

GROUND WATER DISCHARGE PERMIT MODIFICATION

Escalante Generating Station, DP-206

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit Modification, DP-206, to Tri-State Generation and Transmission Company (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 Escalante Generating Station (EGS) and McKinley Paper Company (MPC) 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.

Up to 1,457,550 gallons per day (gpd) of wastewater from the EGS and the MPC is discharged and described as follows:

Up to 17,550 gpd of domestic wastewater is discharged to two domestic wastewater treatment and disposal facilities. Up to 13,000 gpd of domestic wastewater from the EGS is discharged to a two-stage, clay-lined, facultative treatment and evaporative lagoon system, and up to 4,550 gpd of domestic wastewater from the MPC is discharged to two synthetically lined facultative evaporative lagoons located on the EGS facility.

Industrial wastewater and solid waste from the following wastestreams generated by EGS are authorized for storage and/or disposal: 1) Up to 1,440,000 gpd of plant process water is discharged into a series of five evaporation lagoons (numbered 1-5). Lagoons 1-3 are clay-lined, and lagoons 4 and 5 are synthetically lined. 2) Bottom ash from the boiler is intermittently sluiced to a clay-lined two-cell bottom ash lagoon at a peak rate of 2,840 gallons per minute (gpm). 3) Discharges from the plant drains flow to the clay-lined oil-water emergency lagoon when the design capacity of the oil-water separator is exceeded. 4) Waste slurry from the sulfur dioxide absorber system (SDAS) is discharged to the clay-lined emergency scrubber lagoon during periods when normal discharge of the SDAS slurry to Evaporation Lagoon #1 is not possible. 5) Lime-soda sludge, used in the softening process at the water treatment plant, is discharged to two clay-lined sludge lagoons. 6) The coal yard storm water runoff retention lagoon is an unlined impoundment designed to retain 25 percent more than the runoff expected from inside the railroad loop during a 10-year/24-hour storm event. 7) The scrubber sludge/fly ash landfill has an area of 97 acres, a maximum height of 100 feet, and an approximate volume of 25 million cubic yards as proposed in the Landfill Expansion Application, dated September 11, 2006. The scrubber sludge/fly ash landfill receives solid waste in the form of bottom ash, fly ash, SDAS sludge and water treatment plant sludge.

The modification consists of an increase in industrial wastewater discharge volumes from 40,320 gpd to 1,440,000 gpd. 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 approximately 3 miles northwest of Prewitt, New Mexico, in Sections 25 and 26, T14N, R12W, McKinley County. Ground water most likely to be affected is at a depth of approximately 15 feet and has a total dissolved solids concentration of approximately 665 milligrams per liter.

The original Discharge Permit was issued on April 3, 1984 and subsequently renewed and/or modified on May 14, 1985, June 28, 1988, December 9, 1993, July 15, 1994, December 30, 1998, November 30, 2000 and September 2, 2008. The permittee's application for modification consists of the materials submitted by Tri-State Generation and Transmission Company dated April 14, 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 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; and/or implementing abatement of water pollution.

Issuance of this Discharge Permit does not relieve Tri-State Generation and Transmission Company 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 |
|-----------------|-----------------------------------|--------------------|----------------------------------|
| BD ₅ | biochemical oxygen demand (5-day) | NMSA | New Mexico Statutes Annotated |
| CFR | Code of Federal Regulations | NO ₃ -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 ₃ -N |
| NMAC | New Mexico Administrative Code | WQCC | Water Quality Control Commission |
| NMED | New Mexico Environment Department | | |

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:

**SITEWIDE OPERATIONAL PLAN, MONITORING, REPORTING, AND OTHER
REQUIREMENTS FOR ALL WASTESTREAMS**

| # | Terms and Conditions |
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| 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 Section 20.6.2.3103 NMAC including human health, other domestic water supply and irrigation standards are not violated. [20.6.2.3103 NMAC] |
| 3. | The permittee is authorized to discharge the following domestic and industrial wastewaters and solid wastes, in accordance with 20.6.2.3104 NMAC. <ul style="list-style-type: none"> • Up to 17,550 gpd of domestic wastewater is authorized for discharge to two domestic waste treatment and disposal facilities. • Up to 1,440,000 gpd of industrial wastewater generated by EGS is authorized for storage and/or disposal. • Up to 25 million cubic yards of coal-combustion waste solids is authorized for disposal in the 97 acre scrubber sludge/fly ash landfill. |
| 4. | The permittee shall maintain signs at the facility entrance and other areas where public contact is possible indicating that the water is not potable. All signs shall remain visible and legible for the term of this Discharge Permit. [20.6.2.3109 NMAC] |
| 5. | The permittee shall conduct the monitoring, reporting, and other requirements listed below. [20.6.2.3107 NMAC] |
| 6. | 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: |

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| | <p>a) American Public Health Association, Standard Methods for the Examination of Water and Wastewater (18th, 19th 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; and</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> |
| 7. | <p>The permittee shall submit semi-annual monitoring reports to NMED by the 28th of February and August 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>. [20.6.2.3107 NMAC]</p> |
| 8. | <p>The permittee shall perform semi-annual ground water sampling in 41 wells used for monitoring. The permittee shall sample:</p> <ul style="list-style-type: none"> • Quaternary alluvium wells QAL-1 (35°25'7"N, 108°5'8"W), QAL-2 (35°24'56"N, 108°5'16"W), QAL-3 (35°24'51"N, 108°4'2"W), QAL-4 (35°24'50"N, 108°3'49"W), QAL-5 (35°24'47"N, 108°3'8"W), QAL-6 (35°24'20"N, 108°3'9"W), QAL-7 (35°24'54"N, 108°5'1"W), QAL-8 (35°24'57"N, 108°4'49"W), QAL-9 (35°24'47"N, 108°4'42"W), QAL-10 (35°24'44"N, 108°4'42"W), QAL-11 (35°24'53"N, 108°4'36"W), QAL-12-97 (35°24'52"N, 108°4'21"W), QAL-13 (35°24'38"N, 108°4'22"W), QAL-14 (35°24'37"N, 108°4'13"W), QAL-15 (35°24'34"N, 108°4'13"W), QAL-16-R (35°24'37"N, 108°3'59"W), QAL-17-R (35°24'34"N, 108°3'53"W), QAL-21 (35°24'57"N, 108°3'58"W), QAL-22 (35°24'58"N, 108°3'48"W), QAL-23 (35°24'57"N, 108°4'8"W), QAL-24 (35°24'54"N, 108°3'36"W), QAL-25 (35°24'42"N, 108°3'49"W), QAL-26 (35°24'37"N, 108°3'52"W), QAL-27 (35°24'42"N, 108°3'56"W), QAL-28 (35°24'27"N, 108°3'44"W), QAL-29 (35°24'34"N, 108°3'48"W), QAL-30 (35°24'27"N, 108°4'11"W), QAL-31 (35°24'52"N, 108°3'37"W) and QAL-32 (35°24'40"N, 108°3'35"W). • Correo wells Trcpc-1 (35°25'7"N, 108°5'8"W), Trcpc-2 (35°25'12"N, 108°4'18"W), Trcpc-3 (35°24'44"N, 108°4'42"W), Trcpc-5 (35°24'56"N, 108°5'16"W), Trcpc-6 (35°24'28"N, 108°4'13"W), Trcpc-7 (35°24'35"N, 108°3'54"W), Trcpc-8 (35°24'28"N, 108°4'13"W), Trcpc-9 (35°24'29"N, 108°3'55"W), Trcpc-10 (35°24'35"N, 108°4'41"W), Trcpc-11 (35°24'29"N, 108°4'24"W), Trcpc-12 (35°24'35"N, 108°4'30"W) and Trcpc-13 (35°24'40"N, 108°4'23"W). <p>The ground water sampling shall be performed according to the following procedure:</p> <p>a) measure the depth-to-ground water from the top of well casing to the nearest hundredth of a foot;</p> <p>b) purge three well volumes of water from the well prior to sample collection; and</p> <p>c) obtain samples from the well to be analyzed for Aluminum (Al), Arsenic (As), Barium</p> |

