

**GROUND WATER DISCHARGE PERMIT RENEWAL**  
**Fort Sumner Processing, DP-1538**

**I. INTRODUCTION**

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal (Discharge Permit), DP-1538, to Darrin Burns (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 Fort Sumner Processing (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 1,300 gallons per day (gpd) of agricultural and domestic wastewater is discharged from the Fort Sumner Processing meat processing plant to a grease trap and a septic tank. The wastewater within the septic tank is pumped into a 2,600 gallon pumper truck on a regular basis, and transported to the Fort Sumner Wastewater Treatment Plant according to the contract between the Village of Fort Sumner and Fort Sumner Processing dated September 25, 2006. The discharge contains water contaminants or toxic pollutants which may be elevated above the standards of 20.6.2.3103 NMAC. The facility is located at 26450 US Hwy 60 - 84, Fort Sumner, in Section 27, T03N, R26E, De Baca County. Ground water most likely to be affected is at a depth of approximately 105 feet and has a total dissolved solids concentration of approximately 1,000-1,040 milligrams per liter.

The original Discharge Permit was issued on January 24, 2007. The permittee's application consists of the materials submitted by the permittee dated November 21, 2011 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 and/or remediate ground water quality may be required by NMED. These requirements may include: 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 <sub>5</sub>	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 <sub>3</sub> -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 <sub>3</sub> -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. 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 1,300 gallons per day (gpd) of agricultural and domestic wastewater from the Fort Sumner Processing meat processing plant to a grease trap and a septic tank. The wastewater within the septic tank shall be pumped into a 2,600 gallon pumper truck on a regular basis, and transported to the Fort Sumner Wastewater Treatment Plant (WWTP) according to the contract between the Village of Fort Sumner and Fort Sumner Processing dated September 25, 2006. [20.6.2.3104 NMAC, 20.6.2.3106 NMAC]
4.	The permittee shall remove all manure solids and composted material from the facility. No manure solids or composted material shall be applied on-site. 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]
5.	The permittee shall remove all offal, blood, and hides from the facility in a manner and frequency necessary to prevent the contamination of ground water. Offal and blood generated on the kill floor shall be collected in barrels and removed from the facility by an offsite renderer or disposed of at an offsite landfill in accordance with New Mexico Solid Waste Management Regulations. Hides shall be either removed by an offsite tanner or renderer or disposed of at an offsite landfill in accordance with New Mexico Solid Waste Management Regulations. [20.6.2.3109 NMAC]

**MONITORING, REPORTING, AND OTHER REQUIREMENTS**

#	Terms and Conditions
6.	The permittee shall conduct the following monitoring, reporting, and other requirements listed below. [20.6.2.3107 NMAC]
7.	<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"> <li>a) American Public Health Association, Standard Methods for the Examination of Water and Wastewater (18<sup>th</sup>, 19<sup>th</sup> or current)</li> <li>b) U.S. Environmental Protection Agency, Methods for Chemical Analysis of Water and</li> </ul>

#	Terms and Conditions
	<p>Waste</p> <p>c) U.S. Geological Survey, Techniques for Water Resources Investigations of the U.S. Geological Survey</p> <p>d) American Society for Testing and Materials, Annual Book of ASTM Standards, Part 31. Water</p> <p>e) Federal Register, latest methods published for monitoring pursuant to Resources Conservation Recovery Act regulations</p> <p>f) U.S. Geological Survey, et al., National Handbook of Recommended Methods for Water Data Acquisition</p> <p>g) Methods of Soil Analysis: Part 1. Physical and Mineralogical Methods, Part 2. Microbiological and Biochemical Properties, and Part 3. Chemical Methods. American Society of Agronomy.</p> <p>[20.6.2.3107.B NMAC]</p>
8.	<p>The permittee shall submit semi-annual monitoring reports to NMED for the most recently completed semi-annual period by the 1<sup>st</sup> of February and August each year.</p> <p>Semi-annual monitoring shall be performed during the following periods and submitted as follows:</p> <ul style="list-style-type: none"> <li>• January 1<sup>st</sup> through June 30<sup>th</sup> (first half) – <b>due by August 1<sup>st</sup></b></li> <li>• July 1<sup>st</sup> through December 31<sup>st</sup> (second half) – <b>due by February 1<sup>st</sup></b></li> </ul> <p>[20.6.2.3107.A NMAC]</p>
9.	<p>The permittee shall measure the volume of wastewater discharged monthly to the septic tank by recording the monthly meter readings for the facility's water supply and calculating the monthly water usage. The monthly meter readings, and volume of wastewater discharged shall be submitted to NMED in the semi-annual monitoring reports. The water supply meter shall be kept operational at all times.</p> <p>[20.6.2.3107.A(1) NMAC, 20.6.2.3109.H(1) NMAC]</p>
10.	<p>The permittee shall measure the monthly volume of wastewater pumped from the septic tank. Volumes may be measured by recording the number of truck tank loads taken to the WWTP and multiplying by the volume of wastewater held by the truck tank. The permittee shall submit documentation (i.e., manifests or receipts) of the number of loads and corresponding volume of wastewater taken to the WWTP in the semi-annual monitoring reports. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>
11.	<p>The permittee shall submit documentation (i.e., manifest or receipts) of the removal of offal, blood and hides from the facility by an offsite renderer, tanner, and/or landfill. The documentation shall be submitted to NMED in the semi-annual monitoring reports.</p> <p>[20.6.2.3107 NMAC]</p>
12.	<p>The permittee shall sample wastewater from the septic tank on a semi-annual basis for TKN. Analytical results shall be submitted to NMED in the monitoring in the semi-annual monitoring reports. [20.6.2.3107 NMAC]</p>

