



MICHELLE LUJAN GRISHAM  
GOVERNOR

JAMES C. KENNEY  
CABINET SECRETARY

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

December 16, 2025

Shawn Benavidez, Owner  
Rio Grande Septic Systems, Inc.  
P.O. Box 45983  
Rio Rancho, New Mexico 87174

**RE: Revised Draft Discharge Permit Renewal, DP-1871, San Ysidro Waste Site**

Dear Shawn Benavidez:

The New Mexico Environment Department (NMED) hereby provides notice to you of the proposed approval of Ground Water Discharge Permit Renewal, DP-1871, (copy enclosed), pursuant to Subsection H of 20.6.2.3108 NMAC. NMED will publish notice of the availability of the draft Discharge Permit in the near future for public review and comment and will forward a copy of that notice to you.

Prior to making a final ruling on the proposed Discharge Permit, NMED will allow 30 days from the date the public notice is published in the newspaper for any interested party, including the Discharge Permit applicant, i.e., yourself, to submit written comments and/or a request a public hearing. A hearing request shall set forth the reasons why a hearing is requested. NMED will hold a hearing in response to a timely hearing request if the NMED Secretary determines there is substantial public interest in the proposed Discharge Permit.

Please review the enclosed draft Discharge Permit carefully. Please be aware that this Discharge Permit may contain conditions that require the permittee to implement operational, monitoring or closure actions by a specified deadline.

Please submit written comments or a request for hearing to my attention at the address below, via email to [gerald.knutson@env.nm.gov](mailto:gerald.knutson@env.nm.gov) or to [pps.general@env.nm.gov](mailto:pps.general@env.nm.gov), or directly into the NMED Public Comment Portal at <https://nmed.commentinput.com/comment/search>. If NMED does not receive written comments or a request for hearing during the public comment period, the draft Discharge Permit will become final.

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

Sincerely,

Gerald Knutson, Water Resources Professional III

SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

Ground Water Quality Bureau | 1190 Saint Francis Drive, PO Box 5469, Santa Fe, New Mexico 87502-5469  
Telephone (505) 827-2900 | [www.env.nm.gov/gwqb/](http://www.env.nm.gov/gwqb/)

Shawn Benavidez  
December 16, 2025  
Page 2 of 2

enc: Revised Draft Discharge Permit Renewal, DP-1871

cc: Brecken Scott, brecken.scott@env.nm.gov  
Deborah Keller, office@riograndeseptic.com  
Deana Bennett, deana.bennett@modrall.com  
Lynn Slade, lynn.slade@modrall.com  
Stuart Butzier, sbutzier@modrall.com  
Katie Ahlrich, katie\_ahlrich@kindermorgan.com  
Chris Castillo, cecastillo@marathonpetroleum.com  
Christian Garza, cagarza@eprod.com



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



*Revised Draft: December 16, 2025*

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

<b>Facility Name:</b>	San Ysidro Waste Site
<b>Discharge Permit Number:</b>	DP-1871
<b>Facility Location:</b>	38 Sandia Drive San Ysidro, New Mexico Section 12, Township 15 North, Range 01 East
<b>County:</b>	Sandoval
<b>Permittee:</b>	Shawn Benavidez, Owner
<b>Mailing Address:</b>	Rio Grande Septic Systems, Inc. P.O. Box 45983 Rio Rancho, New Mexico 87174
<b>Facility Contact:</b>	Shawn Benavidez, Owner
<b>Telephone Number/Email:</b>	(505) 898-2017 / <a href="mailto:info@riograndeseptic.com">info@riograndeseptic.com</a>
<b>Permitting Action:</b>	Renewal
<b>Permit Issuance Date:</b>	DATE
<b>Permit Expiration Date:</b>	DATE
<b>NMED Permit Contact:</b>	Gerald Knutson, Water Resources Professional III
<b>Telephone Number/Email:</b>	(505) 660-7189 / <a href="mailto:gerald.knutson@env.nm.gov">gerald.knutson@env.nm.gov</a> or 505-827-2900 / <a href="mailto:pps.general@env.nm.gov">pps.general@env.nm.gov</a>

---

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

---

Date

**TABLE OF CONTENTS**

**I. INTRODUCTION ..... 1**

**II. FINDINGS ..... 3**

**III. AUTHORIZATION TO DISCHARGE ..... 3**

**IV. CONDITIONS ..... 4**

**A. OPERATIONAL PLAN ..... 4**

    Operational Actions with Implementation Deadlines ..... 4

    Operating Conditions – All Waste Types ..... 5

    Operating Conditions – Domestic Septage/Portable Toilet Waste ..... 7

    Operational Actions – Food Related Grease Trap/Interceptor Waste ..... 8

**B. MONITORING AND REPORTING ..... 9**

    Due Dates for Monitoring Reports ..... 9

    Facility Monitoring Conditions – All Waste Types ..... 9

    Facility Monitoring Conditions – Domestic Septage/Portable Toilet Waste ..... 10

    Facility Monitoring Conditions – Food Related Grease Trap/Interceptor Waste  
    ..... 11

