

GROUND WATER DISCHARGE PERMIT RENEWAL AND MODIFICATION

Border Foods, DP-1058

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal and Modification (Discharge Permit), DP-1058, to Border Foods, Inc. (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 Border Foods (facility) into ground and surface water, so as to protect ground and surface water for present and potential future use as domestic and agricultural water supply and other uses and protect public health. In issuing this Discharge Permit, NMED has determined that the requirements of Subsection C of 20.6.2.3109 NMAC have been met.

The activities which produce the discharge, the location of the discharge, and the quantity, quality and flow characteristics of the discharge are briefly described as follows:

Up to 1.1 million gallons per day (MGD) of wastewater is discharged through a screen solids separator to a concrete sump and pumped to a synthetically lined lagoon for storage. Wastewater is land applied by gravity via above-ground gated pipe to flood irrigate up to 136 acres of cropland under cultivation (LAA-B; Section 18). For a period not to exceed one year from the effective date of this Discharge Permit, wastewater is authorized for land application by flood irrigation via above-ground gated pipe to up to 90 acres of cropland under cultivation (LAA-A; Sections 6 and 7).

The maximum daily discharge volume is comprised of wastewater generated from pepper (chile and jalapeno) processing and canning and, optionally, reclaimed wastewater from the Deming Wastewater Treatment Plant (WWTP) as authorized by Discharge Permit, DP-209. Reclaimed wastewater is transferred from the Deming WWTP in a separate wastewater line and is discharged directly to the synthetically lined lagoon where it mixes with wastewater generated at Border Foods, prior to being discharged to the land application area. Stormwater run-off generated at the plant (up to 500,000 gallons per year) is also discharged to the synthetically lined lagoon.

The modification consists of an increase in the discharge volume from 826,000 gallons per day to 1.1 MGD, the addition of a 136-acre land application area and the addition of a synthetically lined lagoon. The existing synthetically lined lagoon and 90-acre land application area are required to be closed by this Discharge Permit.

The discharge contains water contaminants or toxic pollutants which may be elevated above the standards of Section 20.6.2.3103 NMAC. The facility is located at 4065 J Street SE, approximately 2.5 miles southeast of Deming, in Sections 6, 7, and 18, Township 24S, Range 8W, Luna County. Ground water most likely to be affected is at a depth of approximately 72 feet and has a total dissolved solids concentration of approximately 750 milligrams per liter.

The original Discharge Permit was issued on June 4, 1996 and subsequently renewed and modified on November 22, 2002. The permittee's application consists of the materials submitted by Ricardo Jacquez dated November 21, 2007 and March 14, 2008, and by the permittee dated January 21, 2009. The permittee's application also consists of additional information received on February 13, 2009, February 18, 2009, May 4, 2009, May 7, 2009, May 21, 2009, May 27, 2009, May 29, 2009, June 5, 2009 and June 9, 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; installing an advanced treatment system; and/or implementing abatement of water pollution.

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

The following abbreviations may be used in this Discharge Permit:

Abbreviation	Explanation	Abbreviation	Explanation
BOD ₅	biochemical oxygen demand (5-day)	NTU	nephelometric turbidity units
CFR	Code of Federal Regulations	Org	organisms
Cl	chloride	TDS	total dissolved solids
LADS	land application data sheet(s)	TKN	total Kjeldahl nitrogen
mg/L	milligrams per liter	total nitrogen	TKN+NO ₃ -N
mL	milliliters	TRC	Total Residual Chlorine
NMAC	New Mexico Administrative Code	TSS	total suspended solids
NMED	New Mexico Environment Department	WQA	New Mexico Water Quality Act
NMSA	New Mexico Statutes Annotated	WQCC	Water Quality Control Commission
NO ₃ -N	nitrate-nitrogen		

II. FINDINGS

In issuing this Discharge Permit, NMED finds:

1. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move directly or indirectly into ground water within the meaning of Section 20.6.2.3104 NMAC.
2. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move into ground water of the State of New Mexico which has an existing concentration of 10,000 milligrams per liter or less of total dissolved solids within the meaning of Subsection A of 20.6.2.3101 NMAC.
3. The discharge from the facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