#	Terms and Conditions
13.	The permittee shall inspect the grease interceptor(s) on a quarterly basis and pump as needed. Inspection records shall be kept on-site. The inspection records and pumping invoices shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3109 NMAC]

### CONTINGENCY PLAN

#	Terms and Conditions
14.	In the event that ground water standards are violated during the term of this Discharge Permit, upon closure of the facility or during the implementation of post-closure requirements, the permittee shall submit to NMED a corrective action plan that proposes 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 through 20.6.2.4115 NMAC, if the corrective action plan will not result in compliance with the standards and requirements set forth in Section 20.6.2.4103 NMAC within 180 days of confirmation of ground water contamination. [20.6.2.1203 NMAC, 20.6.2.4105.A(8) NMAC]
15.	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. 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]
16.	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]

### CLOSURE PLAN

#	Terms and Conditions
17.	Upon closure of the facility, the permittee shall perform the following closure measures: <ul style="list-style-type: none"> <li>a) Remove all manure from the corrals at the facility and transfer it offsite for proper disposal.</li> <li>b) Remove or plug all lines conveying wastewater to the septic tank(s) so that a discharge can no longer occur.</li> </ul>

#	Terms and Conditions
	<p>c) Pump the grease interceptor(s) and septic tank(s) and dispose of pumpings in accordance with all local, state, and federal regulations.</p> <p>d) Backfill the tank(s) with clean fill or sand, or remove from the site.</p> <p>When all post-closure requirements have been met, the permittee may request to terminate the Discharge Permit. [20.6.2.3107.A(11) NMAC]</p>

**GENERAL TERMS AND CONDITIONS**

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

#	Terms and Conditions
	<p>vi) The results of each analysis or field measurement, including raw data;</p> <p>vii) The results of any split, spiked, duplicate or repeat sample; and</p> <p>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> <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, 20.6.2.3109.B NMAC, 20.6.2.3107.A NMAC]</p>
19.	<p><b>INSPECTION and ENTRY</b> – 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>[20.6.2.3107.D NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>
20.	<p><b>DUTY to PROVIDE INFORMATION</b> - 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, 20.6.2.3109.B NMAC, 20.6.2.3107.D NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>
21.	<p><b>MODIFICATIONS and/or AMENDMENTS</b> – 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, 20.6.2.3109.E NMAC, 20.6.2.3107.C NMAC]</p>

#	Terms and Conditions
22.	<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, 20.6.2.3109.B NMAC, 20.6.2.1202 NMAC]</p>
23.	<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>
24.	<p>CRIMINAL PENALTIES – No person shall:</p> <ol style="list-style-type: none"> <li>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;</li> <li>2) falsify, tamper with or render inaccurate any monitoring device, method or record required to be maintained under the WQA; or</li> <li>3) fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation.</li> </ol> <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</p>

#	Terms and Conditions
	<p>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> <p>[NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
25.	<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>
26.	<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>
27.	<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"> <li>1) notify the proposed transferee in writing of the existence of this Discharge Permit;</li> <li>2) include a copy of this Discharge Permit with the notice; and</li> <li>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.</li> </ol> <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>
28.	<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>

#	Terms and Conditions
	<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>[20.6.2.3114.F NMAC, NMSA 1978, § 74-6-5.K]</p>

**IV. PERMIT TERM & SIGNATURE**

EFFECTIVE DATE: [effective date]

TERM ENDS: [date term ends]

[20.6.2.3109.F NMAC, NMSA 1978, § 74-6-5.I]

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

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