

# **GROUND WATER DISCHARGE PERMIT RENEWAL AND MODIFICATION**

## **Holloman Air Force Base, T-38 Petroleum Contaminated Soil Land Farm, DP- 1479**

### **I. INTRODUCTION**

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal and Modification (Discharge Permit), DP- 1479, to Holloman Air Force Base (permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from the Holloman Air Force Base T-38 Petroleum Contaminated Soil Land Farm (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 310,000 cubic yards of petroleum contaminated soil is remediated on a 435,600 square foot (sqft) landfarm. The modification consists of expanding the volumes of contaminated soils being remediated from 155,000 yds<sup>3</sup> to 310,000 yds<sup>3</sup>. 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 Holloman Air Force Base, approximately 9 miles southwest of Alamogordo, in Section 11, Township 17S, Range 08E, Otero County. Ground water most likely to be affected is at a depth of approximately 15-18 feet and has a total dissolved solids concentration of approximately 15,600-49,300 milligrams per liter. Ground water beneath the entire facility, which could be impacted by the discharge, has total dissolved solids concentrations ranging between 1,900-49,300 milligrams per liter.

The original Discharge Permit was issued on October 5, 2005. The permittee's application consists of the materials submitted by Col. Jeffrey L. Harrigan dated April 24, 2009. The permittee's Discharge Plan consists of this application and previously submitted materials as applicable. The discharge shall be managed in accordance with the 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: expanding land application areas; changing waste management practices; expanding monitoring requirements and/or implementing abatement of water pollution.

Issuance of this Discharge Permit does not relieve Holloman Air Force Base 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)	NMSA	New Mexico Statutes Annotated
CFR	Code of Federal Regulations	NO <sub>3</sub> -N	nitrate-nitrogen
CFU	colony forming units	NTU	nephelometric turbidity units
Cl	chloride	TDS	total dissolved solids
LADS	land application data sheet(s)	TKN	total Kjeldahl nitrogen
mg/L	milligrams per liter	TSS	total suspended solids
mL	milliliters	total nitrogen	TKN+NO <sub>3</sub> -N
NMAC	New Mexico Administrative Code	WQCC	Water Quality Control Commission
NMED	New Mexico Environment Department	TPH	total petroleum hydrocarbons
		BTEX	benzene, toluene, ethylbenzene and xylenes

## 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 Holloman Air Force Base and are enforceable by NMED. Holloman Air Force Base is permitted 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 20.6.2.3103 NMAC and 20.6.2.3101 NMAC are not violated. [20.6.2.3103 NMAC]
3.	The permittee is authorized to remediate up to 310,000 cubic yards of petroleum contaminated soil on a 435,600 sqft landfarm consisting of one cell with 19 grids for on-site remediation of petroleum contaminated soils from Holloman Air Force Base. [20.6.2.3104 NMAC]
4.	The permittee shall maintain restrictions around the entire disposal facility to prevent unauthorized access. [20.6.2.3109 NMAC]
5.	Within 30 days of the effective date of this permit (by <b>DATE</b> ), the permittee shall post and maintain signs at the facility entrance and every 500 feet along the boundary which states the following in both English and Spanish: “Notice – Petroleum Contaminated Soil Remediation Facility - Keep Out.”. A sign with the name, phone number, emergency phone number, and location of facility including township, range, and section(s) will be posted at the entrance gate. All tanks shall be labeled with the name of their contents and tanks containing contaminated water should be labeled “Not Potable Water”. Each grid shall have a waterproof placard to identify the grid number and waste type and to facilitate a rotational disposal schedule as required in conditions below. All signs shall remain visible and legible for the term of this Discharge Permit. Site security shall be the responsibility of the permittee. The permittee shall accept wastes only during established business hours. [20.6.2.3109 NMAC]
6.	The permittee shall maintain a 24-inch earthen berm surrounding the perimeter of the facility to prevent run-on and run-off from a 25-year storm event. In addition, the permittee shall maintain shallow (minimum depth of six inches) storm water diversion bar trenches parallel to and on each side of the site entrance gate. The berms shall be inspected on a regular basis and after any major rainfall event and repaired as necessary. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]
7.	The permittee is authorized to receive waste for the remediation of Environmental Restoration Program clean-up sites on Holloman Air Force Base. The permittee is not authorized to receive waste from other facilities or haulers. [20.6.2.3109 NMAC]
8.	The permittee shall inspect the site weekly and collect any residual solid waste that might otherwise be blown off-site. The collected materials shall be disposed of in a manner consistent with local, state and federal solid waste disposal regulations. [20.6.2.3109 NMAC]
9.	The permittee shall not discharge liquid wastes during periods of precipitation, low evaporation, or when surface soils are frozen or saturated, but may store wastes in tanker trucks during such periods. [20.6.2.3109 NMAC]
10.	The permittee shall monitor the odor and visual appearance of each waste load to ensure that only allowable wastes are collected. Each driver and/or site attendant shall be educated on the types of waste that are allowed to be disposed, and will be instructed to reject inappropriate waste. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]

