GROUND WATER DISCHARGE PERMIT RENEWAL AND MODIFICATION
Ruch Dairy, DP-699

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal and Modification (Discharge Permit), DP-699, to John Ruch, owner/lessor, (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 Ruch Dairy (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 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 40,000 gallons per day (gpd) of wastewater is discharged from the milking parlor. Wastewater flows from the parlor to a concrete-lined sump and is pumped through a pipeline into a manure solids separator followed by a synthetically lined wastewater storage lagoon system. The wastewater is then land applied by center pivot sprinkler to 100 acres of irrigated cropland under cultivation (LAA-B). The modification consists of decreasing the land application area from 145 acres to 100 acres of cropland and replacing three existing clay-lined wastewater storage lagoons with a new synthetically lined lagoon system. The permittee is not authorized to land apply dairy wastewater, dairy stormwater or manure to the former land application fields (LAA-A and LAA-C). The discharge contains water contaminants or toxic pollutants which may be elevated above the standards of Section 20.6.2.3103 NMAC. The facility is located at 9111 State Highway 18 (a.k.a. Lovington Highway), approximately one mile northwest of Humble City, in Sections 26 and 27, Township 17 South, Range 37 East, Lea County. Ground water most likely to be affected is at a depth of approximately 60 feet and has a total dissolved solids concentration of approximately 560 milligrams per liter.

The original Discharge Permit was issued on February 1, 1991, and subsequently renewed and/or modified on July 16, 1996, and March 27, 2002. The permittee's application consists of the materials submitted by Gene Koopman (former lessee) dated December 28, 2006 and additional information submitted on behalf of the permittee by Reddy Ganta of Glorieta Geoscience on June 1, 2009. 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

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requirements to protect and/or remediate ground water quality may be required by NMED. These requirements may include: lining/relining lagoons; expanding land application areas; changing waste management practices; expanding monitoring requirements; installing an advanced treatment system; and/or implementing abatement of water pollution.

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 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
LADS	land application data sheet(s)		TKN	total Kjeldahl nitrogen
mg/L	milligrams per liter		total nitrogen	TKN+NO_3-N
mL	milliliters		TRC	Total Residual Chlorine
NMAC	New Mexico Administrative Code		TSS	total suspended solids
NMED	New Mexico Environment Department		WQA	New Mexico Water Quality Act
NMSA	New Mexico Statutes Annotated		WQCC	Water Quality Control Commission
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.

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III. CONDITIONS

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

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. [20.6.2.3106.C NMAC, 20.6.2.3107 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]
3.	The permittee is authorized to discharge up to 40,000 gpd of wastewater from the milking parlor to a concrete sump and pump it through a solids separator to a synthetically lined wastewater lagoon system for storage. For a period not to exceed one year from the effective date of this Discharge Permit, the permittee is authorized to discharge wastewater to the existing clay-lined lagoons for storage. Wastewater is land applied by center pivot sprinkler irrigation to up to 100 acres of irrigated cropland under cultivation (LAA-B). The permittee is not authorized to land apply dairy wastewater, dairy stormwater or manure to the former land application fields (LAA-A and LAA-C). Furthermore, the existing clay-lined lagoons are required to be closed by this Discharge Permit. [20.6.2.3104 NMAC]
4.	Prior to resuming discharging from the facility, the permittee shall give written and verbal notification to NMED stating the date the discharge is to resume. [20.6.2.3109.H NMAC]
5.	Prior to resuming discharging from the facility, the permittee shall submit documentation of irrigation water rights, from the Office of the State Engineer, for all fields within the land application area (LAA-B). The facility must demonstrate adequate irrigation water is available to produce and harvest the crops necessary for the removal of nitrogen applied from dairy wastes. [20.6.2.3109 NMAC]
6.	Within one year from the effective date of this Discharge Permit (by DATE), the permittee shall install a manure solids separator for the purpose of separating manure solids from the parlor wastewater before being discharged to the synthetically lined lagoon system. Solids shall be removed from the manure solids separator as needed, in order to maintain proper solids removal. Confirmation of solids separator installation and location, including photographic documentation, shall be submitted to NMED within 60 days of installation. [20.6.2.3109 NMAC]
7.	The permittee shall remove all manure solids and composted material from the facility in a manner and at a frequency necessary to prevent the contamination of ground water.

