

GROUND WATER DISCHARGE PERMIT RENEWAL
Gandy Marley Inc., DP-1041

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal (Discharge Permit), DP-1041, to Larry Gandy (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 Gandy Marley, Inc. Landfarm (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:

Domestic septage, domestic wastewater treatment facility sludge, grease trap/interceptor waste, vehicle/equipment grit trap waste, and hydrocarbon-contaminated soil are processed and discharged at the facility as follows:

Up to 50,000 gallons per month (gpm) on an annual average, not to exceed 600,000 gallons per year of domestic septage (including portable toilet waste) to some fraction of two surface disposal cells totaling 7.74 acres on a rotational basis.

Up to 5,000 gpm on an annual average, not to exceed 60,000 gallons per year of liquid, semi-solid and solid domestic wastewater treatment facility sludge to some fraction of two surface disposal cells totaling 7.74 acres that does not receive domestic septage on a rotational basis.

Up to 150,000 gpm on an annual average, not to exceed 1,800,000 gallons per year of the aqueous portion of grease trap/interceptor waste to three surface disposal cells totaling 14.93 acres on a rotational basis. The permittee is also authorized to temporarily store up to # cubic yards of dewatered grease trap/interceptor waste on an impervious pad or surface prior to properly disposing of the dewatered waste in accordance with all local, state and federal regulations.

Up to 5,000 gpm on an annual average, not to exceed 60,000 gallons per year of the liquid portion of vehicle/equipment grit trap waste to a (describe liner) lined evaporative system for disposal by evaporation. The permittee is also authorized to temporarily store up to # cubic yards of dewatered vehicle/equipment grit trap waste on an impervious pad or surface prior to properly disposing of the dewatered waste in accordance with all local, state and federal regulations.

Up to 10,000 cubic yards per month on an annual average, of hydrocarbon-contaminated soil (containing uncontaminated petroleum products) in eight surface disposal cells totaling 42.5 acres on a rotational basis and up to # cubic yards of hydrocarbon-contaminated soil (containing used oil, waste oil, or oil from other sources) in some

fraction of eight surface disposal cells totaling 42.5 acres that does not receive hydrocarbon-contaminated soil (containing uncontaminated petroleum products) on a rotational basis. The permittee is also authorized to discharge up to 52,800 gpm on an annual average, and store up to 21,000 gallons of hydrocarbon-contaminated water at any one time for disposal by evaporation and/or to be utilized to enhance bioremediation of hydrocarbon-contaminated soils by distributing the wastewater over the remediation cells.

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 33 miles northwest of Tatum in Sections 8 & 9, T11S, R31E, Chaves County. Ground water most likely to be affected is at a depth of approximately 122 feet and has a total dissolved solids concentration of approximately 8,970 milligrams per liter.

The original Discharge Permit was issued on March 24, 1995 and subsequently renewed and/or modified on February 14, 1997, and August 24, 2000. The permittee's application consists of the materials submitted by CMB Environmental & Geological Services, Inc., dated June 9, 2005 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: expanding surface disposal areas; ceasing discharging to surface disposal areas, changing waste management practices; expanding monitoring requirements; installing an advanced treatment system; and/or implementing abatement of water pollution.

Issuance of this Discharge Permit does not relieve the permittee of the responsibility to comply with the WQA, WQCC Regulations, and any other applicable federal, state and/or local laws and regulations, such as zoning requirements and nuisance ordinances.

The following abbreviations may be used in this Discharge Permit:

| Abbreviation | Explanation | | Abbreviation | Explanation |
|------------------|-----------------------------------|--|--------------------|-------------------------------|
| BOD ₅ | biochemical oxygen demand (5-day) | | NO ₃ -N | nitrate-nitrogen |
| CFR | Code of Federal Regulations | | NTU | nephelometric turbidity units |
| CFU | colony forming units | | SDDS | Surface Disposal Data Sheet |
| Cl | chloride | | TDS | total dissolved solids |

| Abbreviation | Explanation | Abbreviation | Explanation |
|--------------|---|----------------|----------------------------------|
| EPA | United States Environmental Protection Agency | TKN | total Kjeldahl nitrogen |
| Mg/kg | Milligrams per kilogram | | |
| mg/L | milligrams per liter | TPH | total petroleum hydrocarbons |
| mL | milliliters | TSS | total suspended solids |
| NMAC | New Mexico Administrative Code | total nitrogen | TKN+NO ₃ -N |
| NMED | New Mexico Environment Department | WQCC | Water Quality Control Commission |
| NMSA | New Mexico Statutes Annotated | | |