11.	The permittee shall only accept soils or water contaminated with gasoline, diesel/fuel oil, jet fuel, or waste oil. The permittee shall not accept hazardous waste or free product. Any soil suspected of containing hazardous waste shall be analyzed using EPA Method 1311, Toxicity Characteristics Leaching Procedure. Any soil suspected of containing free product shall be analyzed using EPA Method 9095, Paint Filter Liquids Test. Any soil that does not pass the appropriate test shall be rejected. [20.6.2.3107 NMAC]
12.	The permittee shall not accept any wastes generated from oil or natural gas production. Such wastes shall be regulated under the authority of the Oil Conservation Division as described by the WQCC Delegation of Responsibility to the Environmental Improvement Division and the Oil Conservation Division. [20.6.2.3109 NMAC]
13.	The permittee shall spread and mechanically disk contaminated soil within 72 hours of receipt in eight inch, or less, lifts (approximately 1,000 cubic yards per acre). Contaminated soil lifts shall be disked at least once every 14 days until analytical results indicate that the soil is remediated to the standards required by this Discharge Permit. Additional soil shall not be added to a remediation cell until remediation of the existing layer is confirmed by laboratory analysis. [20.6.2.3109 NMAC]
14.	Disposal shall only occur when there is an attendant on duty unless loads can be monitored or inspected prior to disposal. [20.6.2.3109 NMAC]
15.	Pooling of liquids within soil remediation cells is prohibited. The permittee shall remove and dispose of any freestanding liquids within 24 hours in accordance with all local, state, and federal regulations. [20.6.2.3109 NMAC]
16.	The permittee shall remediate soils to the following standards: TPH: 440 mg/kg Benzene: 10.3 mg/kg Toluene: 252 mg/kg Ethyl Benzene: 128 mg/kg Xylene: 82.0 mg/kg [20.6.2.3109 NMAC]
17.	The permittee is authorized to moisten soils in the remediation cells in order to enhance remediation and reduce dust. However, the permittee shall not spray water on saturated soil, or in a manner which causes ponding in the soil remediation cells. The permittee shall not use contaminated water for dust control in areas outside of the remediation cells. [20.6.2.3109 NMAC]
18.	The permittee shall not add amendments to the contaminated soil, such as microbes or fertilizer, without prior approval by NMED. [20.6.2.3109 NMAC]

**MONITORING, REPORTING, AND OTHER REQUIREMENTS**

#	Terms and Conditions
19.	The permittee shall conduct the monitoring, reporting, and other requirements listed below. [20.6.2.3107 NMAC]
20.	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