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	Manure solids or composted material shall not be applied to fields in the land application area. Management practices for manure and composted material stored at the facility prior to removal shall minimize generation and infiltration of leachate by diverting stormwater run-on and run-off and by preventing the ponding of water within areas used for manure and compost stockpiling. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]
8.	Within 180 days of the effective date of this Discharge Permit (by DATE), the permittee shall submit, for NMED approval, construction plans and specifications, and supporting design calculations for a synthetically lined lagoon system for the storage of wastewater, certified by a licensed New Mexico professional engineer. The plans shall demonstrate that the lagoon system is designed at minimum to contain the maximum daily discharge volume allowed by this Discharge Permit for a minimum period of 60 days while maintaining two feet of freeboard at all times. [20.6.2.3109 NMAC]
9.	Within one year from the effective date of this Discharge Permit (by DATE), the permittee shall construct a synthetically lined lagoon system for the storage of wastewater. The lagoon system shall be constructed in accordance with the approved construction plans and specifications as required by this Discharge Permit and the attachment titled *Ground Water Discharge Permit Conditions for Synthetically Lined Lagoons - Liner Material and Site Preparation*, Revision 0.0, May 2007. The permittee shall notify NMED at least five working days prior to lagoon system construction to allow NMED personnel to be on-site for inspection. Record drawings and final specifications for the lagoon system and lagoon liner, and final lagoon capacity calculations, shall be submitted to NMED within 60 days of liner installation. A licensed New Mexico professional engineer shall certify all record drawings and final specifications for the lagoon system and liner, as well as final capacity calculations. [20.6.2.3109 NMAC]
10.	The permittee shall divert stormwater from the corrals and other applicable areas at the facility (i.e., calf pens, alleys, feed storage and mixing, etc.) into the unlined stormwater impoundment in a manner that minimizes impacts to ground and surface water. The impoundment shall be designed, operated and maintained to contain, at a minimum, run-off and direct precipitation from a 25-year, 24-hour rainfall event. The permittee shall maintain operational pumps on-site at all times for the transfer of stormwater to the irrigation system for the land application area. Stormwater collected in the impoundment shall be pumped to the irrigation system for the land application area (LAA-B) as soon as practicable, and in no case more than 14 days after the subject storm event. [20.6.2.3109 NMAC]
11.	Within one year of the effective date of this Discharge Permit (by DATE), the permittee shall submit to NMED an up-to-date grading and drainage report and plan for the facility. The report shall include a scaled map indicating, at a minimum, the onsite drainage flow patterns, offsite drainage entering the facility, and grade breaks. The plan shall also include an up-to-date survey of the stormwater impoundments, capacity calculations and calculations for run-off and direct precipitation from a 25-year, 24-hour rainfall event. The survey shall be done by a New Mexico registered professional surveyor; capacity

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	calculations shall be certified by a New Mexico licensed professional engineer. [20.6.2.3109 NMAC]
12.	The permittee shall operate and maintain the synthetically lined lagoon system for the purpose of storing and managing wastewater at the dairy. The permittee shall maintain the capacity of the lagoon system to store the maximum daily discharge volume allowed by this Discharge Permit for a minimum period of 60 days while maintaining two feet of freeboard at all times. In order to maintain the required capacity, solids shall be removed from the lagoon system as needed in a manner that is protective of the lagoon liner. [20.6.2.3109 NMAC]
13.	The wastewater lagoon system and stormwater impoundment shall be maintained in such a manner as to avoid conditions which could affect the structural integrity of the lagoon system, impoundment and/or the associated liners. Such conditions include, but are not limited to: • Erosion damage; • Animal activity/damage; • The presence of vegetation such as: aquatic plants, weeds, woody shrubs or trees growing within five feet of the lagoon edge or within the lagoon or impoundment itself; • Evidence of seepage; • Evidence of berm subsidence; and/or • The presence of large pieces or large quantities of debris in the lagoon or impoundment. The permittee shall visually inspect the wastewater lagoon system, stormwater impoundment and surrounding berms on a monthly basis to ensure proper maintenance. Vegetation growing around the lagoon system and impoundment shall be routinely controlled in a manner that is protective of liners. Any evidence of damage to the berm of a lagoon or impoundment or to a liner shall be reported to NMED immediately upon discovery. [20.6.2.3107 NMAC]
14.	Within 180 days of the effective date of this Discharge Permit (by DATE), the permittee shall install the infrastructure necessary to properly transfer, distribute and apply stormwater to all fields within the 100-acre land application area. Written confirmation of the land application distribution system installation shall include the type and locations of the system, the method of backflow prevention employed, and photographic documentation. Written confirmation shall be submitted to NMED within 30 days of installation. 20.6.2.3109 NMAC]
15.	The permittee shall apply dairy wastes to up to 100 acres of irrigated cropland. Dairy wastes shall be applied to cropland under cultivation in such a manner that the amount of total nitrogen in the combined applications of wastewater, residual soil nitrogen, stormwater applications, irrigation water and/or commercial fertilizer shall not exceed by more than 25% the amount reasonably expected to be taken up and removed by the harvested crops on an annual basis. Nitrogen content shall not be adjusted to account for

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	volatilization or mineralization processes. Wastewater shall be mixed with irrigation water in-line or applied alternately with irrigation water. All dairy wastes shall be distributed evenly over the entire area of application. Excessive ponding shall be prevented. [20.6.2.3109 NMAC]
16.	The permittee shall install and maintain backflow prevention to protect all wells used in the land application distribution system from contamination by wastewater. Backflow prevention shall be achieved by an air gap method, reduced pressure valve assembly or other method acceptable to NMED. Backflow prevention devices or assemblies shall be installed prior to discharge to the 100-acre land application area and shall be tested by a certified backflow assembly tester at the time of installation, repair, or relocation, and at least on an annual schedule thereafter. Documentation of installation shall be submitted to NMED prior to discharge to the land application area. Inspection and maintenance records for the backflow prevention program shall be kept on-site and available for inspection upon request. [20.6.2.3109 NMAC]
17.	Within one year of the effective date of this Discharge Permit (by DATE), the permittee shall submit to NMED an up-to-date scaled map of the entire facility. The map shall be clear and legible, and drawn to a scale such that all necessary information is plainly shown and identified. The map shall show the scale in feet or metric measure, a graphical scale, a north arrow, and the effective date of the map. Documentation identifying the means used to locate the mapped objects (i.e., GPS, land survey, digital map interpolation, etc.) and the relative accuracy of the data (i.e., +/- XX feet or meters) shall be included with the map. The map shall include the following objects: a) Overall dairy facility layout (barns, feed storage areas, pens, etc.); b) Location of sumps; c) Location of manure separators; d) Location of all wastewater storage lagoon(s); e) Location of all stormwater impoundment(s); f) Location of all mix tanks; g) Location and acreage of each field within the land application area; and h) Location of monitoring wells (including permanent designation). The following elements shall also be shown on the map: a) Location of meters measuring wastewater discharges to and from lagoons; b) Location of all transfer pump(s); c) Location of all wastewater distribution pipelines; and d) Location of all backflow prevention devices. If these items cannot be directly shown, due to their location inside of existing structures or because they are buried without surface identification, they shall be identified on the map in a schematic format and called out as such.