III. CONDITIONS

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

OPERATIONAL PLAN

#	Terms and Conditions
1.	The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 1 and 2 NMAC. [20.6.2.3106.C NMAC, 20.6.2.3107 NMAC]
2.	The permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated. [20.6.2.3101 NMAC, 20.6.2.3103 NMAC]
3.	<p>The permittee is authorized to discharge up to 1.1 MGD of wastewater discharged through a screen solids separator to a concrete sump and pump it to a synthetically lined lagoon for storage. Wastewater is land applied by gravity via above-ground gated pipe to flood irrigate up to 136 acres of cropland under cultivation (LAA-B; Section 18). For a period not to exceed one year from the effective date of this Discharge Permit, wastewater is authorized for land application by flood irrigation via above-ground gated pipe to up to 90 acres of cropland under cultivation (LAA-A; Sections 6 and 7).</p> <p>The maximum daily discharge volume is comprised of wastewater generated from pepper (chile and jalapeno) processing and canning and, optionally, reclaimed wastewater from the Deming WWTP as authorized by Discharge Permit, DP-209. Reclaimed wastewater is</p>

	<p>transferred from the Deming WWTP in a separate wastewater line and is discharged directly to the synthetically lined lagoon where it mixes with wastewater generated at Border Foods, prior to being discharged to the land application area. Stormwater run-off generated at the plant (up to 500,000 gallons per year) is also discharged to the synthetically lined lagoon. The existing synthetically lined lagoon and 90-acre land application area are required to be closed by this Discharge Permit. [20.6.2.3104 NMAC]</p>
<p>4.</p>	<p>The permittee shall remove or land apply food processing solids generated at the facility in a manner and at a frequency necessary to prevent the contamination of ground water. Solids generated at the facility shall be stored within the boundaries of the processing area on an impermeable surface prior to transporting offsite for proper disposal or prior to application on land application area LAA-B. The storage of solids on or near the land application area is not authorized. Solids intended for land application shall be applied to individual management units within land application area LAA-B that are currently fallow and prior to planting. Solids shall be immediately incorporated into the soil and evenly distributed within the management unit(s) using a minimum of an eight-inch mechanical disk. Solids are not authorized to be land applied to management units where a crop has been planted or is growing. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>
<p>5.</p>	<p>Within 90 days of the effective date of this Discharge Permit, by _____, the permittee shall submit, for NMED approval, construction plans and specifications, and supporting design calculations for a synthetically lined lagoon for the storage of wastewater and stormwater certified by a licensed New Mexico professional engineer. The plans shall demonstrate that the lagoon is designed at minimum to contain 750,000 gallons of wastewater or stormwater, while maintaining two feet of freeboard at all times. [20.6.2.3109 NMAC]</p>
<p>6.</p>	<p>Within one year of the effective date of this Discharge Permit, by _____, the permittee shall construct a synthetically lined lagoon for the storage of wastewater. The lagoon shall be constructed in accordance with the construction plans and specifications required by this Discharge Permit and the attachment titled <i>Ground Water Discharge Permit Conditions for Synthetically Lined Lagoons - Liner Material and Site Preparation</i>, Revision 0.0, May 2007. The permittee shall notify NMED at least five working days prior to lagoon construction to allow NMED personnel to be on-site for inspection. Record drawings and final specifications for the lagoon and lagoon liner, and final lagoon capacity calculations, shall be submitted to NMED within 60 days of liner installation. A licensed New Mexico professional engineer shall certify all record drawings and final specifications for the lagoon and liner, as well as final capacity calculations. [20.6.2.3109 NMAC]</p>
<p>7.</p>	<p>The permittee shall operate and maintain the synthetically lined lagoon for the purpose of storing and managing wastewater. The permittee shall maintain two feet of freeboard in the lagoon at all times. The permittee shall maintain the ability to control all discharges of reclaimed domestic wastewater into the lagoon, which includes the ability to cease discharging to the lagoon at any time. In order to maintain the required capacity, solids</p>

