

GROUND WATER DISCHARGE PERMIT
Ruan Transport-Hagerman, DP-1728

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit (Discharge Permit), DP-1728, to Ruan Transport, 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) 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 Ruan Transport-Hagerman (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 Subsection C of 20.6.2.3109 NMAC have been or will be 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 7,000 gallons per day (gpd) of wastewater drains from milk tank truck wash bays through a 300-gallon oil water separator to a concrete-lined ditch. Truck wash wastewater is pumped from the concrete-lined ditch to retired milk tanker trucks, transported and discharged to a three-celled synthetically lined wastewater impoundment system located at Oasis Farms (an inactive dairy facility) for disposal by evaporation. Oil and solids are pumped and hauled to permitted disposal facilities. Wastewater, oil or solids shall not be land applied at Ruan Transport-Hagerman or at Oasis Farms.

The discharge contains water contaminants which may be elevated above the standards of Section 20.6.2.3103 NMAC and/or the presence of toxic pollutants as defined in Subsection WW of 20.6.2.7 NMAC.

The Ruan Transport-Hagerman facility is located at 7723 Comox Road, approximately 4.5 miles west of Hagerman, in Section 13, Township 14 South, Range 25 East, Chaves County. The Oasis Farms discharge site is located at 4164 Oasis Drive, approximately 8 miles southeast of Roswell in Section 23, Township 11 South, Range 25 East, Chaves County. Ground water beneath the Ruan Transport-Hagerman facility is at a depth of approximately 120 feet and has a total dissolved solids concentration of approximately 3,110 milligrams per liter. Ground water beneath the Oasis Farms discharge site is at a depth of approximately 20 feet and has a total dissolved solids concentration of approximately 2,000 milligrams per liter.

The permittee's application consists of the materials submitted by Smith Engineering Company on behalf of the permittee dated March 23, 2009 and materials contained in the administrative record prior to issuance of this Discharge Permit. The discharge shall be managed in accordance with all conditions and requirements of this Discharge Permit.

Pursuant to Section 20.6.2.3109 NMAC, NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the requirements of 20.6.2 NMAC are being or may be violated or the standards of Section 20.6.2.3103 NMAC are being or may be violated. This may include a determination that structural controls and/or management practices approved under this Discharge Permit are not protective of ground water quality, and that more stringent requirements to protect ground water quality may be required by NMED. The permittee may be required to implement abatement of water pollution and remediate ground water quality.

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
BOD ₅	biochemical oxygen demand (5-day)	NTU	nephelometric turbidity units
CFR	Code of Federal Regulations	Org	organisms
Cl	chloride	TDS	total dissolved solids
EPA	United States Environmental Protection Agency	TKN	total Kjeldahl nitrogen
gpd	gallons per day	total nitrogen	TKN+NO ₃ -N
LADS	land application data sheet(s)	TRC	Total Residual Chlorine
mg/L	milligrams per liter	TSS	total suspended solids
mL	milliliters	UPC	Uniform Plumbing Code
NMAC	New Mexico Administrative Code	WQA	New Mexico Water Quality Act
NMED	New Mexico Environment Department	WQCC	Water Quality Control Commission
NMSA	New Mexico Statutes Annotated	WWTF	Wastewater Treatment Facility
NO ₃ -N	nitrate-nitrogen		

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 Section 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 Subsection A of 20.6.2.3101 NMAC.

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

III. AUTHORIZATION TO DISCHARGE

The permittee is authorized to discharge up to 7,000 gpd of wastewater from milk tanker truck wash bays through an oil water separator to a concrete-lined ditch. Truck wash wastewater is pumped from the concrete-lined ditch to retired milk tanker trucks, transported and discharged to a three-celled synthetically lined wastewater impoundment system located at Oasis Farms (an inactive dairy facility) for disposal by evaporation. Oil and solids are pumped and hauled to permitted disposal facilities. Wastewater, oil or solids shall not be land applied at Ruan Transport-Hagerman or at Oasis Farms. [20.6.2.3104 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection C of 20.6.2.3109 NMAC]

The permittee is authorized to discharge water contaminants subject to the following conditions:

IV. CONDITIONS

The conditions of this Discharge Permit shall be complied with by the permittee and are enforceable by NMED.