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 |
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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 Sections 20.6.2.3101 NMAC and 20.6.2.3103 NMAC are not violated. [20.6.2.3103 NMAC] |

| # | Terms and Conditions |
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| 3. | <p>The permittee is authorized to process and discharge the following waste types:</p> <p>Up to 50,000 gallons per month (gpm) on an annual average, not to exceed 600,000 gallons per year of domestic septage (including portable toilet waste) to some fraction of two surface disposal cells totaling 7.74 acres on a rotational basis.</p> <p>Up to 5,000 gpm on an annual average, not to exceed 60,000 gallons per year of liquid, semi-solid and solid domestic wastewater treatment facility sludge to some fraction of two surface disposal cells totaling 7.74 acres that does not receive domestic septage on a rotational basis.</p> <p>Up to 150,000 gpm on an annual average, not to exceed 1,800,000 gallons per year of the aqueous portion of grease trap/interceptor waste to three surface disposal cells totaling 14.93 acres on a rotational basis. The permittee is also authorized to temporarily store up to # cubic yards of dewatered grease trap/interceptor waste on an impervious pad or surface prior to properly disposing of the dewatered waste in accordance with all local, state and federal regulations.</p> <p>Up to 5,000 gpm on an annual average, not to exceed 60,000 gallons per year of the liquid portion of vehicle/equipment grit trap waste to a (describe liner) lined evaporative system for disposal by evaporation. The permittee is also authorized to temporarily store up to # cubic yards of dewatered vehicle/equipment grit trap waste on an impervious pad or surface prior to properly disposing of the dewatered waste in accordance with all local, state and federal regulations.</p> <p>Up to 10,000 cubic yards per month on an annual average, of hydrocarbon-contaminated soil (containing uncontaminated petroleum products) in eight surface disposal cells totaling 42.5 acres on a rotational basis and up to # cubic yards of hydrocarbon-contaminated soil (containing used oil, waste oil, or oil from other sources) in some fraction of eight surface disposal cells totaling 42.5 acres that does not receive hydrocarbon-contaminated soil (containing uncontaminated petroleum products) on a rotational basis. The permittee is also authorized to discharge up to 52,800 gpm on an annual average, and store up to 21,000 gallons of hydrocarbon-contaminated water at any one time for disposal by evaporation and/or to be utilized to enhance bioremediation of hydrocarbon-contaminated soils by distributing the wastewater over the remediation cells.</p> <p>Waste types that are not specifically authorized to be received by this Discharge Permit shall not be received at the facility. [20.6.2.3104 NMAC]</p> |
| 4. | <p>The permittee shall maintain fences around the entire disposal facility to prevent unrestricted access. A minimum of a three-strand barbed wire fence and locked gate shall surround the facility. [20.6.2.3109 NMAC]</p> |
| 5. | <p>The permittee shall maintain the following signs at the following locations:</p> <p>Signs in both English and Spanish that state: "Notice: Waste Disposal Area - KEEP OUT" and "Aviso: Área de Disposición - NO ENTAR" posted at the facility entrance and every 500 feet along the facility boundary.</p> |

| # | Terms and Conditions |
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| | <p>A sign with the name of the facility’s contact person, office phone number of the contact person, emergency contact phone number for the facility, and physical location of facility including township, range, and section(s) posted at the entrance gate.</p> <p>A sign on each tank with the name of the tank contents. Tanks containing contaminated water should be labeled “Not Potable Water” and “el agua no es potable”.</p> <p>A sign to identify each cell by number and the waste type authorized to be discharged in the cell. All signs shall be weatherproof and posted at the boundary of the cells to facilitate a rotational disposal schedule as required in conditions below.</p> <p>All signs shall remain legible for the term of this Discharge Permit. [20.6.2.3109 NMAC]</p> |
| 6. | <p>To prevent run-on and run-off from a storm event, the permittee shall maintain a minimum 24-inch earthen berm surrounding the perimeter of the facility. The berm shall be inspected on a regular basis and after any major rainfall event and repaired as necessary. In place of a berm across the facility entrance, the permittee shall construct and maintain shallow (minimum depth of six inches) stormwater diversion bar trenches parallel to and on each side of the facility entrance gate. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p> |
| 7. | <p>Different waste types shall not be combined and shall be disposed of in separate cells that receive only a single designated waste type. [20.6.2.3109 NMAC]</p> |
| 8. | <p>The permittee shall inspect the facility weekly and collect any residual solid waste (trash) on the facility site. The collected materials shall be disposed of in a manner consistent with all local, state and federal regulations. [20.6.2.3109 NMAC]</p> |
| 9. | <p>The permittee shall not discharge liquid wastes during periods of precipitation or when surface soils are frozen or saturated. Wastes may be stored in tanker trucks during these periods. [20.6.2.3109 NMAC]</p> |

Domestic Septage

| # | Terms and Conditions |
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| 10. | <p>Septage shall be incorporated into the soil by disking within six hours following surface disposal. Ponding of septage shall be minimized. Treatment and disposal of domestic septage shall be in accordance with requirements set forth in 40 CFR Part 503. [20.6.2.3109 NMAC, 74-6-5 WQA]</p> |

