**GROUND WATER DISCHARGE PERMIT RENEWAL AND MODIFICATION**
**Mike's Auto Detailing, DP-1535**

## I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal and Modification, DP-1535, to the NMED Petroleum Storage Tank Bureau (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 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from the Mike's Auto Detailing (facility) into ground and surface water, so as to protect ground and surface water for present and potential future use as domestic and agricultural water supply and other uses and protect public health. In issuing this Discharge Permit, NMED has determined that the requirements of 20.6.2.3109.C NMAC have been met.

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:

Up to 576,000 gallons per day of petroleum contaminated ground water is pumped from 13 ground water extraction wells, treated by a remediation system, and discharged into two ground water injection wells and an infiltration gallery. The discharge contains water contaminants or toxic pollutants which may be elevated above the standards of 20.6.2.3103 NMAC. The facility is located at 1010 South Main Street, Belen, in Section 19, Township 05 North, Range 02 East, Valencia County. Ground water beneath the site is at a depth of approximately 9 feet and has a total dissolved solids concentration of approximately 790 milligrams per liter.

The modification consists of an increase in the maximum daily discharge volume from 432,000 to 576,000 gpd and the injection of remediated ground water to two injection wells.

The original Discharge Permit was issued on December 30, 2005 and amended on July 8, 2009. The permittee's application consists of the materials submitted by Marcy Leavitt, Chief, NMED Petroleum Storage Tank Bureau dated April 29, 2011. The permittee's Discharge Plan consists of this application and previously submitted materials as applicable. The discharge shall be managed in accordance with the Discharge Plan as conditioned by this Discharge Permit.

Pursuant to 20.6.2.3109 NMAC, NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the requirements of 20.6.2 NMAC are being or may be violated or the standards of 20.6.2.3103 NMAC are being or may be violated. This may include a determination that structural controls and/or management practices approved under this Discharge Permit are not protective of ground water quality, and that more stringent requirements to protect and/or remediate ground water quality may be required by NMED. These requirements may include changing remediation management practices, expanding monitoring requirements, or installing an advanced remediation system.

Issuance of this Discharge Permit does not relieve the NMED Petroleum Storage Tank Bureau of

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its 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 abbreviations may be used in this Discharge Permit:

| Abbreviation | Explanation | | Abbreviation | Explanation |
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| CFR | Code of Federal Regulations | | NMAC | New Mexico Administrative Code |
| Cl | chloride | | NMED | New Mexico Environment Department |
| EPA | Environmental Protection Agency | | NMSA | New Mexico Statutes Annotated |
| mg/L | milligrams per liter | | TDS | total dissolved solids |
| mL | milliliters | | WQCC | Water Quality Control Commission |
| MTBE | methyl-tert butyl ether | | | |

## II. FINDINGS

In issuing this Discharge Permit, NMED finds:

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

2. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate 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 20.6.2.3101.A NMAC.

3. The discharge from the facility is not subject to any of the exemptions of 20.6.2.3105 NMAC.

## III. AUTHORIZATION TO DISCHARGE

The permittee is authorized to extract up to 576,000 gallons per day of petroleum contaminated ground water for treatment by a remediation system and inject remediated groundwater into injection wells and an infiltration gallery. Extracted ground water is conveyed to an oil/water separator tank for free product separation. Clarified water is decanted into an equalization tank and is pumped to an air stripper tower for hydrocarbon volatilization and discharged in equal amounts to two ground water injection wells and an infiltration gallery. Separated petroleum free product is hauled off-site for disposal in accordance with all local, state and federal regulations.