A. OPERATIONAL PLAN

#	Terms and Conditions
1.	The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 1 and 2 NMAC. [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. [20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsections B and C of 20.6.2.3109 NMAC]

Operational Actions with Implementation Deadlines

#	Terms and Conditions
3.	Within 180 days following the effective date of this Discharge Permit (by DATE), the permittee shall submit an up-to-date scaled map(s) of the entire Ruan Transport-Hagerman facility to NMED. The map(s) shall be developed using information obtained from a survey of the entire facility. The map(s) shall be drawn to a scale such that all necessary information is plainly shown and labeled. The map shall include the following elements:

	<ul style="list-style-type: none"> • a graphical scale • a north arrow • the effective date of the map • all components of the wastewater collection system • all ground water monitoring wells • all flow measurement devices • all domestic, irrigation and public water supply wells within 1,000 feet of the former surface disposal area • all wastewater sampling locations • location and acreage of the former surface disposal area <p>The survey shall be performed to a U.S. Geological Survey (USGS) or other 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). A survey elevation shall be established with a permanent marking indicating the point of survey. The completed survey shall bear the seal and signature of a licensed New Mexico professional surveyor (pursuant to New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority).</p> <p>Any element that cannot be directly shown due to its location inside of existing structures, or because it is buried without surface identification, shall be on the map in a schematic format and identified as such.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
4.	<p>Within 90 days of the effective date of this Discharge Permit (by DATE), the permittee shall submit to NMED construction plans and specifications, certified by a licensed New Mexico professional engineer, for constructing a concrete barrier at the end of the portion of the concrete-lined ditch which receives milk tanker truck wash wastewater.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
5.	<p>Within one year of the effective date of this Discharge Permit (by DATE), the permittee shall install a concrete barrier at the end of the portion of the concrete-lined ditch which receives milk tanker truck wash wastewater. The concrete barrier shall be constructed in accordance with the construction plans and specifications as required by this Discharge Permit. The permittee shall notify NMED at least five working days prior to concrete barrier construction to allow NMED personnel to be on-site for inspection. Record drawings and final specifications for the barrier shall be submitted to NMED within 60 days of concrete barrier installation. A licensed New Mexico professional engineer shall certify all record drawings and final specifications for the concrete barrier.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, 20.6.2.1202 NMAC,</p>

	NMSA 1978, §§ 61-23-1 through 61-23-32]
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Operating Conditions

#	Terms and Conditions
6.	<p>The permittee shall maintain the impoundment system liner(s) located at Oasis Farms (an inactive dairy facility) in such a manner as to avoid conditions which could affect the structural integrity of the impoundment system and/or impoundment system liner(s). Such conditions include or may be characterized by the following:</p> <ul style="list-style-type: none"> • erosion damage; • animal burrows or other damage; • the presence of vegetation including aquatic plants, weeds, woody shrubs or trees growing within five feet of the top inside edge of a sub-grade impoundment, within five feet of the toe of the outside berm of an above-grade impoundment, or within the impoundment itself; • the presence of large debris or large quantities of debris in the impoundment system; • evidence of seepage; and • evidence of berm subsidence. <p>Vegetation growing around the impoundment system shall be routinely controlled by mechanical removal in a manner that is protective of the impoundment system liner.</p> <p>The permittee shall visually inspect the impoundment system and surrounding berms on a monthly basis to ensure proper maintenance. In the event that inspection reveals any evidence of damage that threatens the structural integrity of an impoundment berm or liner, or that may result in an unauthorized discharge, the permittee shall enact the contingency plan set forth in this Discharge Permit.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC]</p>
7.	<p>The permittee shall preserve a minimum of two feet of freeboard between the liquid level in the impoundment system located at Oasis Farms and the elevation of the top of the impoundment system liner. In the event that the permittee determines that two feet of freeboard cannot be preserved in the impoundment system, the permittee shall enact the contingency plan set forth in this Discharge Permit.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC]</p>
8.	<p>The permittee shall inspect the oil/water separator that is installed after the wash bays semi-annually for the accumulation of oil and solids. In the event that oil or solids have accumulated to greater than 75 % of the working capacity of the separator, the contents shall be pumped by a licensed hauler. Oil or solids shall not be disposed of on site. The oil and solids shall be contained, transported, and disposed of at a permitted facility in</p>