Domestic Wastewater Treatment Plant Sludge

| # | Terms and Conditions |
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| 11. | The permittee shall apply liquid, semi-solid and solid domestic wastewater treatment facility sludge to some fraction of two surface disposal cells totaling 7.74 acres that does not receive domestic septage on a rotational basis. The sludge shall be evenly distributed throughout the individual cells in use. Ponding of liquid sludge shall be minimized. Treatment, storage and disposal of sludge shall be in accordance with requirements set forth in 40 CFR Part 503. [20.6.2.3104 NMAC] |
| 12. | The amount of total nitrogen applied from domestic wastewater treatment facility sludge shall not exceed 200 pounds per acre per year. [20.6.2.3109 NMAC] |

Grease Trap/Interceptor Waste

| # | Terms and Conditions |
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| 13. | Within 180 days following the effective date of this Discharge Permit (by DATE), the permittee shall separate the aqueous portion of the grease trap/interceptor waste received at the facility from the non-aqueous portion (i.e., grease and settleable solids) using dewatering equipment designed to achieve at least 90% liquid-solids separation. Until (180 days from effective date) grease trap/interceptor waste may continue to be discharged as previously authorized under the Discharge Permit issued to Larry Gandy on August 24, 2000. After 180 days from the effective date of the permit, the permittee shall collect the aqueous portion of grease trap/interceptor waste and apply it to three disposal cells totaling 14.93 acres on a rotational basis. The aqueous waste shall be incorporated into the soil by disking by the end of each operating day. Ponding of the liquid waste in the disposal cells shall be minimized. The non-aqueous portion shall not be applied to the disposal cells. [20.6.2.3109 NMAC] |
| 14. | The amount of total nitrogen applied from the aqueous portion of grease trap/interceptor waste shall not exceed 200 pounds per acre per year. [20.6.2.3109 NMAC] |
| 15. | Separated non-aqueous grease trap/interceptor waste temporarily stored at the facility prior to disposal shall be contained on an impervious surface. The permittee shall store and dispose of the separated non-aqueous portion of the grease trap/interceptor waste in accordance with all local, state and federal regulations. [20.6.2.3109 NMAC] |

| # | Terms and Conditions |
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| 16. | The permittee shall visually inspect the impervious storage pad or surface on a monthly basis to ensure proper containment of the separated non-aqueous grease trap/interceptor waste. Any conditions that could affect the impermeability or structural integrity of the pad or surface shall be corrected. Such conditions include but are not limited to erosion damage, cracks, animal activity/damage or evidence of seepage. The permittee shall keep a log of the inspection findings and repairs made. [20.6.2.3107 NMAC] |

Vehicle/Equipment Grit Trap Waste

| # | Terms and Conditions |
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| 17. | Within 180 days following the effective date of this Discharge Permit (by DATE), the permittee shall separate (dewater) the liquid portion of the vehicle/equipment grit trap waste from the solid portion on an impervious pad or surface. The permittee shall collect the liquid portion of vehicle/equipment grit trap waste and transfer it to a (describe liner) lined evaporative system for disposal by evaporation. Until (180 days from effective date) vehicle/equipment grit trap waste may continue to be discharged as previously authorized under the Discharge Permit Amendment issued to Larry Gandy on October 25, 2001. After 180 days from the effective date of the permit, the permittee is not authorized to surface dispose of any portion of vehicle/equipment grit trap waste under this Discharge Permit. [20.6.2.3109 NMAC] |
| 18. | The separated solid portion of vehicle/equipment grit trap waste temporarily stored at the facility prior to disposal shall be contained on an impervious pad or surface. The permittee shall store and dispose of the separated solid portion of vehicle/equipment grit trap waste in a manner consistent with all local, state and federal regulations. [20.6.2.3109 NMAC] |
| 19. | Leachate generated from the temporary storage of vehicle/equipment grit trap waste shall be contained and evaporated on an impervious pad or surface, or transferred to (describe liner) lined evaporative system for disposal by evaporation. [20.6.2.3109 NMAC] |
| 20. | The evaporative system liner(s) shall be maintained in such a manner as to avoid conditions which could affect the structural integrity of the liner(s). Such conditions include, but are not limited to: erosion damage; animal activity/damage; the presence of vegetation, such as; aquatic plants, weeds, woody shrubs or trees growing within five feet of the evaporative system edge or within the evaporative system itself; evidence of seepage; evidence of berm subsidence; and/or |

| # | Terms and Conditions |
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| | <p>the presence of large pieces or large quantities of debris in the evaporative system. The permittee shall visually inspect the evaporative system(s) and surrounding berms on a monthly basis to ensure proper maintenance. Vegetation growing around the evaporative systems shall be routinely controlled by mechanical removal in a manner that is protective of the liner. Any evidence of damage to the berm or liner shall be reported to NMED immediately upon discovery. [20.6.2.3107 NMAC]</p> |
| 21. | <p>The permittee shall maintain a minimum of two feet of freeboard between the liquid level in the evaporative system(s) and the top elevation of the evaporative system liner(s) at all times. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p> |
| 22. | <p>The permittee shall visually inspect the storage pad(s) or surface(s) on a monthly basis to ensure proper containment of the separated solid portion of the vehicle/equipment grit trap waste and any leachate. Any conditions that could affect the impermeability or structural integrity of the pad(s) or surface(s) shall be corrected. Such conditions include but are not limited to erosion damage, cracks, animal activity/damage, or evidence of seepage. The permittee shall keep a log of the inspection findings and repairs made. [20.6.2.3107 NMAC]</p> |