	<p>and Wastewater (18<sup>th</sup>, 19<sup>th</sup> or current);</p> <p>b) U.S. Environmental Protection Agency, Methods for Chemical Analysis of Water and 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) U.S. Geological Survey, et al., National Handbook of Recommended Methods for Water Data Acquisition; or</p> <p>f) Methods of Soil Analysis: Part 1. Physical and Mineralogical Methods and Part 2. Chemical and Microbiological Properties, American Society of Agronomy.</p> <p>[20.6.2.3107.B NMAC]</p>
21.	<p>The permittee shall submit semi-annual monitoring reports to NMED by the 1<sup>st</sup> of April and October of each year. Monitoring requirements detailed in this Discharge Permit are summarized on the sheet titled <i>Summary of Required Actions, Monitoring and Reporting</i>.</p> <p>[20.6.2.3107 NMAC]</p>
22.	<p>The permittee shall create a manifest for each waste pick-up and disposal event to record the following information: the name of the hauling company, the date of pick-up and disposal, name and address of the waste origin, type of waste/description of contamination, the volume of waste, confirmation of inspection for acceptable waste type, signature of person conducting the inspection, and the disposal location (cell # and location within the cell). A log of the manifest records listing the date of pick-up, hauling company, the volume of waste, and the disposal location (cell #) shall be submitted with the semi-annual monitoring report. [20.6.2.3107 NMAC]</p>
23.	<p>The permittee shall perform semi-annual ground water sampling in four wells used for monitoring. The permittee shall sample:</p> <ul style="list-style-type: none"> <li>• MW-01, intended to be located hydrologically downgradient of the landfarm (south of the landfarm);</li> <li>• MW -02, intended to be located hydrologically downgradient of the landfarm (southeast of the landfarm);</li> <li>• MW -03, intended to be located hydrologically downgradient of the landfarm (southwest of the landfarm); and</li> <li>• MW -04, intended to be located hydrologically upgradient of the landfarm (north of the landfarm).</li> </ul> <p>The ground water sampling shall be performed according to the following procedure:</p> <ol style="list-style-type: none"> <li>a) measure the depth-to-ground water from the top of well casing to the nearest hundredth of a foot;</li> <li>b) purge three well volumes of water from the well prior to sample collection; and</li> <li>c) obtain samples from the well to be analyzed for TPH, BTEX, NO<sub>3</sub>-N, TKN, Cl, and TDS.</li> </ol> <p>Depth-to-water measurements, analytical results, and a facility layout map showing the location and number of each well shall be submitted to NMED as part of the semi-annual monitoring reports.</p> <p>[20.6.2.3107 NMAC]</p>
24.	<p>The permittee will record and report the volumes and dates of all liquids applied to each</p>

	soil remediation cell. Volumes shall be submitted to NMED as part of the semi-annual monitoring reports. [20.6.2.3107 NMAC]
25.	Background testing: Prior to opening a new landfarm cell, the permittee shall take a minimum of one composite background soil sample consisting of 16 discrete samples taken from at least six inches below the original ground surface for every two acres to establish background concentrations of TPH using EPA Method 418.1, SW-846 8015M, or equivalent; BTEX using EPA SW-46 Methods 8021B, 8260B, or equivalent by appropriate EPA methods. For existing disposal cells, sample and analyze as above once for every five acres of disposal area just outside and evenly spaced around the perimeter of the area where waste has been applied. Analytical results and a map outlining the sampling locations shall be submitted to NMED as part of the semi-annual monitoring report. [20.6.2.3107 NMAC]
26.	Treatment zone monitoring: Prior to adding additional eight-inch lifts, the permittee must demonstrate that contaminated soil is remediated to the standards listed in the Operational Section above. The permittee shall collect and analyze at least one composite soil sample consisting of four discrete samples taken from the treatment zone for each landfarm treatment cell semi-annually for TPH by the method listed in the background testing condition above. Analytical results and a map outlining the sampling locations shall be submitted to NMED as part of the semi-annual monitoring reports and for verification prior to adding additional lifts. [20.6.2.3107 NMAC]
27.	Subsurface soil sampling shall be conducted annually (by DATE). The permittee shall collect (from three to four feet below the cell's original ground surface) and analyze a minimum of four randomly selected grab samples for TPH using EPA Methods 418.1 or SW-846 8015M; BTEX using EPA SW-46 Methods 8021B, 8260B, or equivalent. Analytical results and a map outlining the sampling locations shall be submitted to NMED with the monitoring reports due October 1 <sup>st</sup> . [20.6.2.3107 NMAC]

**CONTINGENCY PLAN**

#	Terms and Conditions
28.	In the event that monitoring indicates ground water standards are violated during the term of this Discharge Permit, upon closure of the facility or during post-closure monitoring, the permittee shall collect a confirmatory sample from the monitoring well within 15 days to confirm the initial sampling results. Within 15 days of confirmation of ground water contamination, 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]
29.	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 7 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]
30.	In the event NMED or the permittee identifies any other failures of the discharge plan 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]
31.	If subsurface soil sampling results show that the concentrations of TPH or BTEX exceed the background soil concentrations, the permittee shall immediately notify the GWQB and collect (from three to four feet below the cell's original ground surface) and analyze a minimum of four randomly selected independent samples for TPH and BTEX. The permittee shall submit the results of re-sampling and a corrective action plan to NMED within 45 days of initial notification. [20.6.2.3107.A(10) NMAC]