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	The facility map shall be updated and resubmitted to NMED within 120 days of any additions or changes to the facility layout which includes any of the items listed above. [20.6.2.3106 NMAC, 20.6.2.3109 NMAC]

MONITORING, REPORTING, AND OTHER REQUIREMENTS

#	Terms and Conditions
18.	The permittee shall conduct the monitoring, reporting, and other requirements listed below. [20.6.2.3107 NMAC]
19.	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: 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; and/or f) Methods of Soil Analysis: Part 1. Physical and Mineralogical Methods and Part 2. Chemical and Microbiological Properties, American Society of Agronomy. [20.6.2.3107.B NMAC]
20.	The permittee shall submit quarterly monitoring reports to NMED by the 1st of February, May, August, and November of each year. Quarterly monitoring shall be performed during the following quarters and submitted as follows: • 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**; and • October 1st through December 31st (fourth quarter) - **due by February 1st**. Monitoring requirements detailed in this Discharge Permit are summarized on the sheet titled *Summary of Required Actions, Monitoring and Reporting*. [20.6.2.3107 NMAC]
21.	Within one year from the effective date of this Discharge Permit (by DATE), the permittee shall install the following totalizing flow meter: a) One meter installed on the transfer line from the synthetically lined lagoon system to the land application area to measure the volume of wastewater discharged from the

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	synthetically lined lagoon system to the land application area. Confirmation of meter installation, type, calibration and location shall be submitted to NMED within 90 days of completed installation. [20.6.2.3109 NMAC]
22.	The permittee shall measure the monthly volume of wastewater discharged from the milking parlor to the lagoon system using the totalizing flow meter located on the drain sump pump at the milking parlor. Monthly meter readings including units of measurement, calculations, and monthly discharge volumes for the previous three-month period shall be submitted to NMED in the quarterly monitoring reports. The flow meter shall be kept operational at all times. [20.6.2.3107.A(1) NMAC, 20.6.2.3109.H NMAC]
23.	The permittee shall measure and record all discharges from the wastewater lagoon system to Field LAA-B in the land application area. The volume of each discharge shall be measured using a totalizing flow meter on the transfer line between the lagoon system and the land application area. The permittee shall maintain a log showing the date and location of each discharge, meter readings immediately prior to and after each discharge, and the calculated total volume of each discharge. A copy of the log entries including units of measurement for the previous quarterly period shall be submitted to NMED in the quarterly monitoring reports. The discharge volumes shall be used to calculate nitrogen loading on the LADS. The flow meter shall be kept operational at all times. [20.6.2.3107.A(1) NMAC, 20.6.2.3109.H(1) NMAC]
24.	The permittee shall measure and record all discharges from the stormwater impoundment to Field LAA-B in the land application area. The volume of each discharge shall be estimated by measuring the water level in the stormwater impoundment before and after irrigation of the land application area. The permittee shall maintain a log showing the date and location of each discharge, water levels immediately prior to and after each discharge, and the calculated total volume of each discharge. A copy of the log entries including units of measurement for the previous quarterly period shall be submitted to NMED in the quarterly monitoring reports. The discharge volumes shall be used to calculate nitrogen loading on the LADS. [20.6.2.3107.A(1) NMAC, 20.6.2.3109.H(1) NMAC]
25.	Once prior to the expiration date of this Discharge Permit, 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. 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. [20.6.2.3107 NMAC]

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26.	Within 180 days of the effective date of this Discharge Permit (by date), 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: a) A map showing the proposed location of each monitoring well from the boundary of the source it is intended to monitor. b) A written description of the specific location proposed for each monitoring well including the distance (in feet) and direction of each monitoring well from the edge (i.e., toe of lagoon berm) of the source it is intended to monitor. Examples include, 35 feet north-northwest of the northern berm of the synthetically lined wastewater lagoon; 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 data supporting the determination. [20.6.2.3107 NMAC]
27.	Within one year from the effective date of this Discharge Permit (by date), the permittee shall install two new monitoring wells. The permittee shall install: • One monitoring well (MW-2A) located 20 to 50 feet hydrologically downgradient of the old clay-lined wastewater storage lagoon, PWRS-3 (replaces the dry well, MW-2, previously used for ground water monitoring).; and • One monitoring well (MW-6) located 20 to 50 feet hydrologically downgradient of the stormwater impoundment. All monitoring well locations shall be approved by NMED prior to installation. The wells shall be completed in accordance with the attachment titled *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions*, Revision 1.0, July 2008. Construction and lithologic logs shall be submitted to NMED within 90 days of well completion. [20.6.2.3107 NMAC]
28.	Prior to discharging wastewater from the milking parlor to the new synthetically lined lagoon system, the permittee shall install one new monitoring well. The permittee shall install: • One monitoring well (MW-5) located 20 to 50 feet hydrologically downgradient of the new synthetically lined wastewater storage lagoon system. All monitoring well locations shall be approved by NMED prior to installation. The wells shall be completed in accordance with the attachment titled *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions*, Revision 1.0, July 2008. Construction and lithologic logs shall be submitted to NMED prior to discharging wastewater to the new synthetically lined wastewater storage lagoon. [20.6.2.3107 NMAC]
29.	Following installation of the new monitoring wells required by this Discharge Permit, the permittee shall sample ground water in the new wells and analyze the samples for NO_3-N,

