GROUND WATER DISCHARGE PERMIT - RENEWAL AND MODIFICATION
EXISTING DAIRY FACILITY with a LAND APPLICATION AREA
J & M Dairy, DP-765

I. INTRODUCTION AND SUMMARY

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal and Modification (Discharge Permit), DP-765, to Joe and Maria Borges (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) Regulations, 20.6.2 and 20.6.6 NMAC.

NMED's purpose in issuing this Discharge Permit is to control the discharge of water contaminants from J & M Dairy (dairy facility) for the protection of ground water and those segments of surface water gaining from ground water inflow, for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health.

The activities which produce the discharge, the location of the discharge, and the quantity, quality and flow characteristics of the discharge are briefly described as follows:

A maximum daily discharge volume of 90,000 gallons per day (gpd) of wastewater may be discharged from the production area. Wastewater from the parlor flows to a concrete-lined sump and is currently pumped to a manure-lined impoundment for storage prior to land application. The manure-lined impoundment is required to be replaced with a solids separation system and a synthetically lined impoundment for wastewater storage within one year of the effective date of this Discharge Permit. Wastewater is land applied by sideroll sprinkler to up to 343 acres of irrigated cropland under cultivation. The modification consists of changing the location of the land application area. The discharge contains water contaminants or toxic pollutants which may be elevated above the standards of Section 20.6.2.3103 NMAC.

The dairy facility is located at Route 456 North 13th Street, approximately four miles north of Artesia, in Sections 20 and 29, T16S, R26E, Eddy County. Ground water most likely to be affected is at a depth of approximately 30 to 40 feet and had a pre-discharge total dissolved solids concentration of approximately 2,250 milligrams per liter.

The original Discharge Permit was issued on February 28, 1991, and subsequently renewed and/or modified on July 5, 1991, May 20, 1996 and April 3, 2002. The application consists of the materials submitted by the permittee dated April 17, 2006, and materials contained in the administrative record associated with issuance of this Discharge Permit. The discharge shall be managed in accordance with all applicable requirements of the Dairy Rule (20.6.6 NMAC) and this Discharge Permit.

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.

The following acronyms and abbreviations may be used in this Discharge Permit:

Abbreviation	Explanation		Abbreviation	Explanation
Cl	chloride		NO_3-N	nitrate-nitrogen
gpd	gallons per day		S	Sulfur
LADS	land application data sheet(s)		SO_4	Sulfate
mg/L	milligrams per liter		TDS	total dissolved solids
NMAC	New Mexico Administrative Code		TKN	total Kjeldahl nitrogen
NMED	New Mexico Environment Department		WQA	New Mexico Water Quality Act
NMP	Nutrient management plan		WQCC	Water Quality Control Commission
NMSA	New Mexico Statutes Annotated			

II. FINDINGS

In issuing this Discharge Permit, NMED finds:

1. The permittee is discharging from a facility that meets the definition of "dairy facility" and is subject to the Dairy Rule (20.6.6 NMAC). This dairy facility meets the definition of "existing dairy facility".

2. The permittee is discharging effluent or leachate from the dairy facility that may move directly or indirectly into ground water within the meaning of Section 20.6.2.3104 NMAC.

3. The permittee is discharging effluent or leachate from the dairy facility that may move into ground water of the State of New Mexico which has an existing concentration of 10,000 milligrams per liter or less of total dissolved solids within the meaning of Subsection A of 20.6.2.3101 NMAC.

4. The discharge from the dairy facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

5. Data collected from on-site monitoring wells document ground water contamination attributed to one or more sources at this dairy facility. Ground water quality standards for NO_3-N, TDS and Cl have been exceeded according to the criteria of Sections 20.6.2.3101 and 20.6.2.3103 NMAC.

6. The Discharge Permit for this facility last issued on April 3, 2002 (before the effective date of the Dairy Rule of December 31, 2011) required the wastewater impoundment system to have the capacity to store the volume of wastewater discharged at the

maximum daily discharge volume, for a minimum of 60 days while preserving two feet of freeboard.

7. The dairy facility was existing as of the effective date of the Dairy Rule (December 31, 2011) and measures the volume of wastewater discharged to a wastewater impoundment(s) using a totalizing flow meter installed on the discharge line(s) from all wastewater sources to the wastewater impoundment(s).