	shall be removed from the lagoon as needed in a manner that is protective of the lagoon liner. [20.6.2.3109 NMAC]
8.	The permittee shall neutralize the wastewater generated during chile processing to a pH between 6 and 9. Neutralization of the wastewater shall occur prior to discharging to the lagoon. The date, time, volume, and final pH of each batch of wastewater discharged to the lagoon shall be kept in a log onsite. [20.6.2.3107 NMAC]
9.	Within 120 days of the effective date of this Discharge Permit, by _____, the permittee shall submit to NMED Material Data Safety Sheets (MSDS) for the sodium hydroxide used for pH neutralization of the wastewater at the facility. In the event that the permittee intends to use a product for which a MSDS was not previously submitted during the term of this Discharge Permit, the permittee shall submit the product's MSDS for approval by NMED within 60 days prior to use. [20.6.2.3106 NMAC, 20.6.2.3109 NMAC]
10.	<p>The wastewater lagoon shall be maintained in such a manner as to avoid conditions which could affect the structural integrity of the lagoon and the associated liner. Such conditions include, but are not limited to:</p> <ul style="list-style-type: none"> • Erosion damage; • Animal activity/damage; • The presence of vegetation such as: aquatic plants, weeds, woody shrubs or trees growing within five feet of the lagoon edge or within the lagoon or impoundment itself; • Evidence of seepage; • Evidence of berm subsidence; and/or • The presence of large pieces or large quantities of debris in the lagoon or impoundment. <p>The permittee shall visually inspect the wastewater lagoon and surrounding berms on a monthly basis to ensure proper maintenance. Vegetation growing around the lagoon shall be routinely controlled in a manner that is protective of the liner. Any evidence of damage to the berm of a lagoon or to a liner shall be reported to NMED immediately upon discovery. [20.6.2.3107 NMAC]</p>
11.	Prior to the initial discharge of wastewater to any field within land application area LAA-B that has not previously received wastewater, the permittee shall install the infrastructure necessary to properly transfer, distribute and apply wastewater. Written confirmation of the land application distribution system installation including the type and locations of the system and photographic documentation shall be submitted to NMED prior to discharging to land application area LAA-B. [20.6.2.3109 NMAC]
12.	The permittee shall apply wastewater to up to 136 acres of cropland (land application area LAA-B) for the term of this Discharge Permit. For a period not to exceed one year from the effective date of this Discharge Permit, the permittee shall apply wastewater to up to 90 acres of cropland (land application area LAA-A). Wastewater shall be applied to cropland under cultivation in such a manner that the combined amount of total nitrogen in