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	TKN, Cl, and TDS. The permittee shall sample: • MW-2A, intended to be located 20 to 50 feet hydrologically downgradient of the old clay-lined wastewater storage lagoon, PWRS-3; • MW-5, intended to be located 20 to 50 feet hydrologically downgradient of the new synthetically lined lagoon system; and • MW-6, intended to be located 20 to 50 feet hydrologically downgradient of the stormwater impoundment. Ground water sample collection, preservation, transport and analysis shall be performed according to the following procedure: a) measure the depth-to-ground water from the top of 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; and e) analyze samples in accordance with the methods authorized in this Discharge Permit. Depth-to-water measurements, analytical results, including laboratory QA/QC summary report, and a facility layout map showing the location and number of each well shall be submitted to NMED within 60 days of the installation of the monitoring wells. [20.6.2.3107 NMAC]
30.	Within 30 days of the installation of new monitoring wells MW-2A and MW-6 required by this Discharge Permit, 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 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 be completed and certified by a licensed New Mexico professional surveyor. 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 map showing the location of all monitoring wells and the direction and gradient of ground water flow at the facility. The data and map of ground water flow direction at the facility shall be submitted to NMED within 60 days of survey completion. [20.6.2.3107 NMAC]
31.	Within 30 days of the installation of new monitoring well MW-5 required by 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 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 be completed and certified by a licensed New Mexico professional surveyor. Depth-to-water shall be

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	measured to the nearest hundredth of a foot in all surveyed wells, and the data shall be used to develop a map showing the location of all monitoring wells and the direction and gradient of ground water flow at the facility. The data and map of ground water flow direction at the facility shall be submitted to NMED within 60 days of survey completion. [20.6.2.3107 NMAC]
32.	The permittee shall perform quarterly ground water sampling in up to six monitoring wells and analyze the samples for NO_3-N, TKN, Cl, and TDS. The permittee shall sample: • MW-1, intended to be located hydrologically downgradient of the existing wastewater lagoons (south of PWRS-1); • MW-2A, intended to be located 20 to 50 feet hydrologically downgradient of the old clay-lined wastewater storage lagoon, PWRS-3 (upon installation); • MW-3, intended to be located hydrologically upgradient of the entire facility; • MW-4, intended to be located hydrologically downgradient of LAA-A (southeast of LAA-A); • MW-5, intended to be located hydrologically downgradient of the new synthetically lined wastewater lagoon system (upon installation); and • MW-6 intended to be located hydrologically downgradient of the stormwater impoundment (upon installation). Ground water sample collection, preservation, transport and analysis shall be performed according to the following procedure: a) measure the depth-to-ground water from the top of 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; and e) analyze samples in accordance with the methods authorized in this Discharge Permit. Depth-to-water measurements, analytical results, including 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. [20.6.2.3107 NMAC]
33.	The permittee shall develop a ground water elevation contour map on a quarterly basis using the monitoring well survey data and quarterly depth-to-water measurements as required by this Discharge Permit. The ground water elevation contour map shall depict the ground water flow direction based on the ground water elevation contours. The data and ground water elevation contour maps shall be submitted to NMED in the quarterly monitoring reports. [20.6.2.3107 NMAC]
34.	The permittee shall collect a wastewater sample from the concrete-lined sump on a quarterly basis until the old concrete solids settling chamber is repaired. After the old concrete solids settling chamber is repaired the permittee shall collect the quarterly wastewater samples at a point after the solids settling chamber and before the wastewater