Hydrocarbon Landfarm

| # | Terms and Conditions |
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| 23. | <p>The permittee shall only accept soils or water contaminated with gasoline, diesel/fuel oil, used oil, waste oil, or oil from other sources. The permittee shall not accept hazardous waste or free product. Any soil reasonably suspected of containing hazardous waste, due to its origin, characteristic or other known factors, shall be analyzed using EPA Method 1311, Toxicity Characteristics Leaching Procedure (TCLP) in accordance with 40 CFR §261.24. 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 tests prescribed above shall be rejected and returned to the generator. [20.6.2.3107 NMAC]</p> |
| 24. | <p>The permittee shall not mix soil contaminated with used oil, waste oil, or oil from other sources with soil contaminated with uncontaminated petroleum products. [20.6.2.3109 NMAC]</p> |
| 25. | <p>The permittee shall not accept wastes generated from oil and natural gas production. Such wastes are 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]</p> |
| 26. | <p>Within 72 hours of receipt, the permittee shall distribute contaminated soil in lifts of eight</p> |

| # | Terms and Conditions | | | | | | | | | | | | |
|----------------------|--|----------------------|------------------------------|-----|-----|---------|------|---------|-----|---------------|-----|--------|------|
| | inches or less (approximately 1,000 cubic yards per acre) and incorporate the contaminated soil by disking. 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] | | | | | | | | | | | | |
| 27. | The permittee is authorized to apply water or hydrocarbon contaminated water to moisten soils in the remediation cells in order to enhance remediation and reduce dust. The permittee shall not apply water or hydrocarbon contaminated water to saturated soil, or in a manner which causes ponding in the soil remediation cells. The permittee shall not apply hydrocarbon contaminated water in areas outside of the remediation cells. [20.6.2.3109 NMAC] | | | | | | | | | | | | |
| 28. | The permittee shall remediate soils to the following standards: <table border="1" data-bbox="269 898 1130 1129"> <thead> <tr> <th>Chemical Constituent</th> <th>Remediation Standard (mg/kg)</th> </tr> </thead> <tbody> <tr> <td>TPH</td> <td>440</td> </tr> <tr> <td>benzene</td> <td>10.0</td> </tr> <tr> <td>toluene</td> <td>252</td> </tr> <tr> <td>ethyl benzene</td> <td>128</td> </tr> <tr> <td>xylene</td> <td>82.0</td> </tr> </tbody> </table> <p>[20.6.2.3109 NMAC]</p> | Chemical Constituent | Remediation Standard (mg/kg) | TPH | 440 | benzene | 10.0 | toluene | 252 | ethyl benzene | 128 | xylene | 82.0 |
| Chemical Constituent | Remediation Standard (mg/kg) | | | | | | | | | | | | |
| TPH | 440 | | | | | | | | | | | | |
| benzene | 10.0 | | | | | | | | | | | | |
| toluene | 252 | | | | | | | | | | | | |
| ethyl benzene | 128 | | | | | | | | | | | | |
| xylene | 82.0 | | | | | | | | | | | | |
| 29. | Accumulated solids removed from the hydrocarbon contaminated water storage tanks shall be remediated in the landfarm in accordance with the requirements of this Discharge Permit or otherwise disposed of in accordance with all local, state and federal regulations. [20.6.2.3109 NMAC] | | | | | | | | | | | | |
| 30. | The permittee shall not add amendments to the contaminated soil, such as proprietary microorganisms or fertilizer, without prior written approval by NMED. [20.6.2.3109 NMAC] | | | | | | | | | | | | |

MONITORING, REPORTING, AND OTHER REQUIREMENTS

| # | Terms and Conditions |
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| 31. | The permittee shall conduct the monitoring, reporting, and other requirements listed below. [20.6.2.3107 NMAC] |
| 32. | METHODOLOGY - Unless otherwise approved in writing by NMED, the permittee shall |