**C. CONTINGENCY PLAN ..... 12**

    Facility Contingency Conditions – All Waste Types ..... 12

**D. CLOSURE PLAN ..... 14**

    Closure Actions with Implementation Deadlines ..... 14

    Permanent Facility Closure Conditions ..... 18

**E. GENERAL TERMS AND CONDITIONS ..... 19**

**ATTACHMENTS**

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

## I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this groundwater discharge permit Renewal (Discharge Permit or DP-1871) to Rio Grande Septic Systems, Inc. (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 contaminants to the San Ysidro Waste Site (Facility) in order to protect groundwater and those segments of surface water gaining from groundwater inflow for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health. It is NMED's determination in issuing this Discharge Permit that the Permittee has met the requirements of Subsection C of 20.6.2.3109 NMAC. The Permittee is responsible for complying with the terms and conditions of this Discharge Permit pursuant to Section 20.6.2.3104 NMAC; failure to do so may result in enforcement action by NMED (20.6.2.1220 NMAC).

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

The Facility receives and disposes of domestic septage/portable toilet waste and food-related grease trap/interceptor waste at a volume of up to 9,999 gallons per day (gpd) to a 40-acre facility.

### Discharge Permit Location Information:

Physical Address	38 Sandia Drive
Nearest Town/City	Approximately 1 mile southwest of San Ysidro
Section, Township, Range	Section 12, Township 15 North, Range 01 East
County	Sandoval
Depth to Groundwater	80 feet
Pre-Discharge TDS	1,400 milligrams per liter (mg/L)

### Discharge Permit Issuance History:

Original Permit Issuance	March 8, 2019
--------------------------	---------------

The application (i.e., discharge plan) associated with this Discharge Permit consists of the materials submitted by the Permittee dated October 11, 2023, 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.

This Discharge Permit requires 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, or a portion of the Facility, ceases to operate. The Closure Plan shall include a detailed description of all closure and post-closure maintenance and inspection procedures. The Permittee's obligation to implement the Closure Plan and associated permit requirements survives the termination or expiration of this Discharge Permit. The Permittee may implement and complete portions of the Closure Plan prior to the cessation of the operation of the Facility.

This Discharge Permit requires financial assurance requirements associated with closure of the structures associated with the Permit, including a requirement to produce a closure cost estimate intended to sufficiently identify the cost of implementing all aspects of closure as described in the Closure Plan. This Discharge Permit requires the establishment of a financial assurance instrument intended to cover all closure costs as identified in the closure cost estimate. This Discharge Permit requires the maintenance of financial assurance during the term of this Discharge Permit and until successful accomplishment of all closure activities.

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
CAP	Corrective Action Plan	NMED	New Mexico Environment Department
CFR	Code of Federal Regulations	NMSA	New Mexico Statutes Annotated
EPA	United States Environmental Protection Agency	NO <sub>3</sub> -N	nitrate-nitrogen
gpd	gallons per day	QA/QC	Quality Assurance/Quality Control
LAA	land application area	SDDS	Surface Disposal Data Sheet
LADS	Land Application Data Sheet(s)	TKN	total Kjeldahl nitrogen
mg/L	milligrams per liter	total nitrogen	= TKN + NO <sub>3</sub> -N

Abbreviation	Explanation		Abbreviation	Explanation
mL	milliliters		WQA	New Mexico Water Quality Act
NMAC	New Mexico Administrative Code		WQCC	Water Quality Control Commission

## 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 a combined total volume of 9,999 gpd of domestic septage/portable toilet waste and food-related grease trap/interceptor waste to a 40-acre disposal facility as described below:

- domestic septage and portable toilet waste are discharged to six surface disposal cells (totaling 27.56 acres in their current configuration) on a rotational basis. The Permittee is authorized to discharge domestic septage and portable toilet waste up to a maximum of 33.12 acres;
- food-related grease trap/interceptor waste is received and dewatered at the Facility. The aqueous portion of food-related grease trap/interceptor waste (aqueous waste) may be discharged to a 5.74-acre surface disposal cell (in its current configuration) located at the southwest corner of the Facility. The Permittee is authorized to discharge the aqueous wastewater up to a maximum of 6.88 acres in the southern half of the 40-acre tract;

- the Permittee is authorized to install additional septage/portable toilet waste and food-related grease trap/interceptor waste surface disposal cells so that total nitrogen applied to the Facility will not exceed 200 pounds per acre in any 12-month period; and
- the Permittee shall dispose of the dewatered food-related grease trap/interceptor waste, i.e., solids, off-site in accordance with all local, state, and federal regulations.