8. This Discharge Permit contains requirements associated with the following potential contaminant sources as identified in the application and the administrative record as of the effective date of this Discharge Permit:
   a) Wastewater Impoundments
      i. **Synthetically Lined Impoundment** - authorized for use by this Discharge Permit.
      ii. **Manure-lined Impoundment** - authorized for use by this Discharge Permit until construction of the synthetically lined impoundment is complete; was authorized for use by the last Discharge Permit issued prior to the effective date of the Dairy Rule and will be subject to closure and post-closure ground water monitoring requirements.
   b) Stormwater Impoundments
      i. **Large Runoff Pond** - authorized for use by this Discharge Permit.
      ii. **West Runoff Impoundment** - authorized for use by this Discharge Permit.
      iii. **Mid-West Runoff Impoundment** - authorized for use by this Discharge Permit.
      iv. **Mid-East Runoff Impoundment** - authorized for use by this Discharge Permit.
      v. **East Runoff Impoundment** - authorized for use by this Discharge Permit.
   c) Fields within the Land Application Area
      i. **LAA-1** - authorized for use by this Discharge Permit.
      ii. **LAA-2** - authorized for use by this Discharge Permit.
      iii. **LAA-3** - authorized for use by this Discharge Permit.
      iv. **LAA-4** - authorized for use by this Discharge Permit.

9. As of the effective date of this Discharge Permit, the following monitoring wells have been installed pursuant to the Stage 1 Abatement Plan for this dairy facility and are not associated with the monitoring requirements of this Discharge Permit.
   a) **MW-8L**, located west of the corrals
   b) **MW-9U and MW-9L**, located northwest of Large Runoff Pond
   c) **MW-10L and MW-L2**, located north of LAA-1
   d) **MW-11L**, located east of LAA-1
   e) **MW-12U and MW-12L**, located south of LAA-1
   f) **MW-13L**, located southeast of LAA-2
   g) **MW-14**, located east of corrals

III. APPLICABLE RULES

Sections 20.6.2.3000 through 20.6.2.3114 NMAC and Part 20.6.6 NMAC (Dairy Rule) apply to discharges specific to dairy facilities and their operations.

IV. DISCHARGE PERMIT REQUIREMENTS

The permittee is authorized to discharge water contaminants pursuant to this Discharge Permit which contains requirements authorized or specified by the Dairy Rule. The permittee shall comply with the Dairy Rule and this Discharge Permit, which are enforceable by NMED. The permittee is authorized to discharge water contaminants subject to the following requirements:

AUTHORIZATION TO DISCHARGE

1. The permittee is authorized to discharge up to 90,000 gpd of wastewater from the production area. Wastewater from the parlor flows to a concrete-lined sump and is currently pumped to a manure-lined impoundment for storage prior to land application. The manure-lined impoundment is required to be replaced with a solids separation system and a synthetically lined impoundment for wastewater storage within one year of the effective date of this Discharge Permit. Wastewater is land applied by sideroll sprinkler to up to 343 acres of irrigated cropland under cultivation.

2. The permittee is authorized to use the following impoundments for the following purposes in accordance with Subsection B of 20.6.6.20 NMAC.
   a) **Synthetically Lined Impoundment** – authorized to receive wastewater for storage prior to land application. This impoundment is required to be constructed to replace the manure-lined impoundment.
   b) **Manure-lined Impoundment** – authorized to receive wastewater for storage prior to land application only until construction of the synthetically lined impoundment is complete. This impoundment exists as of the effective date of this Discharge Permit.
   c) **Large Runoff Pond** - authorized to collect stormwater prior to land application or transfer to the wastewater storage impoundment. This impoundment exists as of the effective date of this Discharge Permit and is unlined.
   d) **West Runoff Impoundment** - authorized to collect stormwater which then flows through a series of four small runoff impoundments (West, Mid-West, Mid-East and East) into the Large Runoff Pond. This impoundment exists as of the effective date of this Discharge Permit and is unlined. This impoundment is the first in the series of small runoff impoundments running east to west between the northern corrals and southern corrals.
   e) **Mid-West Runoff Impoundment** - authorized to collect stormwater which then flows through a series of four small runoff impoundments (West, Mid-West, Mid-

