum (CAS 7429-90-5) • antimony (CAS 7440-36-0) • arsenic (CAS 7440-38-2) • barium (CAS 7440-39-3) • beryllium (CAS 7440-41-7) • boron (CAS 7440-42-8) • cadmium (CAS 7440-43-9) • chromium (CAS 7440-47-3) • cobalt (CAS 7440-48-4) • copper (CAS 7440-50-8) • cyanide CAS 57-12-5) • fluoride (CAS 16984-48-8) • iron (CAS 7439-89-6) • lead (CAS 7439-92-1) • manganese (CAS 7439-96-5) • molybdenum (CAS 7439-98-7) • total mercury (nonfiltered) (CAS 7439-97-6) • pH (instantaneous) • nickel (CAS 7440-02-0) • radioactivity: combined radium-226 & radium-228 (CAS 15262-20-1) • selenium (CAS 7782-49-2) • silver (CAS 7440-224) • sulfate (CAS 14808-79-8) • thallium (CAS 7440-28-0) • uranium (CAS 7440-61-1) • zinc (CAS 7440-66-6) 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 the sample using methods with reporting limits that are less than the corresponding numerical groundwater standards identified in 20.6.2.3103 NMAC. 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 reports due by August 1st of the year(s) sampling is required. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
18.	Twice during the term of this Discharge Permit (2027 and 2029), the Permittee shall collect a grab sample of wastewater from the evaporative impoundment containing water and analyze the non-filtered sample for the following organic contaminants:

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#	Terms and Conditions
	• atrazine (CAS 1912-24-9) • benzene (CAS 71-43-2) • benzo-a-pyrene (CAS 50-32-8) • carbon tetrachloride (CAS 56-23-5) • chloroform (CAS 67-66-3) • 1,2-dichlorobenzene (CAS 95-50-1) • 1,4-dichlorobenzene (CAS 106-46-7) • 1,1-dichloroethane (CAS 75-34-3) • 1,2-dichloroethane (EDC, CAS 107-06-2) • 1,1-dichloroethene (1,1-DCE, CAS 75-35-4) • cis-1,2-dichloroethene (CAS 156-59-2) • trans-1,2-dichloroethene (CAS 156-60-5) • 1,2-dichloropropane (PDC, CAS 78-87-5) • 1,4-dioxane (CAS 123-91-1) (using EPA Method 8270D-SIM) • ethylbenzene (CAS 100-41-4) • ethylene dibromide (EDB, CAS 106-93-4) • methylene chloride (CAS 75-09-2) • PAHs: total naphthalene (CAS 91-20-3) plus monomethylnaphthalenes • phenols • polychlorinated biphenyls (PCBs, CAS 1336-36-3) • pentachlorophenol (CAS 87-86-5) • toluene (CAS 108-88-3) • styrene (CAS 100-42-5) • 1,1,2,2-tetrachloroethane (CAS 79-34-5) • tetrachloroethene (PCE, CAS 127-18-4) • 1,2,4-trichlorobenzene (CAS 120-82-1) • 1,1,1-trichloroethane (1,1,1-TCA, CAS 71-55-6) • 1,1,2-trichloroethane (CAS 79-00-5) • trichloroethene (TCE, CAS 79-01-6) • vinyl chloride (CAS 75-01-4) • total xylenes (CAS 1330-20-7) 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. The reporting limit for 1,4-dioxane shall be less than the Tap Water Screening Level for 1,4-dioxane identified in the *NMED Risk Assessment Guidance for Site Assessments and Investigations*, Table A-1 (available on the NMED Hazardous Waste Bureau's website under Guidance Documents). If the results of two consecutive sampling events indicate no detection of 1,4-dioxane above the reporting limit, the Permittee may request to reduce the sampling frequency.

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#	Terms and Conditions
	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 reports due by August 1st of the year(s) sampling is required. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]

C. CONTINGENCY PLAN

#	Terms and Conditions
19.	In the event that groundwater exceeds a groundwater protection standard identified in Section 20.6.2.3103 NMAC as a result of this discharge, 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 following approval by NMED. 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. [20.6.2.3103 NMAC, Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]
20.	In the event that the Facility exceeds the authorized discharge volume set in this Discharge Permit, the Permittee shall initiate the following Contingency Plan. <u>Contingency Plan</u> a) Notify NMED within seven days of the discovery of the discharge volume exceedance that the Facility exceeded the authorized discharge volume. b) The Permittee shall conduct a physical inspection of the discharge system, i.e., inflow and infiltration issues, collection system failures, etc., and the discharge meter(s) to detect abnormalities and report the findings to NMED within 30 days of the discovery of the discharge volume exceedance. The Permittee shall correct any abnormalities detected with NMED's concurrence. c) If the Permittee does not detect any abnormalities and with NMED's concurrence, the Permittee shall submit a discharge permit modification for the increase in discharge quantity to NMED within 90 days of the discovery of the discharge volume