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[NMSA 1978, § 74-6-5.D, 20.6.2.3104 NMAC]

## IV. CONDITIONS

The following conditions shall be complied with by the permittee and are enforceable by NMED. The permittee is authorizied to discharge water contaminants subject to the following conditions:

### OPERATIONAL PLAN

| # | Terms and Conditions |
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| 1. | The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 1 and 2 NMAC.<br><br>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC] |
| 2. | 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.<br><br>[20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsections B and C of 20.6.2.3109 NMAC] |
| 3. | Treated ground water discharged from the remediation system shall not exceed the following limitations:<br>• Benzene: 0.005 mg/L<br>• Toluene: 0.750 mg/L<br>• Ethylbenzene: 0.7 mg/L<br>• Total xylenes: 0.620 mg/L<br>• Total naphthalenes: 0.030 mg/L<br><br>[NMSA 1978, § 74-6-5.D, 20.6.2.3109 NMAC] |
| 4. | The permittee shall maintain fences around the remediation system. The fences shall be constructed in a manner that prevents access by children or small animals (e.g., chain link, field/woven fencing) and shall be maintained throughout the term of this Discharge Permit.<br><br>[NMSA 1978, § 74-6-5.D, 20.6.2.3109 NMAC] |

### MONITORING, REPORTING, AND OTHER REQUIREMENTS

| # | Terms and Conditions |
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| 5. | The permittee shall conduct the following monitoring, reporting, and other requirements listed below.<br><br>[NMSA 1978, § 74-6-5.D, 20.6.2.3107 NMAC] |
| 6. | METHODOLOGY – Unless otherwise approved in writing by NMED, the permittee shall conduct sampling and analysis in accordance with the most recent edition of the following documents:<br>a) American Public Health Association, Standard Methods for the Examination of Water |

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| | and Wastewater (18th, 19th or current)<br>b) U.S. Environmental Protection Agency, Methods for Chemical Analysis of Water and Waste<br>c) U.S. Geological Survey, Techniques for Water Resources Investigations of the U.S. Geological Survey<br>d) American Society for Testing and Materials, Annual Book of ASTM Standards, Part 31. Water<br>e) U.S. Geological Survey, et al., National Handbook of Recommended Methods for Water Data Acquisition<br>f) Federal Register, latest methods published for monitoring pursuant to Resource Conservation and Recovery Act regulations<br>g) Methods of Soil Analysis: Part 1. Physical and Mineralogical Methods; Part 2. Microbiological and Biochemical Properties; Part 3. Chemical Methods, American Society of Agronomy<br><br>[Subsection B of 20.6.2.3107 NMAC] |
| 7. | The permittee shall submit annual monitoring reports to NMED by February 15th each year. Monitoring requirements detailed in this Discharge Permit are summarized on the sheet titled *Submittal/Action and Monitoring Summary.*<br><br>[NMSA 1978, § 74-6-5.D, 20.6.2.3107 NMAC] |
| 8. | The permittee shall measure the total monthly volume of treated ground water discharged to the two injection wells and infiltration gallery using totalizing flow meters located on each discharge line. The monthly meter readings and discharge volumes shall be submitted to NMED-GWQB in the annual monitoring report. The flow meters shall be kept operational at all times.<br><br>[NMSA 1978, § 74-6-5.D, 20.6.2.3107 NMAC] |
| 9. | The permittee shall sample the influent and the effluent of the remediation system monthly for benzene, toluene, ethylbenzene, total xylenes using EPA Method 8260 or equivalent, and total naphthalenes using EPA Method 8270 or equivalent. Analytical results shall be submitted to NMED-GWQB in the annual monitoring report.<br><br>[NMSA 1978, § 74-6-5.D, 20.6.2.3107 NMAC] |

## CONTINGENCY PLAN

| # | **Terms and Conditions** |
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| 10. | In the event that analytical results of a monthly effluent sample from the remediation system exceed any of the limitations set by this Discharge Permit, the permittee shall enact the following contingency plan:<br>a) Notify NMED within 24 hours of the failure of the remediation system to treat ground water to below the limitation in Condition 3.<br>b) Shut down the extraction well pumps until the remediation system is repaired. If |

