

**GROUND WATER DISCHARGE PERMIT - RENEWAL AND MODIFICATION
EXISTING DAIRY FACILITY with an EVAPORATIVE DISPOSAL SYSTEM
Wild West Dairy, DP-390**

I. INTRODUCTION AND SUMMARY

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal and Modification (Discharge Permit), DP-390, to Dennis West (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 Wild West 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 6,000 gallons per day (gpd) of wastewater may be discharged from the production area. The discharge of wastewater to the previously used 234-acre surface disposal area is not authorized by the Dairy Rule or this Discharge Permit. This Discharge Permit requires construction and/or installation of a solids separator and a synthetically lined wastewater impoundment for disposal of wastewater by evaporation. 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 2574 South Roosevelt Road E, approximately 1 mile northeast of Causey, in Section 12, Township 5 South, Range 36 East, Roosevelt County. Ground water most likely to be affected is at a depth of approximately 160 feet and had a pre-discharge total dissolved solids concentration of approximately 420 milligrams per liter.

The original Discharge Permit was issued on November 21, 1985, modified on November 29, 1989, and subsequently renewed on September 21, 1990, February 13, 1996 and August 1, 2003. The application consists of the materials submitted by EnviroCompliance Services, Inc. on behalf of the permittee dated February 20, 2008 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

Abbreviation	Explanation	Abbreviation	Explanation
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 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. The dairy facility was existing as of the effective date of the Dairy Rule (December 31, 2011) and does not measure the volume of wastewater discharged to wastewater impoundment(s) using a flow meter installed on the discharge line(s) from all wastewater sources to the wastewater impoundment(s).
6. 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. **Wastewater Impoundment** – required to be installed and authorized for use by this Discharge Permit.
- b) Stormwater Impoundments
 - i. **RCS 1** - authorized for use by this Discharge Permit.
 - ii. **RCS 2**- authorized for use by this Discharge Permit.
- c) Fields within the former Surface Disposal Area
 - i. **LAA-A** - not authorized for use by this Discharge Permit because it lacks irrigation water and the ability to grow a crop; was authorized for use by the last Discharge Permit issued prior to the effective date of the Dairy Rule; subject to closure and post-closure ground water monitoring requirements.

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 6,000 gpd of wastewater from the production area. The discharge of wastewater to the previously used 234-acre surface disposal area is not authorized by the Dairy Rule or this Discharge Permit. This Discharge Permit requires construction and/or installation of a solids separator and a synthetically lined wastewater impoundment for disposal of wastewater by evaporation.
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) **Wastewater Impoundment** – authorized to receive wastewater for disposal by evaporation. Construction of this synthetically lined impoundment is required by this Discharge Permit.
 - b) **RCS 1**– authorized to receive stormwater which is transferred to the Wastewater Impoundment for disposal by evaporation. This impoundment exists as of the effective date of this Discharge Permit and is unlined.

- c) **RCS 2**– authorized to receive stormwater which is transferred to the Wastewater Impoundment for disposal by evaporation. This impoundment exists as of the effective date of this Discharge Permit and is unlined.

DAIRY RULE TRANSITION REQUIREMENTS

- 3. The permittee shall have 90 days from the effective date of this Discharge Permit (**by DATE**) 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 II.A.1
- c) Part II.B.1, 5 and 6
- d) Part II.C
- e) Part II.D.3(a)
- f) Part II.E.1 and 3
- g) Part IV.A
- h) Part IV.B

ENGINEERING AND SURVEYING REQUIREMENTS

- 4. 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.
- 5. 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.	<p><u>Impoundment Plans and Specifications:</u></p> <p>Submit construction plans and specifications for installation of a wastewater impoundment(s) to achieve compliance with the disposal capacity requirements of Subsection D of 20.6.6.17 NMAC.</p>	<p>[90 days of effective date]</p>	<p>20.6.6.17.C(1) NMAC</p>