	<p>accordance with all local, state, and federal regulations. The permittee shall maintain separator inspection and pumping records (copies of receipts or invoices).</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC]</p>
9.	<p>The permittee shall visually inspect the concrete-lined ditch on a monthly basis to ensure proper maintenance. Any damage to the concrete-lined ditch shall be repaired immediately. The permittee shall keep a log of the inspection findings and repairs made.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC]</p>

B. MONITORING AND REPORTING

#	Terms and Conditions
10.	<p>The permittee shall conduct the following monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC, 20.6.2.3107 NMAC]</p>
11.	<p>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:</p> <ul style="list-style-type: none"> a) American Public Health Association, Standard Methods for the Examination of Water and Wastewater (18th, 19th or current) b) U.S. Environmental Protection Agency, Methods for Chemical Analysis of Water and Waste c) U.S. Geological Survey, Techniques for Water Resources Investigations of the U.S. Geological Survey d) American Society for Testing and Materials, Annual Book of ASTM Standards, Part 31. Water e) U.S. Geological Survey, et al., National Handbook of Recommended Methods for Water Data Acquisition f) Federal Register, latest methods published for monitoring pursuant to Resource Conservation and Recovery Act regulations 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 <p>[Subsection B of 20.6.2.3107 NMAC]</p>
12.	<p>The permittee shall submit quarterly monitoring reports to NMED for the most recently completed quarterly period by the 1st of February, May, August and November each year.</p> <p>Quarterly monitoring shall be performed during the following periods and submitted as</p>

	<p>follows:</p> <ul style="list-style-type: none"> • January 1st through March 31st (first quarter) – due by May 1st • April 1st through June 30th (second quarter) – due by August 1st • July 1st through September 30th (third quarter) – due by November 1st • October 1st through December 31st (fourth quarter) – due by February 1st <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>
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Monitoring Actions with Implementation Deadlines

#	Terms and Conditions
13.	<p>At least 60 days prior to monitoring well installation, the permittee shall submit a written monitoring well location proposal for review and approval by NMED. The proposal shall designate the locations of all monitoring wells required to be installed by this Discharge Permit. The proposal shall include, at a minimum, the following information:</p> <ol style="list-style-type: none"> a) A map showing the proposed location of the monitoring well(s) from the boundary of the source it is intended to monitor. b) A written description of the specific location proposed for the monitoring well(s) including the distance (in feet) and direction of the monitoring well(s) from the edge of the source it is intended to monitor. Examples include: 35 feet north-northwest of the northern berm of the synthetically lined impoundment; 30 feet southeast of the land application area; 150 degrees from north. c) A statement describing the ground water flow direction beneath the facility, and documentation and/or data supporting the determination. <p>All monitoring well locations shall be approved by NMED prior to installation.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC]</p>
14.	<p>Within 120 days of the effective date of this Discharge Permit (by DATE), the permittee shall install the following new monitoring wells at the Ruan Transport Hagerman Facility.</p> <ul style="list-style-type: none"> • One monitoring well (MW-1) hydrologically upgradient of the entire facility. • One monitoring well (MW-2) located 20 to 50 feet hydrologically downgradient of the former surface disposal area. • One monitoring well (MW-3) 20 to 50 feet hydrologically downgradient of the portion of the concrete lined ditch currently receiving wastewater. <p>The well(s) shall be completed in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011. Construction and lithologic logs shall be submitted to NMED within 30 days of well completion.</p>