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| | necessary, the permittee shall install an alternate or additional remediation system or system component(s).<br>c) Cease discharge to the injection wells and infiltration gallery until necessary repairs are made.<br>d) Upon repair of the remediation system, re-test effluent.<br>e) Increase the effluent monitoring frequency to weekly.<br>f) When analytical results from effluent sampling do not exceed the limitation in Condition 3 for four consecutive weeks, the permittee may return to monthly monitoring.<br><br>[NMSA 1978, § 74-6-5.D, and Subsection A of 20.6.2.3107 NMAC, 20.6.2.3109 NMAC] |
| 11. | In the event that ground water standards are violated during the term of this Discharge Permit, upon closure of the facility or during the implementation of post-closure requirements, the permittee shall submit a corrective action plan that proposes measures to mitigate damage from the discharge including, at a minimum, source control measures and an implementation schedule to NMED. The permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 though 20.6.2.4115 NMAC, if the corrective action plan will not result in compliance with the standards and requirements set forth in Section 20.6.2.4103 NMAC within 180 days of confirmation of ground water contamination.<br><br>[NMSA 1978, § 74-6-5.D,20.6.2.1203 NMAC, and Subsection A of 20.6.2.4105 NMAC] |
| 12. | In the event that a release (commonly known as a "spill") occurs that is not authorized under this Discharge Permit, the permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below.<br><br>Within <u>24 hours</u> following discovery of the unauthorized discharge, the permittee shall verbally notify NMED and provide the following information:<br>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.<br>b) The name and address of the facility.<br>c) The date, time, location, and duration of the unauthorized discharge.<br>d) The source and cause of unauthorized discharge.<br>e) A description of the unauthorized discharge, including its estimated chemical composition.<br>f) The estimated volume of the unauthorized discharge.<br>g) Any actions taken to mitigate immediate damage from the unauthorized discharge.<br><br>Within <u>one week</u> following discovery of the unauthorized discharge, the permittee shall submit written notification to NMED with the information listed above and any pertinent updates.<br><br>Within <u>15 days</u> following discovery of the unauthorized discharge, the permittee shall |

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| | submit a corrective action report/plan to NMED describing any corrective actions taken and/or to be taken relative to the unauthorized discharge that includes the following:<br>a) A description of proposed actions to mitigate damage from the unauthorized discharge.<br>b) A description of proposed actions to prevent future unauthorized discharges of this nature.<br>c) A schedule for completion of proposed actions.<br><br>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, the permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 though 20.6.2.4115 NMAC.<br><br>Nothing in this condition shall be construed as relieving the permittee of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC.<br><br>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, 20.6.2.1203 NMAC] |
| 13. | In the event that NMED or the permittee identifies any failures of the discharge plan or this Discharge Permit not specifically noted herein, NMED may require the permittee to submit a corrective action plan 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.<br><br>[NMSA 1978, § 74-6-5.D, Subsections B and E of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC] |

## CLOSURE PLAN

| # | **Terms and Conditions** |
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| 14. | Upon closure of the remediation facility, the permittee shall perform the following closure measures:<br>a) Remove or plug all lines leading to and from the extraction wells, the remediation system, the infiltration gallery and the injection wells so that a discharge can no longer occur.<br>b) Remove remediation system components from the site.<br>c) Following notification from NMED that post-closure monitoring is not required or may cease, plug and abandon the extraction and injection wells in accordance with NMED's *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions*, Revision 1.1, March 2011 (copy enclosed).<br>d) When all post-closure requirements have been met, the permittee may request to terminate the Discharge Permit.<br><br>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC] |

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## GENERAL TERMS AND CONDITIONS

| # | Terms and Conditions |
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| 15. | RECORD KEEPING - The permittee shall maintain a written record of the following information:<br>a) Information and data used to complete the application for this Discharge Permit.<br>b) Records of any releases (commonly known as "spills") not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC.<br>c) Records of the operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater.<br>d) Facility record drawings (plans and specifications) showing the actual construction of the facility and bear the seal and signature of a licensed New Mexico professional engineer.<br>e) Copies of monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit.<br>f) The volume of wastewater or other wastes discharged pursuant to this Discharge Permit.<br>g) Ground water quality and wastewater quality data collected pursuant to this Discharge Permit.<br>h) Copies of construction records (well log) for all extraction, injection and ground water monitoring wells.<br>i) Records of the maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit.<br>j) Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit. The following information shall be recorded and shall be made available to NMED upon request:<br>i) The dates, location and times of sampling or field measurements;<br>ii) The name and job title of the individuals who performed each sample collection or field measurement;<br>iii) The sample analysis date of each sample;<br>iv) The name and address of the laboratory, and the name of the signatory authority for the laboratory analysis;<br>v) The analytical technique or method used to analyze each sample or collect each field measurement;<br>vi) The results of each analysis or field measurement, including raw data;<br>vii) The results of any split, spiked, duplicate or repeat sample; and<br>viii) A copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used.<br><br>The written record shall be maintained by the permittee at a location accessible during a facility inspection by NMED for a period of at least five years from the date of application, report, collection or measurement and shall be made available to the department upon request. |