### CLOSURE PLAN

#	Terms and Conditions
32.	<p>In the event that the hydrocarbon landfarm facility permanently closes or ceases operation for more than six months, the permittee shall perform the following closure actions:</p> <ol style="list-style-type: none"> <li>a. Complete the installation of all monitoring wells as required by this Discharge Permit</li> <li>b. Notify NMED that contaminated soil shall no longer be accepted.</li> <li>c. Submit a schedule for closure actions.</li> <li>d. Continue operating until all soils are remediated to the standards required by the operational section of this Discharge Permit, or alternative disposal has been approved by NMED.</li> <li>e. Upon determination from NMED that remediation of all soils is complete, backfill the cells with clean fill (as necessary) and contour to provide for positive stormwater drainage.</li> <li>f. Upon determination from NMED that remediation of all soils is complete, the permittee shall re-vegetate the cell(s) or site by establishing a vegetation cover equal to 70% of the native perennial vegetative cover consisting of at least three native plant species including at least one grass, but not including noxious weeds. The permittee shall maintain the vegetative cover through two consecutive growing seasons.</li> <li>g. 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.</li> <li>h. Following notification from NMED that post-closure monitoring may cease, the permittee shall plug and abandon the monitoring wells in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.0, July 2008.</li> </ol>

	When all closure requirements have been met, the permittee may request to terminate the discharge permit. [20.6.2.3109 NMAC, 20.6.2.3107. NMAC]
33.	<p>When contaminated soil has ceased being added to the cell, the permittee shall continue treatment until the contaminated soil has been remediated to a) the practical quantitation limit (PQL); b) the background soil concentrations; or c) the following closure standards; whichever is greatest:</p> <ul style="list-style-type: none"> <li>a) TPH by EPA Method 418.1, SW-846 8015M, or equivalent – 440 mg/kg;</li> <li>b) Benzene, toluene, ethyl benzene, and xylenes by EPA SW-846 Method 8021B or 8060B – 0.0283, 6.8, 10.5, and 10.1 mg/kg, respectively;</li> <li>c) The concentration of the remaining constituents listed in Subsections A and B of 20.6.2.3103 NMAC by EPA SW-846 Method 6010B or 6020 – the higher of either the practical quantitation limit (PQL) or the background soil concentrations.</li> </ul> <p>The permittee shall collect and analyze, as described above, at least one composite sample consisting of four discrete samples for each four acres (or smaller area) of each landfarm treatment cell being closed.</p> <p>If the above closure standards can not be met within five years, the permittee shall submit a corrective action plan to the GWQB within 45 days of receipt of analytical results. [20.6.2.3109 NMAC, 20.6.2.3107. NMAC]</p>

**GENERAL TERMS AND CONDITIONS**

#	Terms and Conditions
34.	<p><b>RECORD KEEPING</b> - 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:</p> <ul style="list-style-type: none"> <li>a) The dates, exact place and times of sampling or field measurements;</li> <li>b) The name and job title of the individuals who performed each sample collection or field measurement;</li> <li>c) The date of the analysis of each sample;</li> <li>d) The name and address of the laboratory and the name and job title of the person that performed the analysis of each sample;</li> <li>e) The analytical technique or method used to analyze each sample or take each field measurement;</li> <li>f) The results of each analysis or field measurement, including raw data;</li> <li>g) The results of any split sampling, spikes or repeat sampling; and</li> <li>h) A description of the quality assurance and quality control procedures used.</li> </ul> <p>[20.6.2.3107.A NMAC]</p>
35.	<p><b>RECORD KEEPING</b> - 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]</p>
36.	<p><b>RECORD KEEPING</b> - The permittee shall maintain a written record of the operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of</p>

	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]
37.	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]
38.	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]
39.	INSPECTION and ENTRY - The permittee shall allow the Secretary or an authorized representative, upon the presentation of credentials, to: <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ul> [20.6.2.3107.D NMAC, 74-6-9(B) & (E) WQA]
40.	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]
41.	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]
42.	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]
43.	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]
44.	<b>PLANS and SPECIFICATIONS</b> - The permittee shall file plans and specifications with 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]
45.	<b>CIVIL PENALTIES</b> - 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]
46.	<b>CRIMINAL PENALTIES</b> – 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]
47.	<b>COMPLIANCE WITH OTHER LAWS</b> - 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]
48.	<b>RIGHT to APPEAL</b> - 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]
49.	TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or 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]
50.	TERM - Pursuant to 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]
51.	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