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	lagoons. After installation of the new solids separator and synthetically-lined lagoon system, the permittee shall collect the quarterly wastewater samples at a point after the new solids separator and before the new synthetically-lined lagoon system. The permittee shall submit photographic documentation of the wastewater sampling location in the quarterly monitoring report following the first wastewater sampling event at each location. Wastewater samples shall be analyzed for NO_3-N, TKN, Cl, and TDS. Analytical results shall be submitted to NMED in the quarterly monitoring reports. [20.6.2.3107 NMAC]
35.	The permittee shall submit, semi-annually, a crop and nutrient management plan which describes the crops to be grown, harvest method and product, and calculated nitrogen loading for the next reporting period. The plan shall incorporate current results from soil and crop nitrogen analysis to predict nitrogen uptake by each crop and to determine the amount of nitrogen to be applied to each field in the land application area. The plan shall be submitted in the monitoring reports due by November 1st and May 1st. [20.6.2.3107 NMAC]
36.	The permittee shall determine the total nitrogen concentration of each harvested crop grown to verify plant nitrogen removal levels. A composite sample consisting of 15 sub-samples of plant material shall be taken from each field during the final harvest of each crop grown per year. Samples shall be analyzed for percent total nitrogen and percent dry matter. Analytical reports shall be submitted to NMED in the quarterly monitoring reports. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]
37.	Yield documentation and plant and harvest dates of each crop grown shall be submitted to NMED in the quarterly monitoring reports. Yield documentation shall consist of scale-weight tickets or harvest summaries based on scale-weights. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]
38.	The permittee shall complete LADS which document the amount of nitrogen from wastewater and/or stormwater applied to each field in the land application area. The LADS shall be completed for each crop grown associated with each field and shall reflect the nitrogen concentration from the quarterly wastewater analyses and the measured discharge volumes for each month. The volume of wastewater used in the LADS calculations shall be the volume obtained from meter readings required in this Discharge Permit. The volume of stormwater used in the LADS calculations shall be the volume obtained by estimating water level in the stormwater impoundment as required in this Discharge Permit. The permittee shall also include with the LADS, the crops grown, yields removed and the total nitrogen concentration of the harvested crop for each crop grown. The LADS or a statement that no land application occurred shall be submitted to NMED in the quarterly monitoring reports. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]
39.	For the first soil sampling event following the effective date of this Discharge Permit, the permittee shall collect and analyze soil samples from each field and/or management unit in the permitted land application area. Composite soil samples shall be collected between December 1st and May 31st for all fields regardless of whether the field is cropped, remains

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	fallow, or has received wastewater and/or stormwater. One surface composite soil sample (1st-foot) and two sub-surface composite soil samples (2nd and 3rd-foot) shall be collected from each field. Composite soil samples shall be collected according to the following procedure: • Each surface and sub-surface soil sample shall consist of a single composite of 15 soil cores collected randomly throughout each field. If a field is divided into differing management units (i.e., two separate crops on a single pivot), soil samples shall be collected from each management unit. Should a field or management unit consist of considerably different soil textures (i.e., sandy and silty clay); soil samples shall be collected from each soil texture within each field or management unit. • Surface soil samples (1st-foot) shall be collected from a depth of 0 to 12 inches. • Each 2nd-foot sub-surface soil sample shall be collected from a depth of 12 to 24 inches. • Each 3rd-foot sub-surface soil sample shall be collected from a depth of 24 to 36 inches. Each surface and sub-surface composite sample shall be analyzed for: • pH, electrical conductivity (EC), TKN, NO_3-N, Cl, organic matter (OM), potassium (K), phosphorus (P), sodium (Na), calcium (Ca), magnesium (Mg), bicarbonate (HCO_3), sulfate (SO_4), soil texture and determination of the sodium adsorption ratio (SAR). Soil samples shall be analyzed according to the following methods: • Soil pH, EC, Na, Ca, Mg and SO_4 shall be analyzed using a saturated paste extract, as described in Methods of Soil Analysis: Part 2, Chemical and Microbiological Properties, Agronomy Monograph no.9 (2nd edition), pp 167-179, American Society of Agronomy. • Soil P shall be analyzed using the Olsen sodium bicarbonate method, as described in Methods of Soil Analysis: Part 2, Chemical and Microbiological Properties, Agronomy Monograph no.9 (2nd edition), pp 421-422, American Society of Agronomy. • Soil NO_3-N shall be analyzed by a 2 molar KCl extract, as described in Methods of Soil Analysis: Part 2, Chemical and Microbiological Properties, Agronomy Monograph no.9 (2nd edition), pp 643-698, American Society of Agronomy. The analytical results and a map showing the fields and/or management units as well as the sampling locations within each field/management unit shall be submitted to NMED in the quarterly monitoring report due by August 1, 2010. [20.6.2.3107 NMAC]
40.	Following the initial soil sampling required by this Discharge Permit, the permittee shall, on an annual basis, collect and analyze soil samples from each field and/or management unit within the permitted land application area that has received or is actively receiving wastewater and/or stormwater during the term of this Discharge Permit. Additionally, for

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	those fields which have never before received wastewater, soil samples shall be collected immediately prior to initial wastewater application and annually thereafter for the term of this Discharge Permit. Once a field has received wastewater it shall be sampled annually regardless of whether the field is cropped, remains fallow, or has recently received wastewater and/or stormwater. Each surface composite soil sample (1st-foot) and sub-surface composite soil sample (2nd and 3rd-foot) shall be collected in accordance with the soil sampling procedures provided in the preceding permit condition and analyzed for the constituents listed below. Composite soil samples shall be collected between December 1st and May 31st. Surface (1st-foot) samples shall be analyzed for: • pH, EC, NO_3-N, Cl, OM, K, P, Na, Ca, Mg, and determination of the SAR. Sub-surface (2nd and 3rd-foot) samples shall be analyzed for: • EC, NO_3-N, and Cl Soil samples shall be analyzed in accordance with the methods as required by this Discharge Permit. The analytical results and a map showing the fields and/or management units as well as the sampling locations within each field/management unit shall be submitted to NMED in the quarterly monitoring reports due on August 1st each year. [20.6.2.3107 NMAC]
41.	The permittee shall keep a log of all additional fertilizer applied to each field in the land application area. The log shall contain the date of fertilizer application, the type and fertilizer analysis, and the amount of fertilizer applied (lbs/ac) to each field. A copy of the log entries for the previous 3-month period shall be submitted to NMED in the quarterly monitoring reports. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]