| # | Terms and Conditions |
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| | <p>conduct sampling and analysis in accordance with the most recent edition of the following documents:</p> <ul style="list-style-type: none"> a) American Public Health Association, Standard Methods for the Examination of Water and Wastewater (18th, 19th or current) b) U.S. Environmental Protection Agency, Methods for Chemical Analysis of Water and Waste c) U.S. Geological Survey, Techniques for Water Resources Investigations of the U.S. Geological Survey d) American Society for Testing and Materials, Annual Book of ASTM Standards, Part 31. Water e) Federal Register, latest methods published for monitoring pursuant to Resources Conservation Recovery Act regulations f) U.S. Geological Survey, et al., National Handbook of Recommended Methods for Water Data Acquisition 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>[20.6.2.3107.B NMAC]</p> |
| 33. | <p>The permittee shall submit semi-annual monitoring reports to NMED by the 1st of February and August each year.</p> <p>Semi-annual monitoring shall be performed during the following periods: January 1st through June 30th (first half) – report due by August 1st; and July 1st through December 31st (second half) – report due by February 1st.</p> <p>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> |
| 34. | <p>The permittee shall create a manifest for each load of waste received. The manifest shall record the following information:</p> <ul style="list-style-type: none"> name of the hauling company; date of receipt; name and address of the waste origin; type of waste or description of contamination (differentiate between product and waste oil); volume of waste; confirmation of inspection for acceptable waste type; signature of person conducting the inspection; and cell identification and location within the cell where the waste is discharged. |

| # | Terms and Conditions |
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| | Copies of each manifest created during the reporting period shall be submitted with the semi-annual monitoring report. [20.6.2.3107 NMAC] |

Domestic Septage

| # | Terms and Conditions |
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| 35. | <p>The permittee shall complete a SDDS to document the amount of nitrogen applied to each surface disposal cell, each month. A SDDS shall be completed for each cell, and shall reflect the volume and total nitrogen concentration of waste discharged to the land disposal cells for each month. The total nitrogen concentration shall be determined from either of the following methods:</p> <ol style="list-style-type: none"> 1) Assuming total nitrogen concentration of 600 mg/L based on average characteristics of septage (Guide to Septage Treatment and Disposal, EPA/625/R-94-002); or 2) Assuming a total nitrogen value derived from the laboratory analysis of a composite sample from a minimum of six waste loads using a sampling protocol approved by NMED prior to sample collection. <p>Nitrogen content shall not be adjusted to account for volatilization or mineralization processes. The SDDS, or a statement that no surface disposal occurred within the specific cell, shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3109 NMAC]</p> |

Domestic Wastewater Treatment Plant Sludge

| # | Terms and Conditions |
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| 36. | <p>The permittee shall measure and record the volume and dry weight of domestic wastewater treatment facility sludge discharged to the surface disposal cells each month by tracking the volume of the loads received and the percent total solids as determined by sampling each type of sludge (i.e., solid, semisolid, liquid). Records of the volume and dry weight of the sludge discharged shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC]</p> |
| 37. | <p>The permittee shall sample each sludge type (solid, semi-solid and liquid) transported to the surface disposal facility on a quarterly basis and analyze the samples for TKN and NO₃-N. Samples shall be properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results, reported as mg/kg for TKN and NO₃-N (dry weight basis), shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC]</p> |

| # | Terms and Conditions |
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| 38. | The permittee shall complete a SDDS to document the amount of nitrogen applied to each surface disposal cell, each month. A SDDS shall be completed for each sludge type (solid, semi-solid and liquid) associated with each disposal cell, and shall reflect the nitrogen concentration from the quarterly sludge analysis and the total number of dry tons discharged each month. Nitrogen content shall not be adjusted to account for volatilization or mineralization processes. The SDDS, or a statement that no surface disposal occurred within the specific cells, shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC] |

Grease Trap/Interceptor Waste

| # | Terms and Conditions |
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| 39. | The permittee shall estimate the volume of the aqueous portion of grease trap/interceptor waste [discharged to the evaporative system] OR [applied to each disposal cell] on a monthly basis at 95 percent of the total volume of grease trap/interceptor waste received as documented in the manifests prepared for each waste load received. A summary of the estimated volume of the aqueous portion of grease trap/interceptor waste [discharged to the evaporative system] OR [applied to each disposal cell] shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC] |
| 40. | The permittee shall sample the aqueous portion of grease trap/interceptor waste following separation from the non-aqueous portion on a quarterly basis and analyze the samples for TKN, NO ₃ -N, total suspended solids (TSS), and fats, oil, and grease (FOG using EPA Method 1664A). Samples of the aqueous waste stream shall be collected from the discharge of the treatment/separator system. Samples shall be properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results, reported in mg/L for TKN, NO ₃ -N, TSS and FOG, shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC] |
| 41. | The permittee shall complete a SDDS to document the amount of nitrogen applied from the aqueous portion of the grease trap waste to each surface disposal cell, each month. A SDDS shall be completed for each cell, and shall reflect the volume of the aqueous portion of grease trap waste disposed each month and the total nitrogen concentration from the most recent analysis or the average concentration from the last two analyses. The SDDS, or a statement that no surface disposal occurred within the specific cell, shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC] |
| 42. | The permittee shall prepare a report that details the removal of non-aqueous grease trap/interceptor waste temporarily stored at the facility following liquid/solids separation. The removal report shall be submitted to NMED with the semi-annual monitoring report |

| # | Terms and Conditions |
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| | <p>and shall include the following information:</p> <p style="padding-left: 40px;">Date of removal of the non-aqueous grease trap/interceptor waste; Volume of non-aqueous grease trap/interceptor waste material removed; and Address and contact information of the disposal facility that received the non-aqueous grease trap/interceptor waste for disposal or recycling.</p> <p>The permittee shall dispose of non-aqueous grease trap/interceptor waste in accordance with all local, state and federal waste disposal regulations. [20.6.2.3107 NMAC]</p> |