	<p>Unless otherwise noted in this Discharge Permit, the requirement to install a monitoring well downgradient of a source is <u>not</u> contingent upon construction of or discharge of wastewater to that source, or discharge of wastewater from the facility.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>
<p>15.</p>	<p>Within 150 days following the effective date of this Discharge Permit (by DATE), the permittee shall survey all wells approved by NMED for Discharge Permit monitoring purposes to a U.S. Geological Survey (USGS) or other permanent benchmark. Survey data shall include northing, easting and elevation to the nearest hundredth of a foot or shall be in accordance with the “Minimum Standards for Surveying in New Mexico” (12.8.2 NMAC). A survey elevation shall be established at the top-of-casing, with a permanent marking indicating the point of survey. The survey shall bear the seal and signature of a licensed New Mexico professional surveyor (pursuant to the New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority).</p> <p>Depth-to-water shall be measured to the nearest hundredth of a foot in all surveyed wells, and the data shall be used to develop a ground water elevation contour map showing the location of all monitoring wells and the direction and gradient of ground water flow at the facility. The data and ground water elevation contour map shall be submitted to NMED within 30 days of survey completion.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
<p>16.</p>	<p>Once prior to the date that the term of this Discharge Permit ends, NMED shall have the option to perform downhole inspections of all monitoring wells identified in this Discharge Permit. NMED shall establish the inspection date and provide at least 60 days notice to the permittee by certified mail. The permittee shall have any existing dedicated pumps removed at least 48 hours prior to NMED inspection to allow adequate settling time of sediment agitated from pump removal.</p> <p>Should a facility not have existing dedicated pumps, but decide to install pumps in any of the monitoring wells, NMED shall be notified at least 90 days prior to pump installation so that a downhole well inspection(s) can be scheduled prior to pump placement.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection D of 20.6.2.3107 NMAC]</p>

Ground Water Monitoring Conditions

#	Terms and Conditions
17.	The permittee shall perform quarterly ground water sampling in the following monitoring

	<p>wells and analyze the samples for dissolved NO₃-N, TKN, TDS and Cl:</p> <ul style="list-style-type: none">• MW-1, intended to be located hydrologically upgradient of the entire facility.• MW-2, intended to be located hydrologically downgradient of the former surface disposal area.• MW-3, intended to be located hydrologically downgradient of the portion of the concrete lined ditch currently receiving wastewater. <p>Ground water sample collection, preservation, transport and analysis shall be performed according to the following procedure:</p> <ol style="list-style-type: none">a) Measure the depth-to-ground water from the top of the well casing to the nearest hundredth of a foot.b) Purge three well volumes of water from the well prior to sample collection.c) Obtain samples from the well for analysis.d) Properly prepare, preserve and transport samples.e) Analyze samples in accordance with the methods authorized in this Discharge Permit. <p>Depth-to-water measurements, analytical results, including the laboratory QA/QC summary report, and a facility layout map showing the location and number of each well shall be submitted to NMED in the quarterly monitoring reports.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>
18.	<p>The permittee shall perform semi-annual ground water sampling in the following monitoring wells and analyze the samples for volatile organics (using EPA method 8260B), semi-volatile organics (using EPA method 8270C), and metals (using EPA method 7000A or 6010B).</p> <ul style="list-style-type: none">• MW-1, intended to be located hydrologically upgradient of the entire facility.• MW-2, intended to be located hydrologically downgradient of the former surface disposal area.• MW-3, intended to be located hydrologically downgradient of the portion of the concrete lined ditch currently receiving wastewater. <p>Ground water sample collection, preservation, transport and analysis shall be performed according to the following procedure:</p> <ol style="list-style-type: none">a) Measure the depth-to-ground water from the top of the well casing to the nearest hundredth of a foot.b) Purge three well volumes of water from the well prior to sample collection.c) Obtain samples from the well for analysis.d) Properly prepare, preserve and transport samples.e) Analyze samples in accordance with the methods authorized in this Discharge Permit. <p>The permittee shall compare the analytical results to the 20.6.2.3103 NMAC ground water standards, and identify any analytes on the 20.6.2.7.VV NMAC toxic pollutants list with concentrations greater than the detection limit of the analytical method used. Depth-to-</p>

	<p>water measurements, analytical results, including the laboratory QA/QC summary report, a facility layout map showing the location and number of each well, and a list of elements or compounds that exceed ground water standards and/or toxic pollutants with concentrations greater than the detection limit of the analytical method used shall be submitted to NMED in the monitoring reports due on February 1st and August 1st.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>
<p>19.</p>	<p>The permittee shall develop a ground water elevation contour map on a quarterly basis using the top of casing elevation data from the monitoring well survey and quarterly depth-to-water measurements obtained from the ground water monitoring wells required by this Discharge Permit.</p> <p>The ground water elevation contour map shall depict the ground water flow direction based on the ground water elevation contours. Ground water elevations between monitoring well locations shall be estimated using common interpolation methods. A contour interval appropriate to the data shall be used, but in no case shall the interval be greater than two feet. Ground water elevation contour maps shall depict the ground water flow direction, using arrows, based on the orientation of the ground water elevation contours, and the location and identification of each monitoring well and contaminant source. The ground water elevation contour map shall be submitted to NMED in the quarterly monitoring reports.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC]</p>