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#	Terms and Conditions
	exceedance. The discharge permit modification must include demonstration that the volume increase is sufficient for the design capacity or plans and specifications to upgrade the system to accommodate the discharge volume increase. [Subsection A of 20.6.2.3107 NMAC]
21.	In the event that the laboratory analytical data results of the liquid present in the leak detection sump indicates that the chemical content of the liquid is consistent with the contents of the evaporative impoundment, the Permittee shall submit a CAP to NMED which evaluates the primary liner leakage rate and proposes options for stopping or reducing leakage. The Permittee shall submit the CAP to NMED for approval within 60 days of the receipt of the analytical results demonstrating consistency with the liquid in the sump and the evaporative impoundment. [Subsection A of 20.6.2.3107 NMAC]
22.	In the event that an inspection reveals significant damage has occurred or is likely to affect the structural integrity of an impoundment or liner or their ability to contain contaminants, the Permittee shall propose the repair or replacement by submitting a CAP to NMED for approval. The Permittee shall submit the CAP to NMED within 30 days after discovery of the damage or following notification from NMED that significant damage is evident. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions. The Permittee shall initiate implementation of the CAP following approval by NMED. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
23.	In the event that an impoundment cannot preserve a minimum of two feet of freeboard, the Permittee shall take actions to restore the required freeboard as authorized by this Discharge Permit and all applicable local, state, and federal regulations. In the event that two feet of freeboard cannot be restored within a period of 72 hours following discovery, the Permittee shall propose actions to restore two feet of freeboard by submitting a short-term CAP to NMED for approval. Examples of short-term corrective actions include the pumping and hauling of excess wastewater from the impoundment or reducing the volume of wastewater discharged to the impoundment. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions. The Permittee shall submit the CAP within 15 days following the date the Permittee or the NMED discover the exceedance. The Permittee shall implement the CAP following NMED approval.

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	In the event that the short-term corrective actions fail to restore two feet of freeboard, the Permittee shall submit to NMED a proposal for permanent corrective actions in a long-term CAP. The Permittee shall submit the long-term CAP within 90 days following failure of the short-term CAP. Examples of corrective actions include the installation of an additional storage impoundment or a significant and permanent reduction in the volume of wastewater discharged to the impoundment. The Permittee shall ensure the long-term CAP includes a schedule for completion of corrective actions. The Permittee shall implement the CAP following NMED approval. [Subsection A of 20.6.2.3107 NMAC]
24.	In the event the average solids accumulation exceeds one-third of the maximum liquid depth in the impoundments, the Permittee shall propose a plan for the removal and disposal of the solids. The Permittee shall submit the solids removal and disposal plan to NMED for approval within 120 days following discovery and include the following information. a) A method for removal of the solids to a depth of less than six inches throughout the treatment impoundment in a manner that is protective of the impoundment liner. b) A description of how the Permittee will contain, transport, and dispose of the solids in accordance with all local, state, and federal regulations, including 40 CFR Part 503. c) A schedule for completion of the solids removal and disposal project. The Permittee shall initiate implementation of the plan following approval by NMED. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
25.	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. Within 24 hours following discovery of the unauthorized discharge, the Permittee shall verbally notify NMED and provide the following information. 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.

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#	Terms and Conditions
	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. Within one week following discovery of the unauthorized discharge, the Permittee shall submit written notification to NMED providing the information listed above and any pertinent updates. Within 15 days following discovery of the unauthorized discharge, the Permittee shall submit a CAP to NMED describing any corrective actions previously taken and corrective actions to be taken relative to the unauthorized discharge. The CAP shall include the following information. a) A description of proposed actions to mitigate damage from the unauthorized discharge. b) A description of proposed actions to prevent future unauthorized discharges of this nature. c) A schedule for completion of proposed actions. 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. 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. [20.6.2.1203 NMAC]
26.	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. [Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]