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| | <p>(Ba), Boron (B), Cadmium (Cd), Calcium (Ca), Chloride (Cl), Cobalt (Co), Copper (Cu), Chromium (Cr), Fluoride (F), Iron (Fe), Mercury (Hg), Lead (Pb), Magnesium (Mg), Manganese (Mn), Molybdenum (Mo), Nickel (Ni), Potassium (K), Selenium (Se), Sodium (Na), Zinc (Zn), Carbonate (CO₃), Cyanide (CN⁻), Bicarbonate (HCO₃⁻), Nitrate-Nitrogen (NO₃-N), Sulfate (SO₄), Total Kjeldahl Nitrogen (TKN), Total Dissolved Solids (TDS), conductivity, Phenols and pH.</p> <p>Depth-to-water measurements on all wells, analytical results, and a facility layout map showing the location and number of each well shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC]</p> |
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DOMESTIC WASTESTREAMS OPERATIONAL PLAN, MONITORING, REPORTING, AND OTHER REQUIREMENTS

| # | Terms and Conditions |
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| 9. | <p>The permittee is authorized to discharge domestic wastewater as described:</p> <ul style="list-style-type: none"> • Up to 13,000 gpd of domestic wastewater from the EGS facility is discharged to a 2-stage, clay-lined, facultative treatment and evaporative lagoon system. • Up to 4,550 gpd of domestic wastewater from the MPC facility is discharged to two synthetically lined facultative evaporative lagoons, located on the EGS facility. <p>[20.6.2.3104 NMAC]</p> |
| 10. | <p>The permittee shall utilize operators, certified by the State of New Mexico at the appropriate level, to operate the wastewater collection, treatment, and disposal systems. All operations and maintenance of all or any part of the wastewater system shall be performed by, or under the direct supervision of, a certified operator. [20.7.4 NMAC]</p> |
| 11. | <p>The permittee shall maintain a minimum of two feet of freeboard in the lagoons at all times (EGS domestic wastewater sewage lagoon East and West, MPC domestic wastewater sewage lagoon South and North). In the event that a minimum of two feet of freeboard cannot be maintained at all times, the permittee shall submit a corrective action plan for NMED approval to modify the management of discharge volumes. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p> |
| 12. | <p>The permittee shall visually inspect the lagoons (EGS domestic wastewater sewage lagoon East and West, MPC domestic wastewater sewage lagoon South and North) and surrounding berms on a monthly basis to ensure proper maintenance. Any conditions that could damage the lagoon liner or affect the structural integrity of the lagoon shall be corrected. Such conditions include but are not limited to erosion damage, animal activity/damage, the presence of potentially harmful vegetation such as woody shrubs or uncontrolled weeds, evidence of seepage, or the presence of large pieces or quantities of debris. The permittee shall keep a log of the inspection findings and repairs made. In the event that inspection findings reveal significant damage likely to affect the ability of the lined lagoon to contain contaminants, the permittee shall submit a corrective action plan to NMED for approval. [20.6.2.3107 NMAC]</p> |
| 13. | <p>The permittee shall sample wastewater from a representative location within the EGS domestic wastewater sewage lagoon East and West and MPC domestic wastewater sewage lagoon South and North on a semi-annual basis and analyze the samples for Cl, SO₄, NO₃-N, TKN and TDS. Analytical results shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC]</p> |

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| 14. | The permittee shall estimate the monthly volume of domestic wastewater discharged from monthly meter readings for the facility's domestic water supply and an estimated 1% usage factor from the supply meter to McKinley Paper Company. The actual monthly meter readings from the facilities domestic meter and McKinley's meter shall be submitted to NMED in the semi-annual monitoring reports. The water supply meters shall be kept operational at all times. [20.6.2.3107.A(1) NMAC, 20.6.2.3109.H(1) NMAC] |
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**INDUSTRIAL WASTESTREAMS OPERATIONAL PLAN, MONITORING,
REPORTING, AND OTHER REQUIREMENTS**