Facility Monitoring Conditions

#	Terms and Conditions
<p>20.</p>	<p>The permittee shall estimate the monthly volume of wastewater discharged to the wastewater treatment system by recording meter readings for the facility's water supply on a monthly basis and calculating the monthly and average daily usage volumes. The estimated monthly discharge volume* (based upon meter readings) shall be used to calculate the average daily discharge volume by the formula below.</p> <p style="text-align: center;">estimated monthly discharge volume ÷ number of days per month = average daily discharge volume</p> <p>Each month, the permittee shall make note of any significant uses of the water (e.g., irrigation, evaporative cooling or leaks) that do not contribute to the volume of wastewater discharged.</p> <p>The monthly meter readings, estimated monthly and average daily discharge volumes, and notes and estimated volume of significant uses shall be submitted to NMED in the quarterly monitoring reports.</p>

	<p>* Should more than one flow meter exist for the facility's water supply, the permittee shall calculate the estimated monthly discharge volume for the facility by adding the estimated monthly discharge volume for each meter. This summation should be completed prior to calculating the average daily discharge volume for the facility.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>
<p>21.</p>	<p>The permittee shall create a manifest for each tanker truck load of wastewater transported and discharged to the synthetically lined impoundment system at Oasis Farms. The permittee shall record the following information on the manifest:</p> <ul style="list-style-type: none"> • date of transport and discharge; • volume of wastewater discharged; • signature of person transporting the wastewater • signature of person receiving the wastewater <p>Using the manifest, the permittee shall determine the monthly volume of wastewater transported to and discharged at Oasis Farms. The monthly volumes and copies of the manifests shall be submitted to NMED in the quarterly monitoring reports. [20.6.2.3109 NMAC; 20.6.2.3107 NMAC]</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>
<p>22.</p>	<p>The permittee shall collect a sample of wastewater from the concrete lined ditch on a quarterly basis and analyze the samples for TKN, NO₃-N, TDS and Cl. Samples shall be properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results shall be submitted to NMED in the quarterly monitoring reports.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>
<p>23.</p>	<p>The permittee shall sample wastewater from the concrete lined ditch on an annual basis and analyze the samples for volatile organics (using EPA method 8260B), semi-volatile organics (using EPA method 8270C), and metals (using EPA method 7000A or 6010B). The permittee shall compare the analytical results to the 20.6.2.3103 NMAC ground water standards, and identify any analytes on the 20.6.2.7.WW NMAC toxic pollutants list with concentrations greater than the detection limit of the analytical method used. Analytical results and a list of elements or compounds that exceed ground water standards and/or toxic pollutants with concentrations greater than the detection limit of the analytical method used shall be submitted to NMED annually in the monitoring report due by February 1st each year.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>

24.	<p>The permittee shall collect a composite wastewater sample on a semi-annual basis (once every six months) from a representative location within the Oasis Farms evaporative impoundment system. The composite sample shall consist of a minimum of six equal aliquots collected around the entire perimeter of the evaporative impoundment system and thoroughly mixed. The composite sample shall be analyzed for TKN, NO₃-N, TDS and Cl. Samples shall be properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results shall be submitted to NMED in the monitoring reports due by February 1st and August 1st each year.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>
25.	<p>The permittee shall submit oil/water separator inspection and pumping records (copies of receipts or invoices) to NMED in the monitoring reports due by February 1st and August 1st each year.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC]</p>