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D. CLOSURE PLAN

Closure Actions with Implementation Deadlines

#	Terms and Conditions
27.	Within 90 days of the issuance date of this Discharge Permit (**by DATE**), the Permittee shall submit a revision to the closure plan dated August 2, 2022, and approved by NMED on October 24, 2022, for NMED's approval to prevent the exceedance of standards of 20.6.2.3103 NMAC in groundwater after the cessation of operation. The Permittee shall submit a revised closure plan that includes at least a 30% level of design, a detailed revegetation and maintenance plan, and incorporation of the Resource Recovery Bureau October 23, 2025 Sludge Disposal Management Plan Preparation Guidelines. The Permittee shall ensure that the closure plan revision is sufficiently detailed to address the steps necessary to close the WWTF, associated impoundments, irrigation infrastructure, septic tank/leachfield systems, and any other wastewater related infrastructure. Further, the detailed closure plan revision shall address sludge de-watering (as necessary), characterization of wastes to be disposed on-site and off-site, restoration of vegetation, the plugging and abandonment of monitoring wells, all post-closure activities, and ongoing maintenance for all impoundments, irrigation infrastructure, and any other wastewater related infrastructure. The Permittee shall ensure, as necessary, that the closure plan revision addresses all necessary corrective actions, that at a minimum addresses actions to delineate the nature and extent of any groundwater contamination, contaminant source control measures, and any actions to abate water pollution consistent with the requirements and provisions of Section 20.6.2.4101 as approved by NMED. The Permittee shall ensure that the closure plan addresses post-closure care, including the continued groundwater monitoring required under the Discharge Permit. NMED considers all closure and post-closure activities to constitute "complete closure." The Permittee shall ensure the revised closure plan has sufficient detail to estimate the cost of complete closure of all wastewater related infrastructure, post-closure monitoring, and all necessary corrective actions for the purpose of establishing and maintaining financial assurance. The detailed closure plan shall provide sufficient detail to estimate the cost of operation and maintenance of the groundwater monitoring system. Inherent in this detail is an estimate of the time (after the cessation of Facility operation) that the groundwater monitoring system will have to remain in place and in operation, i.e., until WQCC groundwater standards have been met for at least eight consecutive quarters.

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	[Subsection A of 20.6.2.3107]
28.	Within 90 days from the date of NMED's approval of the revised closure plan, the Permittee shall submit a revised detailed cost estimate (Estimate) for NMED's approval based on the revised detailed closure plan for complete closure required by Condition 27. The Estimate shall be based on the cost of hiring a third party to conduct complete closure. The Estimate shall include direct costs associated with third-party implementation of the closure plan, contingency costs in the amount of 15 percent of the direct costs, the cost of an independent project manager and contract administration, and NMED oversight and administration costs, including indirect costs. The Estimate shall forecast the worst-case scenario for complete closure over the five-year period of this Discharge Permit; if a new permit is not issued after five years, the Estimate for the worst-case scenario shall be updated annually each year after five years and any financial assurance shall be adjusted accordingly. The Permittee shall adjust the Estimate for inflation over the five-year period for complete closure and shall project the amount needed for each of the five years for the worst-case scenario for all activities included in complete closure. [Subsection A of 20.6.2.3107]
29.	Within 90 days from the date of NMED's approval of the revised closure cost estimate (Estimate), the Permittee shall submit to NMED for approval its proposed financial assurance instrument(s) that meets the requirements below. a) The amount of financial assurance shall be sufficient to cover the cost of implementing complete closure as described in the closure plan and the Estimate required by Conditions 27 and 28 of this Discharge Permit. The Permittee shall not propose any form of self-guarantee. The financial assurance instrument(s) shall ensure that funds will be available to implement complete closure if at any time the Permittee is unable, unwilling, or otherwise fails to implement any portion of the closure plan as required by this Discharge Permit. If the financial assurance instrument(s) entails incremental costs of maintaining the instrument(s), i.e., costs for a trustee, the Permittee shall increase the amount of the financial assurance to include all such costs. b) The Permittee shall name NMED as the sole beneficiary in each financial assurance instrument(s). c) The financial assurance instrument(s) shall include a method for adjustments due to changes in inflation, new technologies, and NMED approved revisions to the closure plan based on continued investigations or other information and shall be adjusted no less frequently than every five years such that, at all times, the