East and East) into the Large Runoff Pond. This impoundment exists as of the effective date of this Discharge Permit and is unlined. This impoundment is the second in the series of small runoff impoundments running east to west between the northern corrals and southern corrals.

f) **Mid-East Runoff Impoundment** - authorized to collect stormwater which then flows through a series of four small runoff impoundments (West, Mid-West, Mid-East and East) into the Large Runoff Pond. This impoundment exists as of the effective date of this Discharge Permit and is unlined. This impoundment is the third in the series of small runoff impoundments running east to west between the northern corrals and southern corrals.

g) **East Runoff Impoundment** - authorized to collect stormwater which then flows through a series of four small runoff impoundments (West, Mid-West, Mid-East and East) into the Large Runoff Pond. This impoundment exists as of the effective date of this Discharge Permit and is unlined. This impoundment is the fourth in the series of small runoff impoundments running east to west between the northern corrals and southern corrals and flows into the Large Runoff Pond.

3. The permittee is authorized to apply wastewater and stormwater to all fields within the land application area in accordance with Subsections B, C and I of 20.6.6.21 NMAC. The land application area consists of the following fields for a total land application area of 343 acres.

a) **LAA-1** – consists of 200 acres; applied by sideroll sprinkler. This field was authorized by the last Discharge Permit prior to the effective date of the Dairy Rule (December 31, 2011) to receive wastewater and/or stormwater and has received wastewater and/or stormwater as of the effective date of this Discharge Permit. Located east of the production area.

b) **LAA-2** – consists of 30 acres; applied by sideroll sprinkler. This field was authorized by the last Discharge Permit prior to the effective date of the Dairy Rule (December 31, 2011) to receive wastewater and/or stormwater and has received wastewater and/or stormwater as of the effective date of this Discharge Permit. Located south of the production area.

c) **LAA-3** – consists of 56.5 acres; applied by sideroll sprinkler. This field has not received wastewater and/or stormwater as of the effective date of this Discharge Permit. Located south of LAA-2.

d) **LAA-4** – consists of 56.5 acres; applied by sideroll sprinkler. This field has not received wastewater and/or stormwater as of the effective date of this Discharge Permit. Located south of LAA-3 and Jackson Road.

DAIRY RULE TRANSITION REQUIREMENTS

4. The permittee shall have 90 days from the effective date of this Discharge Permit (**by February 26, 2013**) to submit all the necessary information to comply with Sections 20.6.6.10 through 20.6.6.13 NMAC, in accordance with Subsection D of 20.6.6.35

NMAC. The permittee shall submit the necessary information by completing the application form for Renewal and/or Modification located at the following address:

- http://www.nmenv.state.nm.us/gwb/NMED-GWQB-dairies.htm

The following sections of the application form for renewal and/or modification shall be completed, and the form shall be signed by the permittee and notarized prior to submission.

a) Introduction – *Applicant's Signature and Notary Certification only*
b) Part I.A
c) Part II.A.1
d) Part II.A.2(a) and (b)
e) Part II.B.1 through 5, 6 and 7
f) Part II.C
g) Part II.D.3(a) and (b)
h) Part II.E.1
i) Part II.F
j) Part IV.A
k) Part IV.B

ENGINEERING AND SURVEYING REQUIREMENTS

5. The permittee shall comply with the requirements of Section 20.6.6.17 NMAC and shall submit to NMED all information or documentation required by the applicable portions of Section 20.6.6.17 NMAC.

6. The permittee shall complete the following items and submit documentation to NMED as summarized in the following table:

Item No.	Action Required and Submittal Due to NMED	Due Date	Citation
A.	**Impoundment Plans and Specifications:** Submit construction plans and specifications for installation or improvement of an impoundment(s) to replace the manure-lined impoundment to achieve compliance with contingency requirements of Subsection B of 20.6.6.27 NMAC.	**February 26, 2013**	20.6.6.17.C(1) NMAC
B.	**Manure Solids Separation Plans and Specifications – New Wastewater System:** Submit plans and specifications for manure solids separation as a component of the newly designed wastewater storage system to achieve compliance with Subsection F of 20.6.6.20 NMAC]	**February 26, 2013**	20.6.6.17.C(4) NMAC