B.	<p><u>Manure Solids Separation Plans and Specifications – New Wastewater System:</u></p> <p>Submit plans and specifications for manure solids separation as a component of the newly designed wastewater disposal system to achieve compliance with Subsection F of 20.6.6.20 NMAC.</p>	[90 days of effective date]	20.6.6.17.C(4) NMAC
C.	<p><u>Flow Metering Plans:</u></p> <p>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:</p> <ul style="list-style-type: none"> the volume of wastewater discharged from all wastewater sources to the impoundment(s)* <p>*Alternatively, 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) installed on the fresh water supply line(s) to measure the volume of all sources contributing to the wastewater discharged to the impoundment(s).</p>	[90 days of effective date]	20.6.6.17.C(7) NMAC

OPERATIONAL REQUIREMENTS

- The permittee shall comply with the requirements of Sections 20.6.6.20 and 20.6.6.22 NMAC, and shall submit to NMED all information or documentation required by the applicable portions of Sections 20.6.6.20 and 20.6.6.22 NMAC.
- 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

- The permittee is authorized and required to transfer stormwater collected in the unlined stormwater impoundment(s) to the wastewater impoundment(s) in accordance with Subsection I of 20.6.6.20 NMAC.

9. 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.
- a) **Meter 1** – to be located on the discharge line from the production area to measure the volume of wastewater discharged from the production area to the Wastewater Impoundment.

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

10. The permittee shall remove all manure solids and composted material from the dairy in accordance with Subsection S of 20.6.6.20 NMAC.
11. 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.	<p><u>Impoundment Construction or Improvement:</u></p> <p>i) Complete construction of a new impoundment to achieve compliance with the Dairy Rule, in accordance with construction plans and specifications, and supporting design calculations.</p> <p>ii) Submit the Construction Certification Report verifying construction pursuant to Subsection C of 20.6.6.17 NMAC.</p>	<p>[1 yr of effective date]</p> <p>Within 90 days of completed impoundment construction.</p>	20.6.6.20.E NMAC
B.	<p><u>Manure Solids Separator Installation – New System:</u></p> <p>i) Complete construction of a manure solids separator associated with the new wastewater disposal system.</p> <p>ii) Submit confirmation of solids separator construction.</p>	Prior to discharging to the new system.	20.6.6.20.F NMAC
C.	<p><u>Flow Meter Installation:</u></p> <p>i) Complete installation of flow meter(s).</p> <p>ii) Submit confirmation of installation.</p>	<p>[150 days of effective date]</p> <p>[180 days of effective date]</p>	20.6.6.20.J NMAC
D.	<p><u>Scaled Map of Dairy Facility – Updates:</u></p> <p>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.</p>	Within 90 days of any addition or change.	20.6.6.20.V NMAC

GROUND WATER MONITORING REQUIREMENTS

12. 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.
13. Monitoring wells shall be constructed and completed in accordance with Subsection D of 20.6.6.23 NMAC.
14. Monitoring wells shall be permanently identified in accordance with Subsection C of 20.6.6.23 NMAC
15. 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.	<p><u>Ground Water Monitoring – New Wastewater Impoundments:</u></p> <p>Install the following monitoring wells within 75 feet hydrologically downgradient of the top inside edge of each <u>new</u> wastewater impoundment:</p> <p>i) MW-2, hydrologically downgradient of Wastewater Impoundment.</p>	<p>Prior to discharging wastewater into the impoundment or within 120 days of impoundment completion, whichever occurs first.</p>	<p>20.6.6.23.A(1) NMAC</p>
B.	<p><u>Ground Water Monitoring – Existing Stormwater Impoundments:</u></p> <p>Install the following monitoring wells within 75 feet hydrologically downgradient of the top inside edge of each <u>existing</u> stormwater impoundment:</p> <p>i) MW-3, hydrologically downgradient of RCS-1 ii) MW-6, hydrologically downgradient of RCS-2</p>	<p>[120 days of effective date]</p>	<p>20.6.6.23.A(3) NMAC</p>
C.	<p><u>Ground Water Monitoring – Existing Surface Disposal Area:</u></p> <p>Install the following monitoring wells within 50 feet hydrologically downgradient of the downgradient boundary of <u>existing</u> fields within the former surface disposal area:</p> <p>i) MW-4, hydrologically downgradient of LAA-A (first 160 acres). ii) MW-5, hydrologically downgradient of LAA-A (remaining 74 acres).</p>	<p>[120 days of effective date]</p>	<p>20.6.6.23.A(4) (b) NMAC</p>