C. CONTINGENCY PLAN

#	Terms and Conditions
26.	<p>In the event that ground water monitoring indicates that a ground water quality standard identified in Section 20.6.2.3103 NMAC is exceeded; the total nitrogen concentration in ground water is greater than 10 mg/L; or a toxic pollutant (defined in Subsection WW of 20.6.2.7 NMAC) is present in a ground water sample and in any subsequent ground water sample collected from a monitoring well required by this Discharge Permit, the permittee shall enact the following contingency plan:</p> <p>Within 60 days of the subsequent sample analysis date, the permittee shall propose measures to ensure that the exceedance of the standard or the presence of a toxic pollutant will be mitigated by submitting a corrective action plan to NMED for approval. The corrective action plan shall include a description of the proposed actions to control the source and an associated completion schedule. The plan shall be enacted as approved by NMED.</p> <p>Once invoked (whether during the term of this Discharge Permit; or after the term of this Discharge Permit and prior to the completion of the Discharge Permit closure plan requirements), this condition shall apply until the permittee has fulfilled the requirements of this condition and ground water monitoring confirms for a minimum of two years of consecutive ground water sampling events that the standards of Section 20.6.2.3103 NMAC are not exceeded and toxic pollutants are not present in ground water.</p> <p>The permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 though 20.6.2.4115 NMAC, should the corrective action plan not result in compliance with</p>

	<p>the standards and requirements set forth in Section 20.6.2.4103 NMAC within 180 days of confirmed ground water contamination.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>
<p>27.</p>	<p>In the event that information available to NMED indicates that a well(s) is not constructed in a manner consistent with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011; contains insufficient water to effectively monitor ground water quality; or is not completed in a manner that is protective of ground water quality, the permittee shall install a replacement well(s) within 120 days following notification from NMED. The permittee shall survey the replacement monitoring well(s) within 150 days following notification from NMED.]</p> <p>Replacement well location(s) shall be approved by NMED prior to installation and completed in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011. The permittee shall submit construction and lithologic logs, survey data and a ground water elevation contour map to NMED within 60 days following well completion.</p> <p>Upon completion of the replacement monitoring well(s), the monitoring well(s) requiring replacement shall be properly plugged and abandoned. Well plugging, abandonment and documentation of the abandonment procedures shall be completed in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011, and all applicable local, state, and federal regulations. The well abandonment documentation shall be submitted to NMED within 60 days of completion of well plugging activities.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC]</p>
<p>28.</p>	<p>In the event that ground water flow information obtained pursuant to this Discharge Permit indicates that a monitoring well(s) is not located hydrologically downgradient of the discharge location(s) it is intended to monitor, the permittee shall install a replacement well(s) within 120 days following notification from NMED. The permittee shall survey the replacement monitoring well(s) within 150 days following notification from NMED.</p> <p>Replacement well location(s) shall be approved by NMED prior to installation and completed in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011. The permittee shall submit construction and lithologic logs, survey data and a ground water elevation contour map within 30 days following well completion.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC]</p>
<p>29.</p>	<p>In the event that inspection findings reveal significant damage likely to affect the structural</p>

	<p>integrity of the wastewater impoundment system located at Oasis Farms or its ability to contain contaminants, the permittee shall propose the repair or replacement of the impoundment system liner(s) by submitting a corrective action plan to NMED for approval. The plan shall be submitted to NMED within 30 days after discovery by the permittee or following notification from NMED that significant liner damage is evident. The corrective action plan shall include a schedule for completion of corrective actions and the permittee shall initiate implementation of the plan following approval by NMED.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>
<p>30.</p>	<p>In the event that inspection findings reveal significant damage likely to affect the structural integrity of the concrete lined ditch or its ability to contain contaminants, the permittee shall propose the repair or replacement of the concrete lined ditch by submitting a corrective action plan to NMED for approval. The plan shall be submitted to NMED within 30 days after discovery by the permittee or following notification from NMED that significant damage is evident. The corrective action plan shall include a schedule for completion of corrective actions and the permittee shall initiate implementation of the plan following approval by NMED.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>
<p>31.</p>	<p>In the event that a minimum of two feet of freeboard cannot be preserved in the impoundment system located at Oasis Farms, the permittee shall take actions authorized by this Discharge Permit and all applicable local, state, and federal regulations to restore the required freeboard.</p> <p>In the event that two feet of freeboard cannot be restored within a period of 72 hours following discovery, the permittee shall propose actions to be immediately implemented to restore two feet of freeboard by submitting a short-term corrective action plan to NMED for approval. Examples of short-term corrective actions include: removing excess wastewater from the impoundment system through pumping and hauling; or reducing the volume of wastewater discharged to the impoundment system. The plan shall include a schedule for completion of corrective actions and shall be submitted within 15 days following the date when the two feet of freeboard limit was initially discovered. The permittee shall initiate implementation of the plan following approval by NMED.</p> <p>In the event that the short-term corrective actions failed to restore two feet of freeboard, the permittee shall propose permanent corrective actions in a long-term corrective action plan submitted to NMED within 90 days following failure of the short-term corrective action plan. Examples include: the installation of an additional storage impoundment, or a significant/permanent reduction in the volume of wastewater discharged to the impoundment. The plan shall include a schedule for completion of corrective actions and implementation of the plan shall be initiated following approval by NMED.</p>