Item No.	Action Required and Submittal Due to NMED	Due Date	Citation
C.	**Flow Metering Plans:** To achieve compliance with Subsection J of 20.6.6.20 NMAC, submit a description of the location and installation/construction information for a flow meter(s) to measure the following: • the volume of wastewater discharged from the wastewater storage impoundment to each field in the land application area • the volume of stormwater transferred from the stormwater impoundment to the land application distribution system (pursuant to Subsection H of 20.6.6.21 NMAC)	**February 26, 2013**	20.6.6.17.C(7) NMAC

OPERATIONAL REQUIREMENTS

7. The permittee shall comply with the requirements of Sections 20.6.6.20 and 20.6.6.21 NMAC, and shall submit to NMED all information or documentation required by the applicable portions of Sections 20.6.6.20 and 20.6.6.21 NMAC.

8. The permittee shall provide written notice to NMED regarding any changes to the presence of lactating cows and/or the status of wastewater discharges at the facility in accordance with Subsection A of 20.6.6.20 NMAC (summarized in the table below).

Activity	Notification of Estimated Date	Verification of Actual Date
Removal of Lactating Cows	Not required	Within 30 days of removal
Reintroduction of Lactating Cows	Not required	Within 30 days of reintroduction
Cessation of wastewater discharge	Not required	Within 30 days of cessation of discharge
Recommencement of Discharge	Minimum 30 days prior to recommencement	Within 30 days of recommencement

9. The permittee is authorized to transfer stormwater collected in the unlined stormwater impoundment(s) to the wastewater impoundment(s) or the distribution system for the land application area in accordance with Subsection I of 20.6.6.20 NMAC.

10. The permittee shall install and use the following flow meter(s) in accordance with Subsections J, K, L and N of 20.6.6.20 NMAC, and Subsections G and H of 20.6.6.21 NMAC.

a) **LAA Flow Meter** – to be located on the discharge line from the wastewater storage impoundment to measure the volume of wastewater discharged to each field in the land application area.

b) **SW Flow Meter** – to be located on the pipeline between Large Runoff Pond and the land application area to measure the volume of stormwater applied to each field in the land application area. If stormwater is transferred to the wastewater impoundment and is not applied directly land applied, installation and use of this meter is not required.

Confirmation of flow meter installation shall be completed in accordance with Subsection J of 20.6.6.20 NMAC.

11. Pursuant to Subsection D of 20.6.6.35 NMAC, the permittee shall have 90 days from the effective date of this Discharge Permit **(by February 26, 2013)** to submit documentation in accordance with Subsection M of 20.6.6.20 NMAC to demonstrate that the existing flow meter(s) meets the requirements of Subsection M of 20.6.6.20 NMAC.

12. The permittee is authorized to <u>use</u> the following existing flow meter(s) provided that the requirements of Subsection M of 20.6.6.20 NMAC have been met.

    a) **Flow Meter 1** – located on the discharge line between the parlor sump and the wastewater storage impoundment; measures the volume of wastewater discharged from the production area to the wastewater storage impoundment.

13. The permittee is authorized, pursuant to Subsection S of 20.6.6.20 NMAC, to land apply manure solids and composted material to the land application area. Manure solids and composted material shall be applied in accordance with the Nutrient Management Plan (NMP) required by Subsection I of 20.6.6.21 NMAC.

14. The permittee is authorized to blend wastewater with fresh irrigation water for land application using any of the methods provided in Subsection D of 20.6.6.21 NMAC. Fresh water may be added to a wastewater impoundment prior to land application in accordance with Subsection D of 20.6.6.21 NMAC.

15. The permittee shall remove crops from the following fields within the land application area using the following methods in accordance with Subsection I and J of 20.6.6.21 NMAC. Crops may be grazed prior to and between mechanical harvests, however, nitrogen removal credit shall not be taken for grazing activities unless a grazing plan is developed and submitted in accordance with Subsections I and J of 20.6.6.21 NMAC.

    a) **Field LAA-1** – crops shall be harvested mechanically.
    b) **Field LAA-2** – crops shall be harvested mechanically.
    c) **Field LAA-3** – crops shall be harvested mechanically.
    d) **Field LAA-4** – crops shall be harvested mechanically.