CONTINGENCY PLAN

#	**Terms and Conditions**
42.	In the event that ground water monitoring indicates that one or more of the ground water standards of Section 20.6.2.3103 NMAC are violated during the term of this Discharge Permit, upon closure of the facility or during post-closure monitoring, the permittee shall: a) Collect a second sample from the monitoring well(s) within 30 days of the initial sample analysis date to verify the initial results. b) Submit the analytical results for both the initial and second ground water samples to NMED within 30 days of the analysis date of the second ground water sample. In the event that analytical results of the second ground water sample verify the exceedance of one or more of the ground water standards of Section 20.6.2.3103 NMAC, within 60

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	days of the second sample analysis date the permittee shall submit a corrective action plan to NMED and implement the plan upon NMED approval. The corrective action plan shall propose measures to mitigate damage from the discharge including, at a minimum, source control measures and an implementation schedule. 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 confirmed ground water contamination. [20.6.2.1203 NMAC, 20.6.2.4105.A(8) NMAC]
43.	In the event that ground water monitoring indicates that one or more of the ground water standards of Section 20.6.2.3103 NMAC are violated in the monitoring well located hydrologically downgradient of the stormwater impoundment (MW-6), the permittee shall: a) Collect a second sample from the monitoring well within 30 days of the initial sample analysis date to verify the initial results. b) Submit the analytical results for both the initial and second ground water samples to NMED within 30 days of the analysis date of the second ground water sample. Within 90 days of confirmed ground water contamination, the permittee shall submit, for NMED approval, construction plans and specifications, and supporting design calculations for a synthetically lined stormwater impoundment for the collection and management of stormwater runoff certified by a licensed New Mexico professional engineer. The plans shall demonstrate that the stormwater impoundment is designed at minimum to contain stormwater runoff and direct precipitation generated from a 25-year, 24-hour storm event, while maintaining two feet of freeboard at all times. [20.6.2.3109 NMAC]
44.	Within one year from the date of confirmed ground water contamination in MW-6, the permittee shall install a synthetically lined stormwater impoundment to replace the existing stormwater impoundment. The stormwater impoundment shall be constructed in accordance with the approved construction plans and specifications as required by the contingency plan in this Discharge Permit and the attachment titled *Ground Water Discharge Permit Conditions for Synthetically Lined Lagoons - Liner Material and Site Preparation*, Revision 0.0, May 2007. The permittee shall notify NMED at least five working days prior to stormwater impoundment construction to allow NMED personnel to be on-site for inspection. Record drawings and final specifications for the stormwater impoundment and impoundment liner, and final capacity calculations, shall be submitted to NMED within 60 days of liner installation. A licensed New Mexico professional engineer shall certify all record drawings and final specifications for the stormwater impoundment and liner, as well as final capacity calculations. [20.6.2.3109 NMAC]
45.	In the event that the survey of the existing stormwater impoundment and capacity calculations as required by this Discharge Permit indicate that the stormwater impoundment is not capable of storing, at a minimum, run-off and direct precipitation from a 25-year, 24-hour rainfall event at all times, the permittee shall submit a corrective action plan for NMED approval within 30 days of the survey. The plan may include: constructing an additional stormwater impoundment; changing stormwater management practices, etc.

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	[20.6.2.3107 NMAC]
46.	In the event that a minimum of two feet of freeboard cannot be maintained in the wastewater lagoon system at all times, the permittee shall submit a corrective action plan for NMED approval within 30 days of the date when the two feet of freeboard limit was initially exceeded. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]
47.	In the event that information available to NMED indicates that a well(s) is not appropriately constructed to effectively monitor ground water quality, contains insufficient water to allow the collection of representative ground water samples, or is not completed in a manner that is protective of ground water quality, the permittee shall install a replacement well(s) within 90 days of notification from NMED. The replacement well location(s) shall be approved by NMED prior to installation and completed in accordance with the attachment titled *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions*, Revision 1.0, July 2008. Construction and lithologic logs shall be submitted to NMED within 60 days of well completion. Upon completion of the replacement monitoring well(s), the monitoring well(s) requiring replacement shall be properly plugged and abandoned. The well(s) shall be plugged and abandoned in accordance with the abandonment details in the attachment titled *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions*, Revision 1.0, July 2008, and any applicable local, state, and federal regulations. Documentation describing the plugging and abandonment procedures, including photographic documentation, shall be submitted to NMED within 60 days of completed well abandonment. [20.6.2.3107 NMAC]
48.	In the event that information on the direction of ground water flow obtained pursuant to this Discharge Permit indicates that a monitoring well(s) is not located hydrologically downgradient of the discharge location(s) the well(s) is intended to monitor, the permittee shall propose a location(s) for a replacement monitoring well(s) within 30 days of notification from NMED. The permittee shall propose a replacement monitoring well location(s) that is anticipated to be hydrologically downgradient of the discharge location(s) to be monitored. The permittee shall install the replacement monitoring well(s) within 90 days of NMED approval of the proposed replacement monitoring well location(s). The replacement monitoring well(s) shall be completed in accordance with the attachment titled *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions*, Revision 1.0, July 2008. Construction and lithologic logs shall be submitted to NMED within 60 days of well completion. [20.6.2.3107 NMAC]
49.	In the event that LADS show that the amount of nitrogen applied to a field(s) within the land application area exceeds by more than 25% the amount reasonably expected to be taken up and removed by the harvested crop(s), the permittee shall submit to NMED for approval a corrective action plan for the reduction of nitrogen loading to the land application area within 30 days of the exceedance. The corrective action plan shall be implemented within 30 days of NMED approval. [20.6.2.3107.A(10) NMAC, 20.6.2.3109