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| # | **Terms and Conditions** |
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| | [NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC] |
| 16. | INSPECTION and ENTRY – The permittee shall allow inspection by NMED of the facility and its operations which 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 are located any records required to be maintained by regulations of the federal government or the WQCC.<br><br>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.<br><br>Nothing in this Discharge Permit shall be construed 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.<br><br>[Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E] |
| 17. | DUTY to PROVIDE INFORMATION - The permittee shall, upon NMED's request, allow NMED's inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.<br><br>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC 20.6.2.3107.D NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E] |
| 18. | 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 approval (which may require modification of this Discharge Permit) by NMED prior to implementing such changes.<br><br>[NMSA 1978, § 74-6-5.D, Subsection E of 20.6.2.3109 NMAC, Subsection C of 20.6.2.3107 NMAC] |
| 19. | PLANS and SPECIFICATIONS – In the event the permittee is proposing to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the permittee shall submit construction plans and specifications to NMED for the |

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| # | **Terms and Conditions** |
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| | proposed system or process unit prior to the commencement of construction.<br><br>In the event the permittee implements changes to the wastewater system authorized by this Discharge Permit which 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) as of January 1 and June 30 of each year to NMED.<br><br>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, 20.6.2.1202 NMAC] |
| 20. | 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.<br><br>[NMSA 1978, §§ 74-6-10 and 74-6-10.1] |
| 21. | CRIMINAL PENALTIES – No person shall:<br>1) make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or required to be maintained under the WQA;<br>2) falsify, tamper with or render inaccurate any monitoring device, method or record required to be maintained under the WQA; or<br>3) fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation.<br><br>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third degree |

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| # | **Terms and Conditions** |
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| | 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.<br><br>[NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F] |
| 22. | 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 all applicable federal, state, and local laws, regulations, permits or orders.<br><br>[20.6.2 NMAC] |
| 23. | 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 to be raised and the relief sought. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review.<br><br>[NMSA 1978, § 74-6-5.O] |
| 24. | TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this facility or any portion thereof, the permittee shall:<br>1) notify the proposed transferee in writing of the existence of this Discharge Permit;<br>2) include a copy of this Discharge Permit with the notice; and<br>3) deliver or send by certified mail to NMED a copy of the notification and proof that such notification has been received by the proposed transferee.<br><br>Until both ownership and possession of the facility have been transferred to the transferee, the permittee shall continue to be responsible for any discharge from the facility.<br><br>[20.6.2.3111 NMAC] |
| 25. | PERMIT FEES - Payment of permit fees is due at the time of Discharge Permit approval. Permit fees shall be paid in a single payment or shall be paid in equal installments on a yearly basis over the term of the Discharge Permit. Single payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date. Initial installment payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date; subsequent installment payments shall be remitted to NMED no later than the anniversary of the Discharge Permit effective date.<br><br>Permit fees are associated with <u>issuance</u> of this Discharge Permit. Nothing in this Discharge Permit shall be construed as relieving the permittee of the obligation to pay all |

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| # | Terms and Conditions |
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| | permit fees assessed by NMED. A permittee that ceases discharging or does not commence discharging from the facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. An approved Discharge Permit shall be suspended or terminated if the facility fails to remit an installment payment by its due date.<br><br>[Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K] |

## V. PERMIT TERM & SIGNATURE

EFFECTIVE DATE: [effective date]

TERM ENDS: [expiration date]

[Subsection H of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.I]

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

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