The permittee shall submit an application for Discharge Permit Modification to NMED for any proposed changes to the method(s) of crop removal for any field within the land application area as required by Subsection K of 20.6.6.21 NMAC.

16. The permittee shall complete the following items and submit documentation to NMED as summarized in the following table:

Item No.	Action Required and Submittal Due to NMED	Due Date	Citation
A.	**Impoundment Construction or Improvement:** i) Complete construction of a new or improvements to an existing impoundment to achieve compliance with the Dairy Rule, in accordance with construction plans and specifications, and supporting design calculations. ii) Submit the Construction Certification Report verifying construction pursuant to Subsection C of 20.6.6.17 NMAC.	**November 28, 2013** **Within 90 days of completed impoundment construction.**	20.6.6.20.E NMAC
B.	**Manure Solids Separator Installation – New System:** i) Complete construction of a manure solids separator associated with the new wastewater storage system. ii) Submit confirmation of solids separator construction.	**Prior to discharging to the new system.**	20.6.6.20.F NMAC
C.	**Flow Meter Installation:** i) Complete installation of flow meter(s). ii) Submit confirmation of installation.	**April 27, 2013** **May 27, 2013**	20.6.6.20.J NMAC
D.	**Scaled Map of Dairy Facility – Updates:** Following completion of any additions or changes to the dairy facility which affect the items listed in Subsection U of 20.6.6.20 NMAC, the permittee shall update and resubmit the facility map.	**Within 90 days of any addition or change.**	20.6.6.20.V NMAC
E.	**Nutrient Management Plan:** Develop and submit annual updates to the NMP.	**Annually:** May 1	20.6.6.21.I NMAC
F.	**Backflow Prevention:** i) Complete installation of backflow prevention methods or devices. ii) Submit confirmation of installation.	**February 26, 2013** **May 27, 2013**	20.6.6.21.M NMAC

Item No.	Action Required and Submittal Due to NMED	Due Date	Citation
G.	**Backflow Prevention by Reduced Pressure Principle Backflow Prevention Assembly – Inspection and Maintenance:** Submit copies of inspection and maintenance records and test results for each RP device, should the device be used to satisfy the requirements of Subsection M of 20.6.6.21 NMAC.	**Annually:** May 1	20.6.6.21.N NMAC

GROUND WATER MONITORING REQUIREMENTS

17. The permittee shall comply with the requirements of Section 20.6.6.23 NMAC and shall submit to NMED all information or documentation required by the applicable portions of Section 20.6.6.23 NMAC.

18. Monitoring wells shall be constructed and completed in accordance with Subsection D of 20.6.6.23 NMAC.

19. Monitoring wells shall be permanently identified in accordance with Subsection C of 20.6.6.23 NMAC.

20. Pursuant to Subsection D of 20.6.6.35 NMAC, the permittee shall have 90 days from the effective date of this Discharge Permit (**by February 26, 2013**) to submit the information required by Paragraph (6) of Subsection A of 20.6.6.23 NMAC to verify that monitoring wells in existence as of the effective date of this Discharge Permit and prior to the effective date of the Dairy Rule (December 31, 2011) are appropriate for continued use for ground water monitoring.

    The permittee is authorized to use the following monitoring well(s) provided that the requirements of Paragraph (6) of Subsection A of 20.6.6.23 NMAC are met.

    a) **MW-1**, hydrologically upgradient of all contamination sources at the dairy facility; located west of the manure-lined impoundment.
    b) **MW-8U**, hydrologically upgradient of all contamination sources at the dairy facility; located west of the corrals.
    c) **MW-7**, hydrologically downgradient of the manure-lined impoundment; located west of the manure-lined impoundment.
    d) **MW-2**, hydrologically downgradient of the manure-lined impoundment; located south of the southeast corner of the manure-lined impoundment.
    e) **MW-3**, hydrologically downgradient of LAA-1; located south of the LAA-1.
    f) **MW-10U**, hydrologically downgradient of LAA-1; located north of LAA-1.
    g) **MW-11U**, hydrologically downgradient of LAA-1; located east of LAA-1.
    h) **MW-13U**, hydrologically downgradient of LAA-2 and LAA-3; located southeast of LAA-2 and northeast of LAA-3.