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	NMAC]
50.	In the event NMED determines, upon review of analytical results from surface and sub-surface soil sampling, that nitrogen may be migrating vertically, the permittee shall, within 30 days of notification, submit for NMED approval a corrective action plan to reduce nitrogen concentrations in the soil. The plan shall include source control measures, such as a reduction in the amount of wastewater applied to the land, expansion of the land application area, and/or changes in crop rotation. The permittee shall also implement the following deep soil sampling. From each field, the permittee shall collect composite soil samples at depths of 2, 4, 6, 8 and 10 feet from three separate soil cores. Composite samples for each depth shall be assembled from the three cores and analyzed for NO_3-N and TKN. Soil NO_3-N shall be analyzed by a 2 molar KCl extract, as described in Methods of Soil Analysis: Part 2, Chemical and Microbiological Properties, Agronomy Monograph no.9 (2^{nd} edition), pp 643-698, American Society of Agronomy. The analytical results and a map showing the sampling locations within each field shall be submitted to NMED within 30 days of the sampling date. If initial deep soil sampling results indicate the presence of excessive nitrogen at depths below 36 inches, NMED may require deep soil sampling on an annual basis to verify success of the corrective actions. [20.6.2.3107.A(10) NMAC, 20.6.2.3109 NMAC]
51.	In the event of a spill or release that is not authorized under this Discharge Permit, the permittee shall initiate the notifications and corrective actions as required in Section 20.6.2.1203 NMAC. The permittee shall take immediate corrective action to contain and remove or mitigate the damage caused by the discharge. Within 24 hours after discovery of the discharge, the permittee shall verbally notify NMED and provide the information required by Paragraph (1) of Subsection A of 20.6.2.1203 NMAC. Wastewater shall be contained, pumped and/or transferred to the concrete sump, lagoon and/or land application area as necessary. Failed components shall be repaired or replaced within 48 hours from the time of failure or as soon as possible. Within seven days of discovering the discharge, the permittee shall submit a written report to NMED verifying the oral notification and providing any additional information or changes. The permittee shall submit a corrective action report within 15 days after discovery of the discharge. [20.6.2.1203 NMAC]
52.	In the event NMED or the permittee identifies any other failures of the Discharge Permit or system not specifically noted herein, NMED may require the permittee to develop for NMED approval contingency plans and schedules to cope with the failures. [20.6.2.3107.A(10) NMAC]

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CLOSURE PLAN

#	Terms and Conditions
53.	Within one year of the effective date of this Discharge Permit (by [date]), the permittee shall properly plug and abandon one existing monitoring well: • MW-2, southeast of the old clay-lined wastewater storage lagoon, PWRS-3. The well shall be plugged and abandoned in accordance with the attachment titled *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions*, Revision 1.0, July 2008, and any applicable local, state, and federal regulations. Documentation describing the plug and abandonment procedures, including photographic documentation, shall be submitted to NMED within 90 days of completed well abandonment. [20.6.2.3107 NMAC]
54.	Within two years of the effective date of this Discharge Permit (by [date]), the permittee shall properly close the three old clay-lined lagoons (PWRS-1, PWRS-2, and PWRS-3). Manure solids shall be removed and the lagoon areas regraded to blend with surface topography and prevent ponding. The manure solids shall be disposed of in accordance with all local, state, and federal regulations. Documentation verifying complete closure of the lagoons shall be submitted to NMED within 30 days of lagoon closure completions. [20.6.2.3109 NMAC, 20.6.2.3107 NMAC]
55.	Upon closure of the facility, the permittee shall perform the following closure measures: a) Complete the installation of all monitoring wells as required by this Discharge Permit. b) Remove all manure solids and compost from the facility and transfer offsite for proper disposal. c) Empty lagoons and impoundments of all wastewater and manure solids. d) Perforate or remove the lagoon liner(s) and re-grade the lagoon(s) with clean fill to blend with surface topography and prevent ponding. e) Perforate or remove the stormwater impoundment liner(s) and re-grade the impoundment(s) with clean fill to blend with surface topography and prevent ponding. f) Continue ground water monitoring as required by this Discharge Permit for two years after closure to confirm the absence of ground water contamination. If monitoring results show that the ground water standards in Section 20.6.2.3103 NMAC are being violated, the permittee shall implement the contingency plan required by this Discharge Permit. g) 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 1.0, July 2008. When all post-closure requirements have been met, the permittee may request to terminate the Discharge Permit. [20.6.2.3107.A(11) NMAC]

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GENERAL TERMS AND CONDITIONS