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	amount of financial assurance provided by the Permittee shall be sufficient to perform complete closure at any time during the following five years from the update. d) Within 30 days after NMED approves the draft financial assurance instrument(s) the Permittee shall execute the financial assurance instrument and submit it to NMED for final acceptance. e) Within 30 days of the implementation of the financial assurance instrument(s), the Permittee shall establish a trust to receive and disburse funds, which may arise as the result of forfeiture of financial assurance. The trust shall name NMED as the beneficiary. The trust agreement shall be in a form satisfactory to the State Board of Finance and shall be subject to approval by the Governor pursuant to NMSA 1978, § 46-4-1 through 9. The Permittee shall maintain the trust until complete closure has occurred and NMED terminates any existing discharge permit in effect at the time. Upon forfeiture of financial assurance, the forfeited amount shall transfer from the financial assurance instrument into the trust for use by NMED or a third-party for any activities or costs related to complete closure. f) The Permittee may propose alternative financial assurance instrument(s) from time to time subject to NMED's written approval and acceptance. The Permittee shall not replace any approved financial assurance instrument(s) without NMED's written approval. g) Unless released by NMED in writing, the financial assurance instrument(s) shall remain in effect until complete closure and final termination of this Discharge Permit and shall remain in place at all times, including lapses in Discharge Permit coverage, late Discharge Permit renewal, or temporary shutdown of facilities covered under this Discharge Permit. h) Should circumstances warrant more frequent adjustments than provided for in the approved financial assurance instrument(s), NMED may require them in writing and the Permittee shall make the adjustment within 180 days. i) No more frequently than once every 12 months, the Permittee may request that NMED review remaining activities required for complete closure, including alternate closure activities that NMED has approved. The Permittee's request for review shall describe the activities that have been completed and shall contain an updated Estimate for all remaining complete closure activities. If NMED approves the Permittee's description of activities that have been completed, the remaining activities of complete closure, and the Estimate for remaining complete closure activities, NMED will notify the Permittee of appropriate adjustments that the Permittee may make to the amount of financial assurance.

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	When the WQCC revises the financial assurance regulations and those regulations become effective, the Permittee shall evaluate and, if necessary, revise the financial assurance instrument to comply with the revised WQCC regulations. [Subsection A of 20.6.2.3107]
30.	The Permittee shall adhere to the following stipulations for cancellation, non-renewal, forfeiture, or release of the financial assurance instrument(s). a) Cancellation or Non-renewal: Each financial assurance instrument shall require the financial assurance provider to give at least 120 days written notice to NMED and the Permittee prior to cancellation or non-renewal of the financial assurance instrument. If NMED receives notice of cancellation or non-renewal from a financial assurance provider, the Permittee shall propose an alternate financial assurance mechanism to NMED within 30 days of the notice. If NMED approves the alternate financial assurance mechanism, the Permittee shall execute it and submit it to NMED for final acceptance within 30 days of NMED approval. If the Permittee fails to obtain alternate financial assurance acceptable to NMED within 30 days of NMED approval, the current financial assurance shall be subject to forfeiture. b) Forfeiture: If NMED determines that implementation of all or any part of complete closure is required and that the Permittee is unable or unwilling or will otherwise fail to conduct all or any part of complete closure as required by this Discharge Permit, then NMED may proceed with forfeiture of all or part of the financial assurance. Prior to beginning a forfeiture proceeding, NMED will provide written notice by certified mail to the Permittee and to all financial assurance providers, if applicable. NMED's notice will inform the parties of the determination to forfeit all or a portion of the financial assurance. If NMED's access to the financial assurance is threatened due to time constraints, NMED may begin a forfeiture proceeding and provide written notice contemporaneously with that proceeding. NMED's written notice will state the reasons for the forfeiture and the amount to be forfeited. The forfeited amount shall be based on the total cost of performing complete closure in accordance with this Discharge Permit and all applicable laws and regulations. NMED will also advise the Permittee and all financial assurance providers, if applicable, of the conditions under which forfeiture may be avoided. Such conditions may include an agreement that the Permittee, a financial

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#	Terms and Conditions
	assurance provider, or an NMED-approved third party, will perform complete closure in accordance with this Discharge Permit and all applicable laws and regulations, and the entity has demonstrated it has the financial ability and technical qualifications to do so. All financial assurance forfeited shall become immediately payable to the trust or as otherwise provided in the NMED-approved instrument. NMED or a third-party will utilize forfeited funds to perform complete closure. If the forfeited amount is insufficient, the Permittee shall be liable for the remaining costs. If the amount forfeited is more than necessary to complete closure, NMED will refund the excess amount to the entity from whom it was collected. c) Release: NMED will release or modify the financial assurance instrument when NMED determines that all activities of complete closure have been performed according to the closure plan requirements of this Discharge Permit and the Discharge Permit has been terminated. [Subsection A of 20.6.2.3107]

Permanent Facility Closure Conditions

#	Terms and Conditions
31.	The Permittee shall perform the following closure measures in the event the Facility, or a component thereof, is proposed to be permanently closed. Within 60 days of ceasing to discharge to the impoundment(s), the Permittee shall plug the impoundment influent lines so that a discharge can no longer occur. Within 60 days of ceasing to discharge to the impoundment(s), the Permittee shall evaporate or drain all wastewater from the impoundment and any other wastewater system component and dispose of it in accordance with all local, state, and federal regulations. Within 90 days of ceasing to discharge to the impoundment(s), the Permittee shall submit a sludge removal and disposal plan, which includes soil sampling to characterize potential releases, to NMED for approval. The Permittee shall implement the plan within 30 days following approval by NMED. The sludge removal and disposal plan shall include the following information.