21. The permittee shall complete the following items and submit documentation to NMED as summarized in the following table:

Item No.	Action Required and Submittal Due to NMED	Due Date	Citation
A.	**Ground Water Monitoring – New Wastewater Impoundments:** Install the following monitoring wells within 75 feet hydrologically downgradient of the top inside edge of each new wastewater impoundment: i) **MW-15**, hydrologically downgradient of the synthetically lined wastewater storage impoundment	**Prior to discharging wastewater into the impoundment or within 120 days of impoundment completion, whichever occurs first.**	20.6.6.23.A(1) NMAC
B.	**Ground Water Monitoring – Existing Stormwater Impoundments:** Install the following monitoring wells within 75 feet hydrologically downgradient of the top inside edge of each existing stormwater impoundment: i) **MW-16**, hydrologically downgradient of the Large Runoff Pond ii) **MW-17**, hydrologically downgradient of the series of four small runoff impoundments which flow into the Large Runoff Pond.	**March 28, 2013**	20.6.6.23.A(3) NMAC and 20.6.6.23.A(7) NMAC
C.	**Ground Water Monitoring – New Land Application Area:** Install the following monitoring wells within 50 feet hydrologically downgradient of the downgradient boundary of new fields within the land application area: i) **MW-18**, hydrologically downgradient of LAA-4.	**Prior to applying wastewater or stormwater to the field.**	20.6.6.23.A(4)(b) NMAC
D.	**Ground Water Sampling and Reporting – Routine:** Collect and analyze ground water samples quarterly from all monitoring wells identified in this Discharge Permit. Sampling shall be performed and results submitted in accordance with Subsection F of 20.6.6.23 NMAC.	**Quarterly**	20.6.6.23.G
E.	**Ground Water Sampling – New Monitoring Wells:** Collect ground water samples from monitoring wells required to be installed *within 120 days of the effective date of the Discharge Permit.* Sampling shall be performed in accordance with Subsection F of 20.6.6.23 NMAC using the monitoring wells required to be installed in the following	**April 27, 2013**	20.6.6.23.H NMAC

Item No.	Action Required and Submittal Due to NMED	Due Date	Citation
	locations: i) **MW-16**, hydrologically downgradient of the Large Runoff Pond ii) **MW-17**, hydrologically downgradient of the series of four small runoff impoundments which flow into the Large Runoff Pond.		
F.	**Ground Water Sampling – New Monitoring Wells for New Fields:** Collect ground water samples from monitoring wells required to be installed *within the term of the Discharge Permit*, (i.e., installed prior to land application on a newly activated field). Sampling shall be performed in accordance with Subsection F of 20.6.6.23 NMAC using the monitoring wells required to be installed in the following locations: i) **MW-18**, hydrologically downgradient of LAA-4.	**Within 30 days of well completion.**	20.6.6.23.H NMAC
G.	**Ground Water Sampling – New Monitoring Wells for New Impoundments:** Collect ground water samples from monitoring wells required to be installed *within the term of the Discharge Permit*, (i.e., associated with the newly constructed impoundments). Sampling shall be performed in accordance with Subsection F of 20.6.6.23 NMAC using the monitoring wells required to be installed in the following locations: i) **MW-15**, hydrologically downgradient of the synthetically lined wastewater storage impoundment	**Within 30 days of well completion.**	20.6.6.23.H NMAC
H.	**Monitoring Well Survey and Ground Water Flow Determination:** Survey monitoring wells required to be installed *within 120 days of the effective date of the Discharge Permit* to a USGS benchmark. Survey monitoring wells required to be installed *within the term of the Discharge Permit* to a USGS benchmark.	**April 27, 2013** **Upon well completion, to be included in the well completion report.**	20.6.6.23.I NMAC
I.	**Monitoring Well Completion Report:** Submit a monitoring well completion report for monitoring wells required to be installed *within 120 days of the effective date of the Discharge Permit*. The report shall include information from all monitoring wells.	**May 27, 2013**	20.6.6.23.J NMAC
J.	**Monitoring Well Completion Report – Monitoring Wells for New Fields:** Submit a monitoring well completion report for monitoring wells required to be installed *within the term of the Discharge Permit* (i.e., installed prior to land application on a	**Within 60 days of well completion.**	20.6.6.23.J NMAC