#	Terms and Conditions
56.	RECORD KEEPING - The permittee shall maintain at its facility a written record of all 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: a) The dates, exact place and times of sampling or field measurements; b) The name and job title of the individuals who performed each sample collection or field measurement; c) The date of the analysis of each sample; d) The name and address of the laboratory and the name and job title of the person that performed the analysis of each sample; e) The analytical technique or method used to analyze each sample or take each field measurement; f) The results of each analysis or field measurement, including raw data; g) The results of any split sampling, spikes or repeat sampling; and h) A description of the quality assurance and quality control procedures used. [20.6.2.3107.A NMAC]
57.	RECORD KEEPING - The permittee shall maintain a written record of any spills, seeps, and/or leaks of effluent, and of leachate and/or process fluids not authorized by this Discharge Permit. [20.6.2.3107.A NMAC]
58.	RECORD KEEPING - The permittee shall maintain a written record of the operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater; to measure flow rates, to monitor water quality, or to collect other data required by this Discharge Permit. This record shall include repair, replacement or calibration of any monitoring equipment and repair or replacement of any equipment used in the permittee's waste or wastewater treatment and disposal system. [20.6.2.3107.A NMAC]
59.	RECORD KEEPING - The permittee shall maintain a written record of the amount of wastewater, effluent, leachate or other wastes discharged pursuant to this Discharge Permit. [20.6.2.3107.A NMAC]
60.	RECORD KEEPING - The permittee shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this Discharge Permit, and records of all data used to complete the application for this Discharge Permit for a period of at least five years from the date of the sample collection, measurement, report or application. This period may be extended by request of the Secretary at any time. [20.6.2.3107.A NMAC]

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61.	INSPECTION and ENTRY - The permittee shall allow the Secretary or an authorized representative, upon the presentation of credentials, to: a) Enter at regular business hours or at other reasonable times upon the permittee's premises or other location where records must be kept under the conditions of this Discharge Permit, or under any federal or WQCC regulation. b) Inspect and copy, during regular business hours or at other reasonable times, any records required to be kept under the conditions of this Discharge Permit, or under any federal or WQCC regulation. c) Inspect, at regular business hours or at other reasonable times, any facility, equipment (including monitoring and control equipment or treatment works), practices or operations regulated or required under this Discharge Permit, or under any federal or WQCC regulation. d) Sample or monitor, at reasonable times for the purpose of assuring compliance with this Discharge Permit or as otherwise authorized by the WQA, any effluent, water contaminant, or receiving water at any location before or after discharge. [20.6.2.3107.D NMAC, 74-6-9(B) & (E) WQA]
62.	INSPECTION and ENTRY - 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 applicable law or regulation. [20.6.2.3107 NMAC, 74-6-9(B) & (E) WQA]
63.	DUTY to PROVIDE INFORMATION - The permittee shall furnish to NMED, within a reasonable time, any documents or other information which it may request to determine whether cause exists for modifying, terminating and/or renewing this Discharge Permit or to determine compliance with this Discharge Permit. The permittee shall also furnish to NMED, upon request, copies of documents required to be kept by this Discharge Permit. [20.6.2.3107.D NMAC, 74-6-9(B) & (E) WQA]
64.	SPILLS, LEAKS, and OTHER UNAUTHORIZED DISCHARGES - This Discharge Permit authorizes only those discharges specified herein. Any unauthorized discharges violate Section 20.6.2.3104 NMAC and must be reported to NMED and remediated as required by Section 20.6.2.1203 NMAC. [20.6.2.1203 NMAC]
65.	MODIFICATIONS and/or AMENDMENTS - The permittee shall notify NMED of any changes to the permittee's wastewater treatment and disposal system, including any changes in the wastewater flow rate or the volume of wastewater storage, or of any other changes to operations or processes that would result in any significant change in the discharge of water contaminants. The permittee shall obtain NMED's approval, as a modification to this Discharge Permit pursuant to Subsections E, F, or G of 20.6.2.3109 NMAC, prior to any increase in the quantity discharged, or any increase in the concentration of water contaminants discharged, above those levels approved in this Discharge Permit. [20.6.2.3107.C NMAC]
66.	PLANS and SPECIFICATIONS - The permittee shall file plans and specifications with

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	NMED for the construction of a wastewater system and for proposed changes that will change substantially the quantity or quality of the discharge from the system. The permittee shall file plans and specifications prior to the commencement of construction. Changes to the wastewater system having a minor effect on the character of the discharge shall be reported as of January 1 and June 30 of each year to NMED. [20.6.2.1202 NMAC]
67.	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. [74-6-10 WQA, 74-6-10.1 WQA]
68.	CRIMINAL PENALTIES – Any person who knowingly violates or knowingly causes or allows another person to: 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, is subject to felony charges and shall be sentenced in accordance with the provisions of Section 31-18-15 NMSA 1978. [74-6-10.2(A-F) WQA]
69.	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. [20.6.2 NMAC]
70.	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 (30) days of the receipt of this Discharge Permit. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review. [74-6-5(O) WQA]
71.	TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or

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	possession of this permitted facility or any portion thereof, the permittee shall notify the proposed transferee in writing of the existence of this Discharge Permit and include a copy of this Discharge Permit with the notice. The permittee shall 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. [20.6.2.3111 NMAC]
72.	TERM - Pursuant to the WQA 74-6-5(I) and Subsection H of 20.6.2.3109 NMAC, the term of this Discharge Permit is five years from its effective date. To renew this Discharge Permit, the permittee must submit an application for renewal at least 180 days before the termination date. [20.6.2.3109.H NMAC, 74-6-5(I) WQA]
73.	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. An approved Discharge Permit shall be suspended or terminated if the facility fails to remit an installment payment by its due date. [20.6.2.3114.F NMAC, 74-6-5(K) WQA]

EFFECTIVE DATE: effective date
EXPIRATION DATE: expiration date

WILLIAM C. OLSON
Chief, Ground Water Quality Bureau
New Mexico Environment Department

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