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| 15. | <p>The permittee is authorized to discharge industrial wastestreams as described:</p> <ul style="list-style-type: none"> • Up to 1,440,000 gpd of plant process water is discharged into a series of five evaporation lagoons (1-5). Lagoons 1-3 are clay-lined, and lagoons 4 and 5 are synthetically lined. • Up to 2,840 gallons per minute (gpm) of bottom ash from the boiler is intermittently sluiced to the two-cell, clay-lined bottom ash lagoon. • Discharges from the plant drains which flow to the oil-water emergency lagoon when the oil-water separator is exceeded. • Waste slurry from the sulfur dioxide absorber system (SDAS) is discharged to the emergency scrubber lagoon. • Lime-soda sludge from the softening process at the water treatment plant is discharged to two clay-lined sludge lagoons. • De-watered coal combustion waste, consisting of bottom ash, fly ash, SDAS sludge and water treatment plant sludge, is discharged to the scrubber sludge/fly ash landfill. • Stormwater run-off from the coal-yard area is discharged to the coal-yard run-off retention impoundment. <p>[20.6.2.3104 NMAC]</p> |
| 16. | The permittee shall maintain a minimum of two feet of freeboard in the lagoons at all times (plant process wastewater evaporative lagoons #1-5, bottom-ash lagoon, oil-water emergency lagoon, emergency scrubber sludge lagoon and water treatment plant sludge lagoons). In the event that a minimum of two feet of freeboard cannot be maintained at all times, the permittee shall submit a corrective action plan for NMED approval to modify the management of discharge volumes. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC] |
| 17. | The permittee shall visually inspect the lagoons (plant process wastewater evaporative lagoons #1-5, bottom-ash lagoon, oil-water emergency lagoon, emergency scrubber lagoon and water treatment plant sludge lagoons) and surrounding berms on a monthly basis to ensure proper maintenance. Any conditions that could damage the lagoon liner or affect the structural integrity of the lagoon shall be corrected. Such conditions include but are not limited to erosion damage, animal activity/damage, the presence of potentially harmful vegetation such as woody shrubs or uncontrolled weeds, evidence of seepage, or the presence of large pieces or quantities of debris. The permittee shall keep a log of the inspection findings and repairs made. In the event that inspection findings reveal significant damage likely to affect the ability of the lined lagoon to contain contaminants, the permittee shall submit a corrective action plan to NMED for approval. [20.6.2.3107 NMAC] |

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| 18. | The permittee shall sample monitoring well QAL-7 on a semi-annual basis and analyze the sample for petroleum hydrocarbons. The permittee shall submit the analytical results to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC] |
| 19. | The permittee shall collect one sample of wastewater from a representative location within each of the evaporative lagoons 1-5, bottom ash lagoon north and south, water treatment sludge lagoon north and south, oil-water emergency lagoon, emergency scrubber lagoon, and the coal yard stormwater impoundment on a semi-annual basis and analyze the samples for Al, As, Ba, B, Cd, Ca, Cl, Co, Cu, Cr, F, Fe, Hg, Pb, Mg, Mn, Mo, Ni, K, Se, Na, Zn, CO ₃ , CN ⁻ , HCO ₃ , SO ₄ , NO ₃ -N, TKN, TDS, conductivity, Phenols and pH. Analytical results shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC] |
| 20. | <p>The permittee shall perform semi-annual sampling, using approved methodologies, for wastestreams being disposed of in the scrubber sludge/fly ash landfill area. Prior to landfill disposal, the permittee shall collect and analyze one representative sample of each solid waste stream (bottom ash, fly ash and SDAS) for:</p> <ul style="list-style-type: none"> • Al, As, Ba, B, Cd, Ca, Cl, Co, Cu, Cr, F, Fe, Hg, Pb, Mg, Mn, Mo, Ni, K, Se, Na, Zn, CO₃, CN⁻, HCO₃, SO₄, NO₃-N, TKN, TDS, conductivity, Phenols and pH. <p>The collection methods, analytical results and a map showing the sampling locations shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC]</p> |
| 21. | The permittee shall determine the annual volume (in cubic yards) of each solid waste stream (bottom ash, fly ash and SDAS) disposed of in the landfill and submit volumes to NMED in the semi-annual monitoring report due on the 28 th of February. [20.6.2.3107.A(1) NMAC, 20.6.2.3109.H(1) NMAC] |
| 22. | The permittee shall measure the monthly volume of industrial wastewater discharged to evaporative lagoons 1-5 using a totalizing flow meter located at the lift station just prior to the evaporative lagoons. The actual monthly meter readings and monthly discharge volumes shall be submitted to NMED in the semi-annual monitoring reports. The flow meters shall be calibrated to within +/- 10% of actual flow and kept operational at all times. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC] |
| 23. | The permittee shall maintain a minimum of 36-inch earthen cap on the scrubber sludge/fly ash landfill consisting of excavated non-acid generating native top-soil capable of supporting plant growth and approved by NMED. The cover shall be designed as a water store and release cover with top surfaces constructed to a final grade of approximately two percent. The slopes to interbench slopes shall be no steeper than a 3:1 ratio unless otherwise approved by NMED. [20.6.2.3109 NMAC] |
| 24. | The permittee shall re-vegetate the scrubber sludge/fly ash landfill earthen cap to: 1) optimize the effectiveness of the water storage and release cover to reduce infiltration into underlying materials, 2) promote evapotranspiration from the cover system, and 3) provide cover stability and protection from wind and water erosion. Re-vegetation activities shall be completed as soon as practicable following the final cover placement but in conjunction with the growing season to provide the best opportunity for successful re-vegetation. [20.6.2.3109 NMAC] |