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

**IV. CONDITIONS**

NMED issues this Discharge Permit for the discharge of 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 the 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]

***Operational Actions with Implementation Deadlines***

#	Terms and Conditions
3.	Within 180 days following the issuance date of this Discharge Permit ( <b>by DATE</b> ), the Permittee shall submit to NMED an up-to-date scaled map of the entire Facility. The Permittee shall develop the map using information obtained from a survey of the entire Facility. The Permittee shall draw the map to scale and include the following elements and necessary labels: <ul style="list-style-type: none"> <li>• a graphical scale;</li> <li>• a north arrow;</li> <li>• the issuance date of the map;</li> <li>• all domestic septage/portable toilet waste surface disposal cell(s);</li> <li>• all food-related grease trap/interceptor waste surface disposal cell(s); and</li> </ul>

#	Terms and Conditions
	<ul style="list-style-type: none"> <li>all vehicle accesses, i.e., roads, to and between the surface disposal cell(s).</li> </ul> <p>The survey shall reference a U.S. Geological Survey (USGS) or another permanent benchmark. Survey data shall include northing, easting and shall be in accordance with the "Minimum Standards for Surveying in New Mexico" (12.8.2 NMAC). The survey shall establish a survey elevation with a permanent on-site marker indicating the elevation point. The survey shall bear the seal and signature of a licensed New Mexico professional surveyor.). The survey shall conform with all requirements and comply with all accuracy standards in accordance with the New Mexico Engineering and Surveying Practice Act, NMSA 1978, §§ 61-23-1 through -36, and the rules promulgated under that authority.</p> <p>If, due to capacity concerns, the Permittee needs to expand and install additional surface disposal cells during the term of this Discharge Permit, the Permittee shall submit a revised up-to-date diagram of the layout of the entire facility to NMED for review and approval. The Permittee shall not proceed with installing additional cells until it obtains approval from NMED.</p> <p>[Subsection C of 20.6.2.3106 NMAC, Subsection A of 20.6.2.3107 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
4.	<p>Prior to discharging to additional surface disposal cells, the Permittee shall install an 18 to 24-inch earthen berm surrounding the perimeter of each cell to prevent run-on and run-off from a storm event.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

**Operating Conditions – All Waste Types**

#	Terms and Conditions
5.	<p>To prevent surface water run-on and run-off at the Facility, the Permittee shall maintain earthen berms surrounding the perimeter of the Facility and in-between the surface disposal cells that are 18 to 24 inches above natural grade.</p> <p>In place of a berm across the Facility entrance, the Permittee shall construct and maintain shallow (minimum depth of six inches) stormwater diversion trenches parallel to and on each side of the Facility entrance gate. The Permittee shall maintain all berms and trenches until termination of this Discharge Permit and the Permittee has completed all closure actions required by conditions.</p>

#	Terms and Conditions
	<p>The Permittee shall inspect the berms on a regular basis and after any major rainfall event and repair as necessary.</p> <p>The Permittee shall keep a log of the inspection findings and repairs that includes the date of the inspection and the name of the person responsible for the inspection and shall make the log available to NMED upon request.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
6.	<p>The Permittee shall maintain fences around the entire Facility to restrict access by the general public and animals. The fences shall consist of a minimum of three stranded barbed wire and a locking gate. The Permittee shall maintain the fences to serve the stated purpose throughout the term of this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
7.	<p>The Permittee shall maintain the following signs at the following locations:</p> <ul style="list-style-type: none"><li>• Signs posted at the disposal site entrance and every 500 feet along the Facility's boundary that state: "Notice: Waste Disposal Area - KEEP OUT" and "Aviso: Área de Disposición - NO ENTRAR".</li><li>• A sign posted at the entrance gate with the following information:<ul style="list-style-type: none"><li>○ the name of the Facility,</li><li>○ the name of a Facility contact person,</li><li>○ the office phone number of the contact person,</li><li>○ the emergency contact phone number for the Facility,</li><li>○ New Mexico Environment Department, Discharge Permit #800 – dial 505-827-2900, and</li></ul></li><li>• a sign at the boundary of each cell to identify the cell number and the waste type the Permittee is authorized to discharge to the cell.</li></ul> <p>All signs shall be weatherproof and remain legible for the term of this Discharge Permit.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>
8.	<p>The Permittee shall not combine domestic septage/portable toilet waste and food-related grease trap/interceptor waste. The Permittee shall dispose of waste in separate cells that receive only a single designated waste type.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>