Item No.	Action Required and Submittal Due to NMED	Due Date	Citation
	newly activated field). The report shall include information from all monitoring wells.		
K.	**Monitoring Well Completion Report – Monitoring Wells for New Impoundments:** Submit a monitoring well completion report for monitoring wells required to be installed *within the term of the Discharge Permit* (i.e., associated with the newly constructed impoundments). The report shall include information from all monitoring wells.	**Within 60 days of well completion.**	20.6.6.23.J NMAC
L.	**Ground Water Elevation Contour Maps:** Develop and submit ground water elevation contour maps on a quarterly basis using data collected from all monitoring wells used for ground water monitoring at the dairy facility.	**Quarterly**	20.6.6.23.L NMAC

MONITORING REQUIREMENTS

22. The permittee shall comply with the requirements of Sections 20.6.6.24 and 20.6.6.25 NMAC, and shall submit to NMED all information or documentation required by the applicable portions of Sections 20.6.6.24 and 20.6.6.25 NMAC.

23. The permittee shall submit monitoring reports to NMED on a quarterly schedule that contain monitoring data and information collected pursuant to the Dairy Rule and submitted in accordance with Subsection A of 20.6.6.24 NMAC.

    Quarterly monitoring reports shall be submitted according to the following schedule:
    - January 1 through March 31 (first quarter) – report due by **May 1**
    - April 1 through June 30 (second quarter) – report due by **August 1**
    - July 1 through September 30 (third quarter) – report due by **November 1**
    - October 1 through December 31 (fourth quarter) – report due by **February 1**

24. The permittee shall perform the following monitoring and submit to NMED the required documentation in monitoring reports as summarized in the following table:

Item No.	Action Required and Submittal Due to NMED	Due Date	Citation
A.	**Wastewater Volume Measurement and Reporting:** Using a flow meter(s) installed on the discharge line(s), measure the volume of all wastewater discharged to the impoundment(s) authorized to contain wastewater. Submit the information.	**Quarterly**	20.6.6.24.C NMAC

Item No.	Action Required and Submittal Due to NMED	Due Date	Citation
B.	**Stormwater Sampling and Reporting:** Collect and analyze stormwater samples on a quarterly basis from each stormwater impoundment and submit results.	**Quarterly**	20.6.6.24.D NMAC
C.	**Flow Meter Field Calibration:** Perform flow meter field calibrations annually and submit a flow meter field calibration report.	**Annually:** May 1	20.6.6.24.E NMAC
D.	**Volume of Wastewater and Wastewater/Stormwater Land Applied – Measurement and Reporting:** Measure the volume of all wastewater discharges to each field within the land application area using a flow meter(s) and submit the information.	**Quarterly**	20.6.6.25.A NMAC
E.	**Volume of Stormwater Land Applied – Measurement and Reporting:** Measure the volume of all stormwater applications to each field within the land application area using a flow meter(s) and submit the information.	**Quarterly**	20.6.6.25.B NMAC
F.	**Wastewater to be Land Applied – Sampling and Reporting:** The permittee shall collect a representative wastewater sample (consisting of eight subsamples) from each wastewater or combination wastewater/stormwater impoundment. Analyze each representative wastewater sample on a quarterly basis and submit results.	**Quarterly**	20.6.6.25.C NMAC
G.	**Manure Solids – Nitrogen Content:** Should a permittee choose to use actual nitrogen content values of on-site manure solids for the purpose of applying to the land application area, the permittee shall collect and analyze samples annually, and submit results.	**Quarterly**	20.6.6.25.D NMAC
H.	**Irrigation Water – Sampling, Volume Applied and Reporting:** Collect and analyze fresh irrigation water samples on an annual basis from each irrigation well associated with the land application area. Estimate the annual volume of irrigation water applied to each field from each well. Submit estimated volumes and analytical results.	**Annually:** May 1	20.6.6.25.E NMAC
I.	**Fertilizer Application Reporting:** Maintain and submit a log of all additional fertilizer applied to each field within the land application area.	**Quarterly**	20.6.6.25.F NMAC
J.	**Land Application Data Sheets:** Complete and submit land application data sheets (LADS) for each field within the land application area.	**Quarterly**	20.6.6.25.G NMAC