CONTINGENCY PLAN

| # | Terms and Conditions |
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| 25. | 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] |
| 26. | 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] |
| 27. | 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 |
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| 28. | The permittee shall abandon monitoring wells within the landfill expansion area. Within 90 days of opening each designated cell within the scrubber sludge/fly ash landfill expansion area, the permittee shall submit written notification to NMED and shall plug and abandon the associated monitoring wells (QAL-21 and QAL-3 for Cell B and QAL-23 for Cell C) in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i> , Revision 1.0, July 2008. [20.6.2.3107.A(11) NMAC] |
| 29. | Upon closure of the facility, the permittee shall submit a comprehensive closure plan for NMED approval. Once approved, and all post-closure requirements have been met, the permittee may request to terminate the Discharge Permit. [20.6.2.3107.A(11) NMAC] |

ADDITIONAL STUDIES AND ABATEMENT

| # | Terms and Conditions |
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| 30. | In 2001, the permittee submitted a Corrective Action Plan, which was approved by NMED. This Corrective Action Plan will remain in effect unless ground water conditions change at |

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| the facility or a more effective approach is identified. At such a time, Tri-State will resubmit an alternative Corrective Action Plan to be approved by NMED. |
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GENERAL TERMS AND CONDITIONS

| # | Terms and Conditions |
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| 31. | <p>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:</p> <ul style="list-style-type: none"> 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. <p>[20.6.2.3107.A NMAC]</p> |
| 32. | <p>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]</p> |
| 33. | <p>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]</p> |
| 34. | <p>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]</p> |
| 35. | <p>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]</p> |
| 36. | <p>INSPECTION and ENTRY - The permittee shall allow the Secretary or an authorized representative, upon the presentation of credentials, to:</p> <ul style="list-style-type: none"> 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 |

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| | <p>required to be kept under the conditions of this Discharge Permit, or under any federal or WQCC regulation.</p> <p>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.</p> <p>d) Sample or monitor, at reasonable times for the purpose of assuring compliance with this Discharge Permit or as otherwise authorized by the New Mexico Water Quality Act, 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]</p> |
| 37. | <p>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]</p> |
| 38. | <p>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]</p> |
| 39. | <p>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]</p> |
| 40. | <p>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]</p> |
| 41. | <p>ENFORCEMENT - 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 an 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. For</p> |

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| | certain violations specified in WQA 74-6-10.2, criminal penalties may also apply. 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 WQA] |
| 42. | 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] |
| 43. | 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] |
| 44. | 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] |
| 45. | 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 of September 2, 2008 and will expire on September 2, 2013. 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] |
| 46. | 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 OF MODIFICATION: DATE

EFFECTIVE DATE OF DISCHARGE PERMIT: September 2, 2008

EXPIRATION DATE: September 2, 2013

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