#	Terms and Conditions
9.	<p>The Permittee shall inspect the Facility weekly and collect any residual solid waste (trash) at the Facility. The Permittee shall dispose of the collected materials in a manner consistent with all local, state, and federal regulations.</p> <p>The Permittee shall keep a log of the residual solid waste inspections that includes the date of the inspection and the name of the person responsible for the inspection. The Permittee shall make the inspection log available to NMED upon request.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections B and C of 20.6.2.3109 NMAC]</p>
10.	<p>The Permittee shall not discharge domestic septage/portable toilet waste and food-related grease trap/interceptor waste during periods of precipitation or when surface soils are frozen or saturated. The Permittee may store the waste(s) on-site in tanker trucks during these periods.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
11.	<p>The Permittee shall ensure a manifest exists for each load of waste received. The manifest shall record the following information:</p> <ul style="list-style-type: none"> <li>• name of the hauling company;</li> <li>• date of receipt;</li> <li>• name(s) and address(es) of the waste origin;</li> <li>• type of waste (domestic septage, portable toilet waste, or food-related grease trap/interceptor waste);</li> <li>• volume of waste;</li> <li>• confirmation of inspection for acceptable waste type;</li> <li>• signature of person conducting the inspection; and</li> <li>• cell identification where the waste is discharged.</li> </ul> <p>Manifests shall be kept at a central location and made available for inspection by NMED upon request.</p> <p>[20.6.2.3107 NMAC]</p>

***Operating Conditions – Domestic Septage/Portable Toilet Waste***

12.	<p>The Permittee shall apply domestic septage and portable toilet waste to the six surface disposal cells dedicated to receive domestic septage/portable toilet on a rotational basis. The Permittee shall incorporate the domestic septage/portable toilet waste into the soil before the end of each operating day. The Permittee shall minimize ponding of</p>
-----	---

	<p>septage/waste. The Permittee shall achieve a manner of vector attraction reduction (VAR) pursuant to 40 CFR Part 503. The Permittee shall select a VAR option from 40 CFR Part 503.33(b).</p> <p>The Permittee shall keep records describing the VAR method utilized and the date and time the Permittee completes incorporation of the domestic septage/portable toilet waste into the soil and make them available to NMED upon request.</p> <p>[Subsections B and C 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D, 40 CFR 503]</p>
13.	<p>The Permittee shall discharge domestic septage and portable toilet waste to the six surface disposal cells such that the amount of total nitrogen discharged does not exceed 200 pounds per acre in any 12-month period. The Permittee shall distribute septage/waste evenly throughout each cell.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>

**Operational Actions – Food Related Grease Trap/Interceptor Waste**

14.	<p>The Permittee shall separate the aqueous portion of the food-related grease trap/interceptor waste received at the Facility from the non-aqueous portion (i.e., grease/oil and settleable solids) using dewatering equipment (FOG tank) designed to achieve at least 90% separation of grease/oil and solids from the aqueous portion. The Permittee shall apply the aqueous waste of the grease trap/interceptor waste to the disposal cell dedicated to aqueous waste. The Permittee shall incorporate the aqueous waste into the soil by disking before the end of each operating day. The Permittee shall minimize ponding of the liquid waste in the cell.</p> <p>The Permittee shall record on the manifest the date and time surface disposal occurred and the date and time the Permittee completes incorporation of the aqueous portion of grease trap/interceptor waste into the soil. The Permittee shall dispose of the dewatered grease trap/interceptor waste off-site in accordance with all local, state, and federal waste disposal regulations.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
15.	<p>The Permittee shall discharge the aqueous waste to the surface disposal cell such that the amount of total nitrogen discharged does not exceed 200 pounds per acre in any 12-month period. The Permittee shall distribute the aqueous waste evenly throughout each disposal cell.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>

**B. MONITORING AND REPORTING**

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

***Due Dates for Monitoring Reports***

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

***Facility Monitoring Conditions – All Waste Types***

#	Terms and Conditions
19.	<p>The Permittee shall maintain a monthly log/summary for each waste type detailing waste discharged to the Facility. The log shall include the following information:</p> <ul style="list-style-type: none"> <li>• name of hauling company;</li> <li>• date of receipt;</li> <li>• origin of waste (name/address);</li> <li>• waste type (domestic septage, portable toilet waste, or food-related grease trap/interceptor waste);</li> <li>• volume of waste; and</li> </ul>

#	Terms and Conditions
	<ul style="list-style-type: none"> <li>• surface disposal cell identification and location within the cell where the waste is discharged.</li> </ul> <p>The Permittee shall submit copies of the monthly logs for domestic septage/portable toilet waste and food-related grease trap/interceptor waste to NMED in the semi-annual monitoring reports.</p> <p>[20.6.2.3107 NMAC]</p>

**Facility Monitoring Conditions – Domestic Septage/Portable Toilet Waste**

#	Terms and Conditions
20.	<p>The Permittee shall, on a monthly basis, complete a Surface Disposal Data Sheet for Septage (SDDS-Septage, attached) to document the amount of nitrogen in domestic septage/portable toilet waste discharged to <i>each</i> septage disposal cell. The Permittee shall complete a SDDS for each cell and shall reflect the volume and total nitrogen concentration of waste discharged to the disposal cells for each month. To determine the amount of nitrogen in septage/waste applied, the Permittee may assume a total nitrogen concentration of 600 mg/L, based on average characteristics of septage (Guide to Septage Treatment and Disposal, EPA/625/R-94-002), or may use a total nitrogen value from the laboratory analysis of a composite sample from a minimum of six waste loads semi-annually using a sampling protocol approved by NMED prior to sample collection.</p> <p>The Permittee shall not adjust the nitrogen content to account for volatilization or mineralization processes. If the Permittee derives the total nitrogen value from laboratory analysis, the Permittee shall submit the analytical results, including the laboratory QA/QC summary report and Chain of Custody, to NMED in the semi-annual monitoring reports.</p> <p>The Permittee shall submit SDDSs, or a statement that no surface disposal occurred within the cell(s), to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 and Subsection H of 20.6.2.3109 NMAC]</p>