Item No.	Action Required and Submittal Due to NMED	Due Date	Citation
K.	**Crop Yield Documentation:** Submit crop yield documentation and plant and harvest dates of each crop grown.	**Quarterly**	20.6.6.25.H NMAC
L.	**Nitrogen Concentration of Harvested Crop:** Determine the percent total nitrogen and dry matter of each harvested crop and submit results.	**Quarterly**	20.6.6.25.I NMAC
M.	**Nitrogen Removal Summary of Harvested Crop:** Develop and submit a nitrogen removal summary for each crop grown on each field within the land application area.	**Quarterly**	20.6.6.25.J NMAC
N.	**Soil Sampling – Initial Event in a Discharge Permit Term:** Collect and analyze initial soil samples from each field in the land application area for the first soil sampling event during the first year following the effective date of this Discharge Permit. Submit the results.	**May 1, 2013**	20.6.6.25.K NMAC
O.	**Soil Sampling – Routine:** Collect and analyze routine soil samples annually from each field in the land application area beginning the year following the initial sampling event. Submit the results.	**Annually:** May 1	20.6.6.25.L NMAC

CONTINGENCY REQUIREMENTS

25. The permittee shall comply with the requirements of Section 20.6.6.27 NMAC and shall submit to NMED all information or documentation required by the applicable portions of Section 20.6.6.27 NMAC.

CLOSURE REQUIREMENTS

26. The permittee shall comply with the requirements of Section 20.6.6.30 NMAC and shall submit to NMED all information or documentation required by the applicable portions of Section 20.6.6.30 NMAC.

27. The following wells previously used for monitoring under the previous Discharge Permit and the facility's Abatement Plan, shall only be abandoned by the permittee upon written notification by certified mail from NMED. Upon such notification, the wells shall be abandoned in accordance with Subsection C of 20.6.6.30 NMAC. The permittee is not required to perform routine ground water sampling from the wells for this Discharge Permit, but may be required to do so pursuant to the Abatement Plan. Additionally, NMED may collect ground water samples from the well(s) pursuant to Subsection D of 20.6.2.3107 NMAC.

a) **MW-4**, located south of LAA-1
b) **MW-5**, located north of LAA-1
c) **MW-6**, located east of the manure-lined impoundment

The well abandonment report shall be submitted to NMED within 60 days of completion of well plugging activities.

28. Within two years of the effective date of the Discharge Permit **(by November 28, 2015)**, the permittee shall complete closure of the following impoundment(s) in accordance with Paragraph (2) of Subsection A of 20.6.6.30 NMAC.
    a) **Manure-lined Impoundment** – located southeast of the corrals and parlor.

GENERAL REQUIREMENTS

29. The permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated.

30. The permittee shall retain required records for a minimum period of 10 years from the date of sample collection, measurement, report or application in accordance with Section 20.6.6.33 NMAC.

31. Transfer of a Discharge Permit for a dairy facility shall be completed in accordance with Section 20.6.6.34 NMAC.

32. To renew this Discharge Permit, the permittee shall submit an application for renewal, renewal and modification, or renewal for closure at least one year prior to the expiration date of the Discharge Permit in accordance with Section 20.6.6.10 NMAC.

33. In accordance with Subsection A of 20.6.6.9 NMAC, the permittee shall remit a permit fee payment equal to one-tenth of the applicable permit fee from Table 1 of Section 20.6.2.3114 NMAC on the first occurrence of August 1 after the effective date of the Discharge Permit, and annually thereafter until expiration or termination of the Discharge Permit.

V. ADDITIONAL CONDITIONS

In addition to the requirements of 20.6.6 NMAC, the permittee shall comply with the following conditions as authorized by Subsection H of 20.6.6.10 NMAC pursuant to Section 74-6-5 WQA. A hearing may be requested on additional conditions in accordance with Section 20.6.6.15 NMAC.

1. This Discharge Permit does not contain additional conditions.

VI. PERMIT ISSUANCE

Pursuant to WQA 74-6-5(I), the term of this Discharge Permit shall be for the fixed term of five years from the effective date of the Discharge Permit.

Issued by: New Mexico Environment Department

Effective Date: **November 28, 2012**
Expiration Date: **November 28, 2017**

JERRY SCHOEPPNER
Chief, Ground Water Quality Bureau
New Mexico Environment Department