Item No.	Action Required and Submittal Due to NMED	Due Date	Citation
D.	<u>Ground Water Monitoring – Upgradient:</u> Install a monitoring well, MW-1 , hydrologically upgradient of all contamination sources at the dairy facility.	[120 days of effective date]	20.6.6.23.A(5) NMAC
E.	<u>Ground Water Sampling and Reporting – Routine:</u> 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 NMAC
F.	<u>Ground Water Sampling – New Monitoring Wells:</u> Collect ground water samples in accordance with Subsection F of 20.6.6.23 NMAC from the following newly installed monitoring wells required to be installed in the following locations: i) MW-1 , hydrologically upgradient of all contamination sources at the dairy facility. ii) MW-2 , hydrologically downgradient of Wastewater Impoundment. iii) MW-3 , hydrologically downgradient of RCS-1. iv) MW-4 , hydrologically downgradient of LAA-A (first 160 acres). v) MW-5 , hydrologically downgradient of LAA-A (remaining 74 acres). vi) MW-6 , hydrologically downgradient of RCS-2	[150 days of effective date]	20.6.6.23.H NMAC
G.	<u>Monitoring Well Survey and Ground Water Flow Determination:</u> Survey monitoring wells required to be installed <i>within 120 days of the effective date of the Discharge Permit</i> to a USGS benchmark.	[150 days of effective date]	20.6.6.23.I NMAC
H.	<u>Monitoring Well Completion Report:</u> Submit a monitoring well completion report for monitoring wells required to be installed <i>within 120 days of the effective date of the Discharge Permit</i> . The report shall include information from all monitoring wells.	[180 days of effective date]	20.6.6.23.J NMAC
I.	<u>Ground Water Elevation Contour Maps:</u> 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

16. The permittee shall comply with the requirements of Sections 20.6.6.24 and 20.6.6.26 NMAC, and shall submit to NMED all information or documentation required by the applicable portions of Sections 20.6.6.24 and 20.6.6.26 NMAC.

17. 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**

18. 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.	<u>Wastewater Volume Measurement and Reporting:</u> 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
B.	<u>Stormwater Sampling and Reporting:</u> Collect and analyze stormwater samples on a quarterly basis from each stormwater impoundment, and submit results.	Quarterly	20.6.6.24.D NMAC
C.	<u>Flow Meter Field Calibration:</u> Perform flow meter field calibrations annually and submit a flow meter field calibration report.	Annually: May 1	20.6.6.24.E NMAC
D.	<u>Wastewater to be Evaporated – Sampling and Reporting:</u> Analyze wastewater samples on a semi-annual basis collected from each impoundment used for disposal of wastewater by evaporation, and submit results.	Semi-annually: May 1 November 1	20.6.6.26 NMAC

CONTINGENCY REQUIREMENTS

19. The permittee shall comply with the requirements of Sections 20.6.6.27 and 20.6.6.29 NMAC, and shall submit to NMED all information or documentation required by the applicable portions of Sections 20.6.6.27 and 20.6.6.29 NMAC.

CLOSURE REQUIREMENTS

20. 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.

GENERAL REQUIREMENTS

21. 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.
22. 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.
23. Transfer of a Discharge Permit for a dairy facility shall be completed in accordance with Section 20.6.6.34 NMAC.
24. 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.
25. 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. Within one year following the effective date of this Discharge Permit (**by DATE**), the permittee shall remove or demolish the existing steel holding tank and close the surrounding pit. The permittee shall remove all lines leading to and from the holding tank or permanently plug them and abandon them in place. The permittee shall re-grade the area with suitable fill to blend with surface topography to promote positive drainage and prevent ponding. The permittee shall submit photographic confirmation documenting holding tank removal or destruction within 90 days of completion.

2. Within 120 days following the effective date of this Discharge Permit (**by DATE**), the permittee shall install a new monitoring well, MW-7 within 75 feet hydrologically downgradient of the location of the existing steel holding tank. MW-7 shall be constructed, identified, and sampled in accordance with Conditions 12, 13, 14, and 15 of this Discharge Permit.

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: [DATE]

Expiration Date: [DATE]

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