**Facility Monitoring Conditions – Food Related Grease Trap/Interceptor Waste**

#	Terms and Conditions
21.	<p>The Permittee shall estimate the volume of the aqueous waste applied to the food-related grease trap/interceptor waste disposal cell on a monthly basis at 90 percent of the total volume of grease trap/interceptor waste received as documented in the manifests prepared for each waste load received.</p> <p>A summary of the estimated volume of aqueous waste applied to the disposal cell shall be submitted to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 and Subsection H of 20.6.2.3109 NMAC]</p>
22.	<p>The Permittee shall sample the aqueous portion of grease trap/interceptor waste following separation from the non-aqueous portion prior to disposal and analyze the samples for TKN, NO<sub>3</sub>-N, and total suspended solids (TSS) using standard methods, and for fats, oil, and grease (FOG) using EPA Method 1664A. The Permittee shall collect samples of the aqueous waste from the FOG Tank and prior to discharge at the surface disposal cell.</p> <p>The Permittee shall ensure the samples are properly prepared, preserved, transported, and analyzed in accordance with the methods authorized in this Discharge Permit. The Permittee shall submit analytical results, including the laboratory QA/QC summary report and Chain of Custody, reported in mg/L for TKN, NO<sub>3</sub>-N, TSS, and FOG, to NMED in the subsequent semi-annual monitoring report.</p> <p>[Subsection A of 20.6.2.3107 NMAC and Subsection H of 20.6.2.3109]</p>
23.	<p>The Permittee shall, on a monthly basis, document the amount of nitrogen in the aqueous waste applied to the dedicated surface disposal cell by completing a SDDS (SDDS-Grease, attached). The Permittee shall complete the SDDS for the cell and shall reflect the volume of aqueous waste disposed each month and the total nitrogen concentration from the most recent analysis required by Condition 22.</p> <p>The Permittee shall submit the SDDS, or a statement that no surface disposal occurred within the cell, to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC and Subsection H of 20.6.2.3109NMAC]</p>
24.	<p>The Permittee shall prepare a report that details the removal of food-related non-aqueous grease trap/interceptor waste temporarily stored at the facility following liquid/solids separation. The removal report shall include the following information:</p> <ul style="list-style-type: none"><li>• Date of removal of the non-aqueous waste;</li></ul>

#	Terms and Conditions
	<ul style="list-style-type: none"> <li>• Volume of non-aqueous waste material removed; and</li> <li>• Address and contact information of the disposal facility that received the non-aqueous grease waste for disposal or recycling.</li> </ul> <p>The permittee shall dispose of non-aqueous grease trap/interceptor waste in accordance with all local, state, and federal waste disposal regulations.</p> <p>The Permittee shall submit the report, or a statement that no non-aqueous waste was removed from the Facility, to NMED in the semi-annual monitoring reports.</p> <p>[20.6.2.3107 NMAC]</p>

**C. CONTINGENCY PLAN**

***Facility Contingency Conditions – All Waste Types***

#	Terms and Conditions
25.	<p>In the event that groundwater exceeds a groundwater protection standard identified in Section 20.6.2.3103 NMAC as a result of this discharge, 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.</p> <p>The NMED may require the Permittee to abate water pollution consistent with the requirements and provisions of Section 20.6.2.4101, Section 20.6.2.4103, Subsections C and E of 20.6.2.4106, Section 20.6.2.4107, Section 20.6.2.4108, and Section 20.6.2.4112 NMAC.</p> <p>[20.6.2.3103 NMAC, Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>
26.	<p>In the event that a SDDS for any cell shows that the amount of nitrogen applied in any 12-month period exceeds 200 pounds per acre, the Permittee shall propose the reduction of nitrogen loading to the affected cell by submitting a CAP to NMED for approval. The Permittee shall submit the CAP, including a schedule for completion of corrective actions, within 90 days following the end of the monitoring period in which the exceedance occurred. The Permittee shall initiate implementation of the CAP following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