	<p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>
<p>32.</p>	<p>In the event that a release (commonly known as a “spill”) occurs that is not authorized under this Discharge Permit, the permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below.</p> <p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the permittee shall verbally notify NMED and provide the following information:</p> <ol style="list-style-type: none"> a) The name, address, and telephone number of the person or persons in charge of the facility, as well as of the owner and/or operator of the facility. b) The name and address of the facility. c) The date, time, location, and duration of the unauthorized discharge. d) The source and cause of unauthorized discharge. e) A description of the unauthorized discharge, including its estimated chemical composition. f) The estimated volume of the unauthorized discharge. g) Any actions taken to mitigate immediate damage from the unauthorized discharge. <p>Within <u>one week</u> following discovery of the unauthorized discharge, the permittee shall submit written notification to NMED with the information listed above and any pertinent updates.</p> <p>Within <u>15 days</u> following discovery of the unauthorized discharge, the permittee shall submit a corrective action report/plan to NMED describing any corrective actions taken and/or to be taken relative to the unauthorized discharge that includes the following:</p> <ol style="list-style-type: none"> a) A description of proposed actions to mitigate damage from the unauthorized discharge. b) A description of proposed actions to prevent future unauthorized discharges of this nature. c) A schedule for completion of proposed actions. <p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, the permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p> <p>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.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, 20.6.2.1203 NMAC]</p>
<p>33.</p>	<p>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</p>

	<p>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.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and E of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107NMAC]</p>
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D. CLOSURE PLAN

Closure Actions with Implementation Deadlines

#	Terms and Conditions
34.	<p>Within one year of the effective date of this Discharge Permit (by DATE), the permittee shall properly close the abandoned section of the concrete lined ditch formerly used to discharge milk tanker truck wash wastewater. Milk tanker truck wash wastewater solids and the concrete liner shall be removed, and the ditch regraded to blend with surface topography and prevent ponding. The milk tanker truck wash solids shall be disposed of in accordance with all local, state, and federal regulations. Documentation verifying complete closure of the abandoned section of the concrete lined ditch, including photographic documentation, shall be submitted to NMED within 60 days of closure completion.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>

Permanent Facility Closure Conditions

#	Terms and Conditions
35.	<p>Upon closure of the facility, the permittee shall perform the following closure measures:</p> <ul style="list-style-type: none"> a) Remove all truck wash wastewater and solids from the concrete ditch and transfer offsite for proper disposal. b) Pump all oil/water separators and dispose of pumpings in accordance with all local, state, and federal regulations <p>Within <u>60 days</u> of ceasing discharging to the Oasis Farms impoundment system, wastewater shall be drained from the impoundment system and it shall be disposed of in accordance with all local, state, and federal regulations, or by evaporation from the impoundment system.</p> <p>Within <u>90 days</u> of ceasing discharging to the impoundment system, the permittee shall submit a sludge removal and disposal plan to NMED for approval. The permittee shall initiate implementation of the plan within 30 days following approval by NMED. The</p>

sludge removal and disposal plan shall include the following:

- a) The estimated volume and dry weight of sludge to be removed and disposed, including measurements and calculations.
- b) Analytical results for samples of the sludge taken from the impoundment system for TKN, NO₃-N, percent total solids, and any other parameters tested (reported in mg/kg, dry weight basis).
- c) The method(s) of sludge *removal* from the impoundment system.
- d) The method(s) of *disposal* for all of the sludge (and its contents) removed from the impoundment system. The method(s) shall comply with all local, state and federal regulations, including 40 CFR Part 503. *Note: A proposal that includes the surface disposal of sludge may be subject to Ground Water Discharge Permitting requirements pursuant to 20.6.2.3104 NMAC that are separate from the requirements of this Discharge Permit.*
- e) A schedule for completion of sludge removal and disposal not to exceed two years from the date discharge to the impoundment system ceased.