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	a) The estimated volume and dry weight of sludge planned for removal and disposal, including measurements and calculations. b) Analytical results for samples of the sludge taken from the impoundment for TKN, NO_3-N, percent total solids, and any other parameters tested (reported in mg/kg, dry weight basis). c) The method of sludge *removal* from the impoundment(s). d) The method of *disposal* for all the sludge (and its contents) removed from the impoundment(s). The method shall comply with all local, state and federal regulations, including 40 CFR Part 503. *Note: A proposal that includes the surface disposal of sludge may be subject to Groundwater Discharge Permitting requirements pursuant to 20.6.2.3104 NMAC that are separate from the requirements of this Discharge Permit*. e) The methods and extent of soil sampling to assess any potential releases associated with the impoundment(s). f) A schedule for completion of sludge removal and disposal not to exceed two years from the date discharge to the impoundment(s) ceased. Within <u>one year</u> following completion of the sludge removal and disposal, the Permittee shall complete the following closure measures. g) Remove all lines leading to and from the impoundment(s) or permanently plug and abandon the lines in place. h) Remove or demolish any other wastewater system components and re-grade area with suitable fill to blend with surface topography, promote positive drainage and prevent ponding. i) Characterize, remove, and dispose of all solids from the impoundments in accordance with local, state, and federal regulations, and maintain a record of solids transported for off-site disposal, including the volume of solids transported and the disposal location. j) Remove and dispose of the impoundment liners at a solid waste facility. k) Sample soil below the liners, assess the impact, report that assessment to NMED, and mitigate the impacts following NMED approval. l) Fill the impoundment(s) with suitable fill. m) Re-grade the impoundment site and the locations of ancillary equipment, e.g., influent piping, to blend with surface topography, promote positive drainage and prevent ponding. When the Permittee has met all closure and post-closure requirements and verified appropriate actions with date stamped photographic evidence or an associated NMED inspection, the Permittee may submit to NMED a written request, including photographic evidence, for termination of the Discharge Permit.

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	[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]

E. GENERAL TERMS AND CONDITIONS

#	Terms and Conditions
32.	RECORD KEEPING - The Permittee shall maintain a written record of the following: • Information and data used to complete the application for this Discharge Permit; • Information, data, and documents demonstrating completion of closure activities; • Any releases (commonly known as "spills") not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC; • The operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater; • Facility record drawings (plans and specifications) showing the actual construction of the Facility and bear the seal and signature of a licensed New Mexico professional engineer; • Copies of logs, inspection reports, and monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit; • The volume of wastewater or other wastes discharged pursuant to this Discharge Permit; • Groundwater quality and wastewater quality data collected pursuant to this Discharge Permit; • Copies of construction records (well log) for all sampled groundwater monitoring wells pursuant to this Discharge Permit; • The maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and • Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including: o the dates, location and times of sampling or field measurements; o the name and job title of the individuals who performed each sample collection or field measurement; o the sample analysis date of each sample; o the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis; o the analytical technique or method used to analyze each sample or collect each field measurement; o the results of each analysis or field measurement, including raw data; o the results of any split, spiked, duplicate or repeat sample; and

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	○ a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. The Permittee shall maintain the written record at a location accessible to NMED during a Facility inspection for a minimum of five years. The Permittee shall make the record available to NMED upon request. [Subsections A and D of 20.6.2.3107 NMAC]
33.	SUBMITTALS – The Permittee shall submit either a paper copy or an electronic copy of all notification and reporting documents required by this Discharge Permit, e.g., monitoring reports. The Permittee shall submit either paper or electronic documents to the NMED Permit Contact identified on the Permit cover page. [Subsection A of 20.6.2.3107 NMAC]
34.	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. 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. 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. [Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]
35.	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. [Subsection D of 20.6.2.3107 NMAC]
36.	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

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	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. [Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]
37.	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. 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. [Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]
38.	CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the Permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to $15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to $10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the Permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit. [20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]
39.	CRIMINAL PENALTIES – No person shall:

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	• Make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or maintained under the WQA; • Falsify, tamper with or render inaccurate any monitoring device, method or record maintained under the WQA; or • Fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation. 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. [20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]
40.	COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the Permittee of the obligation to comply with any other applicable federal, state, and/or local laws, regulations, zoning requirements, nuisance ordinances, permits or orders. [NMSA 1978, § 74-6-5.L]
41.	RIGHT to APPEAL - The Permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues raised and the relief sought. Unless the Permittee files a timely petition for review, the decision of NMED shall be final and not subject to judicial review. [20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]
42.	TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this Facility or any portion thereof, the Permittee shall:

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	• Notify the proposed transferee in writing of the existence of this Discharge Permit; • Include a copy of this Discharge Permit with the notice; and • Deliver or send by certified mail to NMED a copy of the notification and proof that the proposed transferee has received such notification. 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. [20.6.2.3111 NMAC]
43.	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. Permit fees are associated with issuance 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. [Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]

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New Mexico Environment Department Ground Water Quality Bureau
Discharge Permit Summary

Facility Information

Facility Name PNM La Luz Energy Center
Discharge Permit Number DP-1829

Legally Responsible Party
Seth Frederick, Environmental Engineer
Public Service Company of New Mexico
2401 Aztec Road NE, MS-Z100
Albuquerque, NM 87107
(505) 699-3257

Treatment, Disposal and Site Information

Primary Waste Type Industrial
Facility Type Power Plant

Discharge Locations

Type	Designation	Description & Comments
Impoundment #1	North Impoundment	Double synthetic liner equipped with leak detection and recovery systems, 1.25-acre surface area, 350'X170'X6'
Impoundment #2	South Impoundment	Double synthetic liner equipped with leak detection and recovery systems, 1.25-acre surface area, 350'X170'X6'

Flow Metering Locations

Type	Designation	Description & Comments
Gravity meter	Paddle Wheel Flow Transmitter	Northeast corner of the generator
Pumped meter	Paddle Wheel Flow Transmitter	Reverse Osmosis (RO) building

Depth-to-Ground Water 390 feet
Total Dissolved Solids (TDS) 796 mg/L

Permit Information

Original Permit Issued May 20, 2015
Permit Renewal March 19, 2021

Current Action **Permit Renewal**
Application Received September 22, 2025
Public Notice Published March 29, 2023
Permit Issued (Issuance Date) [issuance date]
Permitted Discharge Volume 47,520 gallons per day

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NMED Contact Information

Mailing Address	Ground Water Quality Bureau P.O. Box 5469 Santa Fe, New Mexico 87502-5469
GWQB Telephone Number	(505) 827-2900
NMED Lead Staff	Marchell Schuman
Lead Staff Telephone Number	(505) 795-3275
Lead Staff Email	marchell.schuman@env.nm.gov or pps.general@env.nm.gov

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New Mexico Environment Department Ground Water Quality Bureau
Discharge Permit Renewal

Summary of Permit Conditions Requiring an Action

PNM La Luz Energy Center, DP-1829
Effective Date: DATE

A. ONE-TIME REQUIRED ACTIONS

#	Description of Required Action	Due Date
1.	Sample wastewater for PFCs.	Within 2.5 years following the effective date **(by Date)**
2.	Collect a 24-hour flow weighted composite sample (except as noted for pH) of wastewater from North or South Impoundment and analyze the sample for inorganic contaminants (dissolved fraction, except as noted).	Twice within the permit period, August 1, 2027 and August 1, 2029
3.	Collect a 24-hour flow weighted composite sample (except as noted for pH) of wastewater from North or South Impoundment and analyze the non-filtered sample for organic contaminants.	Twice within the permit period, August 1, 2027 and August 1, 2029
4.	Submit a closure plan revision	Within 90 days following the effective date **(by DATE**)
5.	Submit a detailed REVISED cost estimate (Estimate)	Within 90 days from the date of NMED's approval of the revised closure plan
6.	Submit to NMED for approval its proposed financial assurance instrument(s)	Within 90 days from the date of NMED's approval of the revised closure cost estimate

B. RECURRING REQUIRED ACTIONS

#	Description of Required Action	Frequency	Reporting Due Dates
5.	Measure the monthly volume of wastewater discharged to the evaporative impoundment system.	Monthly	1st of February and August
6.	Submit the monthly meter readings and calculated monthly and average daily discharge volumes.	Semi-Annually	1st of February and August
7.	Verify flow meters for their accuracy under actual working (field) conditions.	annually	On an annual basis
8.	Visually inspect flow meters for evidence of malfunction.	Monthly	

NOTE: This document is intended as a reminder only. See Discharge Permit for full requirement details.

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Summary of Permit Conditions Requiring an Action

Submit reports to:

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

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Groundwater Discharge Permit Guidance for Synthetically Lined Lagoons – Liner Material and Site Preparation

This guidance document represents minimum liner material and site preparation requirements for wastewater treatment, storage and evaporation lagoons. These requirements do not apply to lagoons storing hazardous wastes or high strength waste. The Ground Water Quality Bureau may impose additional requirements (e.g., double-lined lagoons with leak detection) for facilities discharging hazardous or high strength waste to lagoons through the development of specific Discharge Permit conditions for such facilities.