#	Terms and Conditions
27.	<p>In the event that a release occurs that is not authorized under this Discharge Permit (commonly known as a “spill”), the Permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below. A release is defined as such quantity as may with reasonable probability injure or be detrimental to human health, animal or plant life, or property, or unreasonably interfere with the public welfare or the use of property.</p> <p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the Permittee shall verbally notify NMED and provide the following information.</p> <ul style="list-style-type: none"><li>a) The name, address, and telephone number of the person or persons in charge of the Facility, as well as of the owner and/or operator of the Facility.</li><li>b) The name and address of the Facility.</li><li>c) The date, time, location, and duration of the unauthorized discharge.</li><li>d) The source and cause of unauthorized discharge.</li><li>e) A description of the unauthorized discharge, including its estimated chemical composition.</li><li>f) The estimated volume of the unauthorized discharge.</li><li>g) Any actions taken to mitigate immediate damage from the unauthorized discharge.</li></ul> <p>Within <u>one week</u> following discovery of the unauthorized discharge, the Permittee shall submit written notification to NMED providing the information listed above and any pertinent updates.</p> <p>Within <u>15 days</u> following discovery of the unauthorized discharge, the Permittee shall submit a CAP to NMED describing any corrective actions previously taken and corrective actions to be taken relative to the unauthorized discharge. The CAP shall include the following information.</p> <ul style="list-style-type: none"><li>a) A description of proposed actions to mitigate damage from the unauthorized discharge.</li><li>b) A description of proposed actions to prevent future unauthorized discharges of this nature.</li><li>c) A schedule for completion of proposed actions.</li></ul> <p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, NMED may require the Permittee to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p>

#	Terms and Conditions
	<p>The Permittee shall not construe anything in this condition as relieving them of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC.</p> <p>[20.6.2.1203 NMAC]</p>
28.	<p>In the event that NMED or the Permittee identifies any failures of the discharge plan, i.e., the application, or this Discharge Permit not specifically noted herein, NMED may require the Permittee to submit a CAP and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a discharge permit modification to achieve compliance with 20.6.2 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>

**D. CLOSURE PLAN**

***Closure Actions with Implementation Deadlines***

#	Terms and Conditions
29.	<p>Within nine (9) months of the issuance date of this Discharge Permit (<b>by DATE</b>), the Permittee shall submit a detailed closure plan for NMED’s approval to prevent the exceedance of standards of 20.6.2.3103 NMAC in groundwater after the cessation of operation. The closure plan shall include at least a 30% level of design, a description of closure measures, maintenance and monitoring plans, post-closure maintenance and monitoring plans, and other measures necessary to prevent or abate such contamination, e.g., a corrective action plan.</p> <p>The Permittee shall ensure that the closure plan sufficiently addresses the steps necessary to close the Facility. Further, the detailed closure plan shall address restoration of vegetation and all post-closure activities.</p> <p>The Permittee shall ensure, as necessary, that the closure plan addresses all necessary corrective actions, that at a minimum addresses action 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.</p> <p>The Permittee shall ensure that the closure plan addresses post-closure care required under the Discharge Permit. NMED considers all closure and post-closure activities to constitute “complete closure.”</p>

#	Terms and Conditions
	<p>The Permittee shall ensure the closure plan has sufficient detail to estimate the cost of complete closure of all waste related infrastructure, and all necessary corrective actions for the purpose of establishing and maintaining financial assurance.</p> <p>[Subsection A of 20.6.2.3107]</p>
30.	<p>Within 90 days from the date of NMED’s approval of the closure plan, the Permittee shall submit a detailed cost estimate (Estimate) for NMED’s approval based on the detailed closure plan for complete closure required by Condition 29. 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.</p> <p>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.</p> <p>[Subsection A of 20.6.2.3107]</p>
31.	<p>Within 90 days from the date of NMED’s approval of the closure cost estimate (Estimate), the Permittee shall submit to NMED for approval its proposed financial assurance instrument(s) that meets the requirements below.</p> <p>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 29 and 30 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.</p> <p>b) The Permittee shall name NMED as the sole beneficiary in each financial assurance</p>

#	Terms and Conditions
	<p>instrument(s).</p> <ul style="list-style-type: none"><li>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 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.</li><li>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.</li><li>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.</li><li>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.</li><li>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 .</li><li>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.</li><li>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.</li></ul> <p>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</p>

#	Terms and Conditions
	<p>closure activities, NMED will notify the Permittee of appropriate adjustments that the Permittee may make to the amount of financial assurance.</p> <p>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.</p> <p>[Subsection A of 20.6.2.3107]</p>
32.	<p>The Permittee shall adhere to the following stipulations for cancellation, non-renewal, forfeiture, or release of the financial assurance instrument(s).</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>

#	Terms and Conditions
	<p>Such conditions may include an agreement that the Permittee, a financial 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.</p> <p>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.</p> <p>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.</p> <p>[Subsection A of 20.6.2.3107]</p>