Vehicle/Equipment Grit Trap Waste

| # | Terms and Conditions | | |
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| 43. | <p>The permittee shall estimate the volume of liquid vehicle/equipment grit trap waste discharged to the (describe liner) lined evaporative system on a monthly basis. A summary of the estimated volume of liquid grit trap waste discharged to the (describe liner) lined evaporative system shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC]</p> | | |
| 44. | <p>The permittee shall sample the liquid portion of vehicle/equipment grit trap waste following separation from the solid portion on an annual basis and analyze the samples for the following constituents:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> aluminum arsenic barium cadmium chromium iron lead manganese mercury selenium silver </td> <td style="width: 50%; vertical-align: top;"> benzene ethylbenzene methylene chloride naphthalene tetrachloroethylene toluene total xylenes chloride total dissolved solids pH </td> </tr> </table> <p>Samples of the liquid portion of vehicle/equipment grit trap waste shall be collected from the discharge of the liquid/solid separator system to the (describe liner) lined evaporative system. Samples shall be properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results shall be submitted to NMED in the semi-annual monitoring reports. [20.6.2.3107 NMAC]</p> | aluminum arsenic barium cadmium chromium iron lead manganese mercury selenium silver | benzene ethylbenzene methylene chloride naphthalene tetrachloroethylene toluene total xylenes chloride total dissolved solids pH |
| aluminum arsenic barium cadmium chromium iron lead manganese mercury selenium silver | benzene ethylbenzene methylene chloride naphthalene tetrachloroethylene toluene total xylenes chloride total dissolved solids pH | | |

| # | Terms and Conditions |
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| 45. | <p>The permittee shall prepare a report that details the removal of vehicle/equipment grit trap waste temporarily stored at the facility following liquid/solids separation. The report shall be submitted to NMED and shall include the following information:</p> <p style="padding-left: 40px;">Date of removal of the grit trap waste; Volume of grit trap waste material removed; and Address and contact information of the disposal facility that received the grit trap waste.</p> <p>The permittee shall dispose of vehicle/equipment grit trap waste in accordance with all local, state and federal waste disposal regulations. [20.6.2.3107 NMAC]</p> |

Hydrocarbon Landfarm

| # | Terms and Conditions |
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| 46. | <p>Prior to adding additional eight inch lifts, the permittee shall 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 soil core samples taken from the treatment zone for each two acres of landfarm remediation area annually for TPH using EPA method 1664A, SW-846 8015M, or equivalent methodology approved by NMED; and BTEX using EPA SW-846 methods 8021B, 8260B, or equivalent methodology approved by NMED. Analytical results and a map outlining the sampling locations shall be submitted to NMED in the semi-annual monitoring report for verification prior to adding additional lifts. [20.6.2.3107 NMAC]</p> |

CONTINGENCY PLAN

| # | Terms and Conditions |
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| 47. | <p>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]</p> |

| # | Terms and Conditions |
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| 48. | 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] |

Domestic Septage

| # | Terms and Conditions |
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| 49. | In the event that the surface disposal area is saturated, frozen or covered with snow, septage shall not be discharged. Should the adverse conditions persist beyond the septage storage capacity of the facility, the permittee shall obtain NMED approval for a temporary alternative. [20.6.2.3107.A(10) NMAC] |

Domestic Wastewater Treatment Plant Sludge

| # | Terms and Conditions |
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| 50. | In the event that a SDDS shows that the amount of nitrogen applied annually to any cell exceeds 200 pounds per acre per year, the permittee shall submit a corrective action plan for the reduction of nitrogen loading to the sludge disposal area to NMED for approval. The corrective action plan shall be implemented within 30 days of NMED approval. [20.6.2.3107.A(10) NMAC] |
| 51. | In the event that the sludge disposal area is saturated, frozen or covered with snow, sludge shall not be discharged to the surface disposal area. Should the adverse conditions persist beyond the sludge storage capacity of the facility, the permittee shall obtain NMED approval for a temporary alternative. [20.6.2.3107.A(10) NMAC] |