Liner Material Requirements:

1. The liner shall be chemically compatible with any material that will contact the liner.
2. The liner material shall be resistant to deterioration by sunlight if any portion of the liner will be exposed.
3. Synthetic liner material shall be of sufficient thickness to have adequate tensile strength and tear and puncture resistance. Under no circumstances shall a synthetic liner material less than 40 mils in thickness be accepted. Any liner material shall be certified by a licensed New Mexico professional engineer and approved by the New Mexico Environment Department (NMED) prior to its installation.

Lagoon Design and Site Preparation Requirements:

1. The system shall be certified by a licensed New Mexico professional engineer and approved by NMED prior to installation.
2. Inside slopes shall be a maximum of 3 (horizontal): 1 (vertical), and a minimum of 4 (horizontal); 1 (vertical).
3. Lagoon volume shall be designed to allow for a minimum of 24 inches of freeboard.
4. The liner shall be installed with sufficient liner material to accommodate shrinkage due to temperature changes. Folds in the liner are not acceptable.
5. To a depth of at least six inches below the liner, the sub-grade shall be free of sharp rocks, vegetation and stubble. In addition, liners shall be placed on a sub-grade of sand or fine soil. The surface in contact with the liner shall be smooth to allow for good contact between liner and sub-grade. The surface shall be dry during liner installation.
6. Sub-grade shall be compacted to a minimum of 90% of standard proctor density.
7. The minimum dike width shall be eight feet to allow vehicle traffic for maintenance.
8. The base of the pond shall be as uniform as possible and shall not vary more than three inches from the average finished elevation.
9. Synthetic liners shall be anchored in an anchor trench in the top of the berm. The trench shall be a minimum of 12 inches wide, 12 inches deep and shall be set back at least 24 inches from the inside edge of the berm.
10. If the lagoon is installed over areas of decomposing organic materials or shallow groundwater, a liner vent system shall be installed.
11. Any opening in the liner through which a pipe or other fixture protrudes shall be properly sealed. Liner penetrations shall be detailed in the construction plans and record drawings.
12. A synthetic liner shall not be installed in temperatures below freezing.
13. The liner shall be installed or supervised by an individual that has the necessary training and experience as required by the liner manufacturer.
14. All manufacturer's installation and field seaming guidelines shall be followed.
15. All synthetic liner seams shall be field tested by the installer and verification of the adequacy of the seams shall be submitted to NMED along with the record drawings.
16. Concrete slabs installed on top of the synthetic liner for operational purposes shall be completed in accordance with manufacturer and installer recommendations to ensure liner integrity.

Sludge Disposal Management Plan Preparation Guidelines

A generator of sludge is required to prepare a Disposal Management Plan (DMP) prior to disposal of the sludge at a landfill or other approved disposal facility permitted to accept sludge. Prior to the landfill's acceptance of the sludge for disposal, a generator-specific DMP must be prepared by the generator of the sludge. The DMP must be reviewed and approved by the New Mexico Environment Department's (NMED) Solid Waste Bureau (SWB) prior to disposal of the sludge.

In accordance with the special waste requirements for sludge, as addressed under the New Mexico Solid Waste Rules (SWR), 20.9.8.16 NMAC, the following outline is provided to assist in the preparation of a DMP:

Title Page or Cover Letter on Company or Governmental Letterhead

Provide the facility name, address and location

Address Cover Letter and Mail to:

Manager, Enforcement Section
Resource Protection Compliance & Enforcement Bureau
New Mexico Environment Department
5401 Watson Dr. SE
Albuquerque, New Mexico 87106

Include a Table of Contents (optional, but suggested)

The Following Sections are Generally Required in the DMP:

A. Current Operations – Explain the current waste water or water treatment plant operations including type of operation; origin of sludge (e.g. city system, septic, supply well, or other); estimated sludge generation rate per year; current volume of stockpiled sludge, if applicable; explain how generated sludge will be stored or stockpiled prior to disposal (include estimated volume to be stored, and other details); provide anticipated volumes to be transported and frequency of disposal.

B. Disposal Facility – Identify the landfill(s) or other disposal facilities where sludge is to be disposed. Ensure disposal facilities are permitted to accept sludge and provide the physical address, state-issued permit number and identity of the facility operator. When available, attach copies of the correspondence between the disposal facility and the treatment plant operator. When included, such correspondence should demonstrate the disposal facility's awareness of the nature of the sludge, estimated quantity or volume, necessary sampling frequency and parameters for testing of the sludge, and the willingness to incorporate the terms of the DMP into the disposal facility's records and operations. The DMP should also include a description of the disposal method or alternate use of the sludge at the landfill (as indicated by the operator of the proposed disposal facility). Prior to transporting sludge to an approved disposal facility, a copy of the landfill operator's written acceptance of the DMP shall be provided to the SWB.