***Permanent Facility Closure Conditions***

#	Terms and Conditions
33.	<p>Within one year of the closure of the Facility, the Permittee shall perform the following closure measures:</p> <ul style="list-style-type: none"> <li>a) Disposal of the non-aqueous portion of food related grease trap/interceptor waste stored at the Facility in accordance with this Discharge Permit.</li> <li>b) Removal of the FOG Tank.</li> <li>c) Re-grade all surface disposal cells to allow for positive storm water drainage.</li> <li>d) Re-vegetate the disposal site by establishing a vegetative cover equal to 70% of the native perennial vegetative cover consisting of at least three native plant species including at least one grass, but not including noxious weeds. The Permittee shall maintain the vegetative cover through three consecutive growing seasons.</li> <li>e) Following re-seeding of the disposal site, the Permittee shall maintain the perimeter fencing and security gate for a minimum of three years to prevent unauthorized access.</li> </ul> <p>When all closure requirements have been met, the Permittee may request to terminate the Discharge Permit.</p>

#	Terms and Conditions
	[Subsection A of 20.6.2.3107 NMAC]

**E. GENERAL TERMS AND CONDITIONS**

#	Terms and Conditions
34.	<p>RECORD KEEPING - The Permittee shall maintain a written record of the following:</p> <ul style="list-style-type: none"> <li>• Information and data used to complete the application for this Discharge Permit;</li> <li>• Information, data, and documents demonstrating completion of closure activities;</li> <li>• Any releases (commonly known as “spills”) not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC;</li> <li>• Copies of logs, inspection reports, and monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit;</li> <li>• The volume of wastes discharged pursuant to this Discharge Permit; and</li> <li>• Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including:             <ul style="list-style-type: none"> <li>○ the dates, locations, and times of sampling or field measurements;</li> <li>○ the name and job title of the individuals who performed each sample collection or field measurement;</li> <li>○ the sample analysis date of each sample;</li> <li>○ the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis;</li> <li>○ the analytical technique or method used to analyze each sample or collect each field measurement;</li> <li>○ the results of each analysis or field measurement, including raw data;</li> <li>○ the results of any split, spiked, duplicate, or repeat sample; and</li> <li>○ a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used.</li> </ul> </li> </ul> <p>The Permittee shall maintain the written record at a location accessible to NMED during a Facility inspection for a minimum of five years. The Permittee shall make the record available to NMED upon request.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>
35.	<p>SUBMITTALS - The Permittee shall submit both a paper copy and an electronic copy of all notification and reporting documents required by this Discharge Permit, e.g., monitoring reports. The Permittee shall submit paper and electronic documents to the NMED Permit Contact identified on the Permit cover page.</p>

#	Terms and Conditions
	<p>[Subsection A of 20.6.2.3107 NMAC]</p>
36.	<p>INSPECTION and ENTRY - The Permittee shall allow NMED to inspect the Facility and its operations that are subject to this Discharge Permit and the WQCC regulations. NMED may, upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which any maintained records required by this Discharge Permit, the regulations of the federal government, or the WQCC are located.</p> <p>The Permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling or monitoring during an inspection for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations.</p> <p>No person shall construe anything in this Discharge Permit as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state, or federal regulations.</p> <p>[Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>
37.	<p>DUTY to PROVIDE INFORMATION - The Permittee shall, upon NMED's request, allow for NMED's inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.</p> <p>[Subsection D of 20.6.2.3107 NMAC]</p>
38.	<p>MODIFICATIONS and/or AMENDMENTS - In the event the Permittee proposes a change to the Facility or the Facility's discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated, or discharged by the Facility, the Permittee shall notify NMED prior to implementing such changes. The Permittee shall obtain NMED's approval (which may require modification of this Discharge Permit) prior to implementing such changes.</p> <p>[Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]</p>
39.	<p>PLANS and SPECIFICATIONS - In the event the Permittee proposes to change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the Permittee shall submit construction plans and specifications of the proposed system or process unit to NMED for approval prior to the commencement of construction.</p>

#	Terms and Conditions
	<p>In the event the Permittee implements changes to the wastewater system authorized by this Discharge Permit that result in only a minor effect on the character of the discharge, the Permittee shall report such changes (including the submission of record drawings where applicable) to NMED prior to implementation.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
40.	<p>CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the Permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the Permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]</p>
41.	<p>CRIMINAL PENALTIES - No person shall:</p> <ul style="list-style-type: none"> <li>• Make any false material statement, representation, certification, or omission of material fact in an application, record, report, plan, or other document filed, submitted, or maintained under the WQA;</li> <li>• Falsify, tamper with, or render inaccurate any monitoring device, method, or record maintained under the WQA; or</li> <li>• Fail to monitor, sample, or report as required by a permit issued pursuant to a state or federal law or regulation.</li> </ul> <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this</p>