Grease Trap/Interceptor Waste

| # | Terms and Conditions |
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| 52. | In the event that a SDDS shows that the amount of nitrogen applied annually to any cell exceeds 200 pounds per acre per year, the permittee shall submit a corrective action plan for the reduction of nitrogen loading to the disposal area for the aqueous portion of the grease trap/interceptor waste to NMED for approval. The corrective action plan shall be implemented within 30 days of NMED approval. [20.6.2.3107.A(10) NMAC] |
| 53. | In the event that inspection findings reveal significant damage likely to affect the ability of |

| # | Terms and Conditions |
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| | the impervious pad or surface to contain contaminants, the permittee shall submit a corrective action plan for the repair of the impervious pad or surface to NMED for approval. The corrective action plan shall be submitted within 30 days of notification by NMED that submittal of a corrective action plan is required. [20.6.2.3107 NMAC] |
| 54. | In the event that the surface disposal area is saturated, frozen or covered with snow, the aqueous portion of grease trap/interceptor waste shall not be discharged to the surface disposal area. [20.6.2.3107.A(10) NMAC] |

Vehicle/Equipment Grit Trap Waste

| # | Terms and Conditions |
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| 55. | In the event that a minimum of two feet of freeboard cannot be maintained in the (describe liner) lined evaporative system(s) at all times, the permittee shall submit a corrective action plan for NMED approval within 30 days of the date when the two feet of freeboard limit was initially exceeded. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC] |
| 56. | In the event that inspection findings reveal significant damage likely to affect the ability of the (describe liner) lined evaporative system(s) to contain contaminants, the permittee shall submit a corrective action plan for the repair or replacement of the liners to NMED for approval within 30 days of discovery by the permittee or following notification from NMED that significant liner damage is evident. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC] |
| 57. | In the event that inspection findings reveal significant damage likely to affect the ability of the impervious pad or surface to contain contaminants, the permittee shall submit a corrective action plan for the repair of the impervious pad or surface to NMED for approval. The corrective action plan shall be submitted within 30 days of notification by NMED that a corrective action plan is required. [20.6.2.3107 NMAC] |

CLOSURE PLAN

Domestic Septage

| # | Terms and Conditions |
|-----|---|
| 58. | Upon closure of the facility, the permittee shall perform the following closure measures: a) Backfill the disposal cells with clean fill (as necessary) and re-grade to allow for positive stormwater drainage. b) Re-vegetate the cells and disturbed areas at the facility by establishing a vegetative |

| # | Terms and Conditions |
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| | <p>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.</p> <p>c) Following final grading and re-seeding of the facility, the permittee shall maintain the perimeter fencing and security gate for a minimum of three years to prevent unauthorized access.</p> <p>d) Submit proof to NMED that all closure activities set forth for the facility under 40 CFR 503 have been completed.</p> <p>When all closure and post-closure requirements have been met, the permittee may request to terminate the Discharge Permit. [20.6.2.3109 NMAC, 20.6.2.3107. NMAC]</p> |

Domestic Wastewater Treatment Plant Sludge

| # | Terms and Conditions |
|-----|---|
| 59. | <p>Upon closure of the facility, the permittee shall perform the following closure measures:</p> <p>a) Backfill the cells with clean fill (as necessary) and contour to provide for positive stormwater drainage.</p> <p>b) Re-vegetate the cells and disturbed areas at the facility by establishing a vegetative 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.</p> <p>c) Following final grading and re-seeding of the facility, the permittee shall maintain the perimeter fencing and security gate for a minimum of three years to prevent unauthorized access.</p> <p>d) Submit proof to NMED that all closure activities set forth for the facility under 40 CFR 503 have been completed.</p> <p>When all closure and post-closure requirements have been met, the permittee may request to terminate the Discharge Permit. [20.6.2.3107.A(11) NMAC]</p> |

Grease Trap/Interceptor Waste

| # | Terms and Conditions |
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| 60. | <p>Upon closure of the facility, the permittee shall perform the following closure measures:</p> <p>a) Dispose of all stored non-aqueous grease trap/interceptor waste stored on-site in accordance with this Discharge Permit.</p> |

| # | Terms and Conditions |
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| | <p>b) Backfill the disposal cells with clean fill (as necessary) and re-grade to allow for positive stormwater drainage.</p> <p>c) Remove all liquid from the liquid/solids separation equipment, evaporative system, and other equipment and properly dispose of it in accordance with this Discharge Permit. Remove tanks from the facility, perforate linings and re-grade the area to match the surrounding topography and promote positive drainage.</p> <p>d) Re-vegetate the cells and disturbed areas at the facility by establishing a vegetative 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.</p> <p>When all closure and post-closure requirements have been met, the permittee may request to terminate the Discharge Permit. [20.6.2.3109 NMAC, 20.6.2.3107. NMAC]</p> |