The permittee shall continue ground water monitoring until the requirements of this condition have been met and ground water monitoring confirms for a minimum of two years of consecutive ground water sampling events that the standards of Section 20.6.2.3103 NMAC are not exceeded and toxic pollutants are not present in ground water.

If monitoring results show that a ground water quality standard in Section 20.6.2.3103 NMAC is exceeded; the total nitrogen concentration in ground water is greater than 10 mg/L; or a toxic pollutant (defined in Subsection WW of 20.6.2.7 NMAC) is present in ground water, the permittee shall implement the contingency plan required by this Discharge Permit.

Following notification from NMED that post-closure monitoring may cease, the permittee shall plug and abandon the monitoring well(s) in accordance with the attachment titled *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions*, Revision 1.1, March 2011.

When all post-closure requirements have been met, the permittee may request to terminate the Discharge Permit.

[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC, 40 CFR Part 503]

E. GENERAL TERMS AND CONDITIONS

#	Terms and Conditions
36.	<p>RECORD KEEPING - The permittee shall maintain a written record of the following information:</p> <ul style="list-style-type: none"> a) Information and data used to complete the application for this Discharge Permit. 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. c) Records of the operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater. 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. e) Copies of monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit. f) The volume of wastewater or other wastes discharged pursuant to this Discharge Permit. g) Ground water quality and wastewater quality data collected pursuant to this Discharge Permit. h) Copies of construction records (well log) for all ground water monitoring wells required to be sampled pursuant to this Discharge Permit. i) Records of the maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit. 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: <ul style="list-style-type: none"> i) The dates, location and times of sampling or field measurements; ii) The name and job title of the individuals who performed each sample collection or field measurement; iii) The sample analysis date of each sample; iv) The name and address of the laboratory, and the name of the signatory authority for the laboratory analysis; v) The analytical technique or method used to analyze each sample or collect each field measurement; vi) The results of each analysis or field measurement, including raw data; vii) The results of any split, spiked, duplicate or repeat sample; and viii) A copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. <p>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.</p>

	<p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>
<p>37.</p>	<p>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.</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>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.</p> <p>[Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>
<p>38.</p>	<p>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.</p> <p>[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]</p>
<p>39.</p>	<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 approval (which may require modification of this Discharge Permit) by NMED prior to implementing such changes.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection E of 20.6.2.3109 NMAC, Subsection C of 20.6.2.3107 NMAC]</p>
<p>40.</p>	<p>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 proposed system or process unit prior to the commencement of construction.</p>

	<p>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.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B of 20.6.2.3109 NMAC, 20.6.2.1202 NMAC]</p>
<p>41.</p>	<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>[NMSA 1978, §§ 74-6-10 and 74-6-10.1,]</p>
<p>42.</p>	<p>CRIMINAL PENALTIES – No person shall:</p> <ol style="list-style-type: none"> 1) make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or required to be maintained under the WQA; 2) falsify, tamper with or render inaccurate any monitoring device, method or record required to be maintained under the WQA; or 3) fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation. <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 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>

	[NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]
43.	<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 all applicable federal, state, and local laws, regulations, permits or orders.</p> <p>[20.6.2 NMAC]</p>
44.	<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 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.</p> <p>[NMSA 1978, § 74-6-5.O]</p>
45.	<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> <ol style="list-style-type: none"> 1) notify the proposed transferee in writing of the existence of this Discharge Permit; 2) include a copy of this Discharge Permit with the notice; and 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. <p>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.</p> <p>[20.6.2.3111 NMAC]</p>
46.	<p>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.</p> <p>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 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.</p> <p>[Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]</p>

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]

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

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