C. Sludge Transportation – Provide assurance that a current and properly registered commercial or special waste hauler authorized for the transport of sludge is proposed. If such a hauler has not been selected at the time of the DMP submittal, insert a statement in the DMP indicating that the identity of the proposed hauler will be provided to the SWB at least 10 days prior to commencement of hauling, thereby allowing the SWB time to verify the registration status of the hauler. If a hauler has been selected, identify the registered hauler by business name, address, certificate number and contact person. Assert that a special waste manifest meeting all the requirements of 20.9.8.19 NMAC will be used for each load of sludge to be transported, to include all necessary signatures, dates, addresses, telephone numbers, and permit or registration numbers. Assert that the generator will retain copies of both the originating and finalized manifests for a period of at least three years, and that such manifests will be made available to the SWB for inspection, upon request. Finally, indicate the truck route to each of the disposal facilities planned for use, beginning at the generating location (e.g., waste water or water treatment plant). While not required, it is preferred that a route map be attached.

D. Sludge Sampling and Analysis – Explain how collected sludge samples will be representative in nature (e.g., a number of grab samples will be collected and mixed together from various locations and depths from the drying bed or stockpile to comprise one representative sample, or a grab will be taken from the belt press just prior to tipping into the transporting truck and/ or storage container). Provide the frequency of sampling and analysis in order to meet the requirements under the SWR, 20.9.8.16.C(1) NMAC, which specifies one representative sample per 100 cubic yards. *[Note: An alternative sampling and analysis frequency can be approved by the SWB, but must be approved in writing and is typically an option that generally follows SWB review of laboratory reports from several rounds of sludge sampling, leading to a determination that the sludge is homogeneous. Such request must be specifically made by the generator in writing and submitted to the SWB under separate cover.]* Identify the analytical laboratory to perform the analysis by business name, address and telephone number, and provide a written assurance that the proposed laboratory follows QA/QC procedures in accordance with U.S. EPA approved methods. Include a statement acknowledging that all sludge analytical results require SWB approval prior to initial disposal and thereafter as indicated in the approved DMP.

The generator is required to test a representative sample of the sludge for the following parameters listed below, in accordance with the SWR, 20.9.8.16.D NMAC. Request from the selected laboratory the required analysis results, and when available, also request copies of the chain-of-custody form identifying the requested analyses and the laboratory's QA/QC report. These documents may be provided to the SWB under separate cover, or in the case of a new or revised DMP, as an attachment to the DMP.

Required Sludge Analysis Parameters [1]:

20.9.8.16.D. NMAC Prior to delivery of sludge to a solid waste facility for disposal, the generator shall test a representative sample for the following parameters to determine if it exceeds the specified limits below:

(1) no free liquids as determined by paint filter liquids test [1] (U.S. EPA test method 9095), ***unless exempt in accordance with 20.9.4.17 NMAC (Research, Development, and Demonstration Permits)***;
(2) percent solids (no specified limits) [1];
(3) pH, within the range of 2.0 to 12.5 [1];
(4) polychlorinated biphenyls (PCBs), ***less than 50 mg/Kg***; and

(5) toxicity characteristic leaching procedure (TCLP) (U.S. EPA test method 1311), for the following parameters and maximum allowable concentrations:

(a) arsenic, 5.0 mg/L [1];
(b) benzene, 0.5 mg/L;
(c) cadmium, 1.0 mg/L [1];
(d) chlordane, 0.03 mg/L;
(e) chromium, 5.0 mg/L [1];
(f) 2,4-Dichlorophenoxy-acetic acid, 10.0 mg/L;
(g) lead, 5.0 mg/L [1];
(h) lindane, 0.4 mg/L;
(i) mercury, 0.2 mg/L [1];
(j) methyl ethyl ketone, 200.0 mg/L; and
(k) toxaphene, 0.5 mg/L.

Prior to transporting sludge to an approved disposal facility, a copy of the laboratory analysis shall be provided to the SWB for review and approval.

E. Contingency Plan or Actions – Explain the actions necessary in the event of an unplanned release or spill and how the material will be contained, cleaned up, and how the spill area will be disinfected. This is also required by the registered sludge hauler while the waste is in transport and a similar incident is encountered.

F. Future Changes to the DMP Requires Notification – Insert an acknowledgement that any future changes or deviations from the terms and requirements of the approved DMP require prior notification to the SWB for review and approval.

G. Attachments – List and label all attached documents, including letters or other correspondence, maps, special waste manifest examples, laboratory reports and related documentation, and all other exhibited items.

[1] Reduced Parameter List for Water Treatment Sludge (e.g. cooling tower water, drinking water filter media), absent any reason to require additional parameters; SWB policy guidance from March 9, 2011 (revision).