Vehicle/Equipment Grit Trap Waste

| # | Terms and Conditions |
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| 61. | <p>Upon closure of the vehicle/equipment grit trap waste liquid disposal facility, the permittee shall perform the following closure measures:</p> <p>a) Dispose of all stored solid grit trap waste stored on-site in accordance with this Discharge Permit.</p> <p>b) Evaporate liquids from the (describe liner) lined evaporative system and impervious pads or surfaces. Solids shall be removed from the (describe liner) lined evaporative system and impervious pads or surfaces and disposed of in accordance with all local, state and federal regulations. The (describe liner) lined evaporative system and impervious pads or surfaces shall be removed and disposed of in a manner approved by NMED.</p> <p>When all closure and post-closure requirements have been met, the permittee may request to terminate the Discharge Permit. [20.6.2.3109 NMAC, 20.6.2.3107. NMAC]</p> |

Hydrocarbon Landfarm

| # | Terms and Conditions |
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| 62. | <p>In the event that the hydrocarbon landfarm facility permanently closes, the permittee shall perform the following closure measures:</p> <p>a) Notify NMED that contaminated soil and water shall no longer be accepted.</p> <p>b) Submit a schedule for closure actions.</p> |

| # | Terms and Conditions |
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| | <p>c) Empty the evaporation tanks of all hydrocarbon-contaminated water. Solids shall be removed from the tanks and remediated in the landfarm in accordance with the requirements of this Discharge Permit or otherwise disposed of in accordance with all local, state and federal regulations. The tanks, as well as the contaminated water and waste from the tanks, shall be removed and disposed of in a manner approved by NMED.</p> <p>d) Continue operating and monitoring until all soils are remediated to the standards required by this Discharge Permit.</p> <p>e) Upon determination by NMED that remediation of all soils is complete, backfill the cells with clean fill (as necessary) and re-grade to allow for positive stormwater drainage. The permittee shall re-vegetate the cells or facility 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.</p> <p>When all closure and post-closure requirements have been met, the permittee may request to terminate the Discharge Permit. [20.6.2.3109 NMAC, 20.6.2.3107. NMAC]</p> |
| 63. | <p>When the permittee ceases adding contaminated soil to a cell, treatment and monitoring shall continue until the contaminated soil has been remediated to the standards set forth in this Discharge Permit.</p> <p>If the standards can not be met within five years, the permittee shall submit a corrective action plan to NMED within 45 days of receipt of the fifth year's analytical results. [20.6.2.3109 NMAC, 20.6.2.3107. NMAC]</p> |

GENERAL TERMS AND CONDITIONS

| # | Terms and Conditions |
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| 64. | <p>RECORD KEEPING - The permittee shall maintain a written record of the following information:</p> <p>a) Information and data used to complete the application for this Discharge Permit.</p> <p>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.</p> <p>c) Records of the operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater.</p> <p>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.</p> <p>e) Copies of monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit.</p> |

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| | <p>f) The volume of wastewater or other wastes discharged pursuant to this Discharge Permit.</p> <p>g) Ground water quality and wastewater quality data collected pursuant to this Discharge Permit.</p> <p>h) Copies of construction records (well log) for all ground water monitoring wells required to be sampled pursuant to this Discharge Permit.</p> <p>i) Records of the maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit.</p> <p>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:</p> <ul style="list-style-type: none">i) The dates, location and times of sampling or field measurements;ii) The name and job title of the individuals who performed each sample collection or field measurement;iii) The sample analysis date of each sample;iv) The name and address of the laboratory, and the name of the signatory authority for the laboratory analysis;v) The analytical technique or method used to analyze each sample or collect each field measurement;vi) The results of each analysis or field measurement, including raw data;vii) The results of any split, spiked, duplicate or repeat sample; andviii) A copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. <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, Subsection B of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p> |
| 65. | <p>INSPECTION and ENTRY – 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,</p> |

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| | <p>state or federal regulations.</p> <p>[Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p> |
| 66. | <p>DUTY to PROVIDE INFORMATION - 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, Subsection B of 20.6.2.3109 NMAC 20.6.2.3107.D NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p> |
| 67. | <p>MODIFICATIONS and/or AMENDMENTS – 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, Subsection E of 20.6.2.3109 NMAC, Subsection C of 20.6.2.3107 NMAC]</p> |
| 68. | <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, Subsection B of 20.6.2.3109 NMAC, 20.6.2.1202 NMAC]</p> |
| 69. | <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> |

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| | <p>[NMSA 1978, §§ 74-6-10 and 74-6-10.1,]</p> |
| 70. | <p>CRIMINAL PENALTIES – No person shall:</p> <ol style="list-style-type: none"> 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. <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements 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 this condition 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 this condition or knowingly causes another person to violate the requirements 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 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> |
| 71. | <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> |
| 72. | <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> |
| 73. | <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"> 1) notify the proposed transferee in writing of the existence of this Discharge Permit; 2) include a copy of this Discharge Permit with the notice; and 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. |

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| | <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> |
| 74. | <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> <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>[Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]</p> |

PERMIT TERM & SIGNATURE

EFFECTIVE DATE: [effective date]

TERM ENDS: [expiration date]

[Subsection H of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.I]

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