#	Terms and Conditions
	<p>condition and thereby causes a substantial adverse environmental impact is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
42.	<p>COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the Permittee of the obligation to comply with any other applicable federal, state, and/or local laws, regulations, zoning requirements, nuisance ordinances, permits, or orders.</p> <p>[NMSA 1978, § 74-6-5.L]</p>
43.	<p>RIGHT to APPEAL - The Permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues raised and the relief sought. Unless the Permittee files a timely petition for review, the decision of NMED shall be final and not subject to judicial review.</p> <p>[20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]</p>
44.	<p>TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this Facility or any portion thereof, the Permittee shall:</p> <ul style="list-style-type: none"><li>• Notify the proposed transferee in writing of the existence of this Discharge Permit;</li><li>• Include a copy of this Discharge Permit with the notice; and</li><li>• Deliver or send by certified mail to NMED a copy of the notification and proof that the proposed transferee has received such notification.</li></ul> <p>The Permittee shall continue to be responsible for any discharge from the Facility, until both ownership and possession of the Facility have been transferred to the transferee.</p> <p>[20.6.2.3111 NMAC]</p>
45.	<p>PERMIT FEES - The Permittee shall be aware that the payment of permit fees is due at the time of Discharge Permit approval. The Permittee may pay the permit fees in a single payment or they may pay the fee in equal installments on a yearly basis over the term of the Discharge Permit. The Permittee shall remit single payments to NMED no later than 30 days after the Discharge Permit issuance date. The Permittee shall remit initial installment payments to NMED no later than 30 days after the Discharge Permit issuance</p>

#	Terms and Conditions
	<p>date; with subsequent installment payments remitted to NMED no later than the anniversary of the Discharge Permit issuance date.</p> <p>Permit fees are associated with <u>issuance</u> of this Discharge Permit. No person shall construe anything in this Discharge Permit as relieving the Permittee of the obligation to pay all permit fees assessed by NMED. A Permittee that ceases discharging or does not commence discharging from the Facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. NMED shall suspend or terminate an approved Discharge Permit if the Permittee fails to remit an installment payment by its due date.</p> <p>[Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]</p>

draft





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

### Facility Information

<b>Facility Name</b>	San Ysidro Waste Site
<b>Discharge Permit Number</b>	DP-1871
<b>Legally Responsible Party</b>	Shawn Benavidez, Owner Rio Grande Septic Systems, Inc. P.O. Box 45983 Rio Rancho, New Mexico 87174 (505) 898-2017

### Treatment, Disposal and Site Information

<b>Primary Waste Type</b>	Domestic Septage/Portable Toilet Waste/ Food-Related Fats, Oil, and Grease (FOG)
<b>Facility Type</b>	Surface Disposal

#### Treatment Methods

Type	Designation	Description & Comments
Holding Tank	FOG Tank	Food-related grease trap/interceptor waste is discharged to the FOG tank. The aqueous portion of the grease trap/interceptor waste is decanted from the tank and the dewatered waste is hauled off-site.

#### Discharge Locations

Type	Designation	Description & Comments
Surface Disposal	SD-Cell #1	A 3.44-acre cell designated to receive domestic septage and portable toilet waste.
Surface Disposal	SD-Cell #2	A 3.44-acre cell designated to receive domestic septage and portable toilet waste.
Surface Disposal	SD-Cell #3	A 4.84-acre cell designated to receive domestic septage and portable toilet waste.
Surface Disposal	SD-Cell #4	A 4.84-acre cell designated to receive domestic septage and portable toilet waste.
Surface Disposal	SD-Cell #5	A 5.5-acre cell designated to receive domestic septage and portable toilet waste.
Surface Disposal	SD-Cell #6	A 5.5-acre cell designated to receive domestic septage and portable toilet waste.
Surface Disposal	SD-Cell(s)	The Permittee is authorized to install additional cell(s) designated to receive domestic septage and portable toilet waste.
Surface Disposal	FOG-Cell #1	A 5.74-acre cell designated to receive the aqueous portion of the grease trap/interceptor waste.
Surface Disposal	FPG-Cell	The Permittee is authorized to install additional cell(s) designated to receive the aqueous portion of the grease trap/interceptor waste.



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

---

**Depth-to-Ground Water** 80 feet  
**Total Dissolved Solids (TDS)** 1,400 mg/L

---

### Permit Information

<b>Original Permit Issued</b>	March 8, 2019
<b>Current Action</b>	<b>Permit Renewal</b>
Application Received	October 11, 2023
Public Notice Published	August 30, 2024
Permit Issued (Issuance Date)	[issuance date]
Permitted Discharge Volume	9,999 gallons per day

---

### NMED Contact Information

<b>Mailing Address</b>	Ground Water Quality Bureau P.O. Box 5469 Santa Fe, New Mexico 87502-5469
<b>GWQB Telephone Number</b>	(505) 827-2900
<b>NMED Lead Staff</b>	Gerald Knutson
<b>Lead Staff Telephone Number</b>	(505) 660-7189
<b>Lead Staff Email</b>	<a href="mailto:gerald.knutson@env.nm.gov">gerald.knutson@env.nm.gov</a> or <a href="mailto:pps.general@env.nm.gov">pps.general@env.nm.gov</a>