	<p>wastewater, food waste solids generated during processing, residual soil nitrogen and/or additional fertilizer does not exceed by more than 25% the amount reasonably expected to be taken up and removed by the harvested crops on an annual basis. Wastewater is not authorized for application to fallow fields/management units. Nitrogen content shall not be adjusted to account for volatilization or mineralization processes. Wastewater shall be distributed evenly over the entire area of application and excessive ponding shall be prevented. [20.6.2.3109 NMAC]</p>																				
13.	<p>Prior to discharging to land application area LAA-B, the permittee shall install 18 to 24-inch berms around each field within land application area LAA-B to prevent surface water run-on and run-off. The berms shall be inspected on a regular basis and after any major rainfall event and repaired as necessary. Confirmation of berm installation and locations, including photographic documentation, shall be submitted to NMED prior to discharging to land application area LAA-B. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>																				
14.	<p>Prior to discharging to the new synthetically lined lagoon, the permittee shall install fences around the lagoon to control public access. The fences shall be constructed in a manner which prevents access by the general public and animals such as dogs (e.g., chain link, field fencing or locking lids) and shall be maintained throughout the term of this Discharge Permit. [20.6.2.3109 NMAC]</p>																				
15.	<p>Reclaimed wastewater discharged to the synthetically lined wastewater lagoon shall not exceed the following limitations:</p> <table border="1" data-bbox="261 1121 1414 1461"> <thead> <tr> <th data-bbox="261 1121 597 1192"><u>Test</u></th> <th data-bbox="597 1121 906 1192"><u>30-day geometric mean</u></th> <th data-bbox="906 1121 1130 1192"><u>30-day average</u></th> <th data-bbox="1130 1121 1414 1192"><u>maximum</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="261 1192 597 1247">Fecal coliform bacteria:</td> <td data-bbox="597 1192 906 1247">1,000 Org/100 mL</td> <td data-bbox="906 1192 1130 1247">N/A</td> <td data-bbox="1130 1192 1414 1247">5,000 Org/100 mL</td> </tr> <tr> <td data-bbox="261 1247 597 1304">BOD₅:</td> <td data-bbox="597 1247 906 1304">N/A</td> <td data-bbox="906 1247 1130 1304">30 mg/L</td> <td data-bbox="1130 1247 1414 1304">45 mg/L</td> </tr> <tr> <td data-bbox="261 1304 597 1381">TSS:</td> <td data-bbox="597 1304 906 1381">N/A</td> <td data-bbox="906 1304 1130 1381">75 mg/L</td> <td data-bbox="1130 1304 1414 1381">90 mg/L</td> </tr> <tr> <td data-bbox="261 1381 597 1461">TRC:</td> <td data-bbox="597 1381 906 1461">N/A</td> <td data-bbox="906 1381 1130 1461">Monitor Only</td> <td data-bbox="1130 1381 1414 1461">Monitor Only</td> </tr> </tbody> </table> <p>[20.6.2.3109 NMAC]</p>	<u>Test</u>	<u>30-day geometric mean</u>	<u>30-day average</u>	<u>maximum</u>	Fecal coliform bacteria:	1,000 Org/100 mL	N/A	5,000 Org/100 mL	BOD ₅ :	N/A	30 mg/L	45 mg/L	TSS:	N/A	75 mg/L	90 mg/L	TRC:	N/A	Monitor Only	Monitor Only
<u>Test</u>	<u>30-day geometric mean</u>	<u>30-day average</u>	<u>maximum</u>																		
Fecal coliform bacteria:	1,000 Org/100 mL	N/A	5,000 Org/100 mL																		
BOD ₅ :	N/A	30 mg/L	45 mg/L																		
TSS:	N/A	75 mg/L	90 mg/L																		
TRC:	N/A	Monitor Only	Monitor Only																		
16.	<p>Prior to discharging to the new synthetically lined lagoon and land application area LAA-B, the permittee shall post signs in English and Spanish at the land application areas. The signs shall be posted at the entrance and/or at other locations where public access may occur and shall state: NOTICE: THIS AREA IS IRRIGATED WITH RECLAIMED WASTEWATER - DO NOT DRINK. AVISO: ESTA ÁREA ESTÁ REGADA CON AGUAS NEGRAS RECOBRADAS - NO TOMAR. Alternate wording and/or graphics may be submitted for NMED approval. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>																				

17.	<p>The permittee shall meet the following general requirements:</p> <ul style="list-style-type: none">a) The reclaimed wastewater systems shall have no direct or indirect cross connections with potable water systems pursuant to the latest revision of the New Mexico Plumbing and Mechanical Code.b) Above ground use of reclaimed wastewater shall not result in excessive standing or pooling of wastewater, and shall be applied at the appropriate consumptive water use rate. Irrigation shall not be conducted at times when the receiving area is saturated or frozen.c) The discharge of reclaimed wastewater shall be confined to the area designated and approved for receiving the wastewater.d) All water supply wells within 200 feet of a wetted irrigation area shall have adequate well head construction and irrigation shall be managed to ensure protection of ground water quality.e) All existing and accessible portions of the reclaimed wastewater system shall be colored purple or clearly labeled as being part of a reclaimed wastewater distribution system. All piping, valves and outlets that are installed during the term of this Discharge Permit shall be color-coded in purple pursuant to the latest revision of the New Mexico Plumbing and Mechanical Code to differentiate piping or fixtures used to convey reclaimed wastewater from piping or fixtures used for potable or other water. All valves, outlets, and sprinkler heads used in reclaimed wastewater systems shall be of a type that can only be operated by authorized personnel. <p>[20.6.2.3109 NMAC]</p>
18.	<p>The permittee shall meet the following setbacks and access restrictions for flood irrigation:</p> <ul style="list-style-type: none">a) Whenever reclaimed wastewater is used in areas with public access it shall be applied at times and in a manner that minimizes public contact.b) Access to the irrigated area shall be restricted by perimeter fencing using 4-strand barbed wire and locking gate or other NMED approved access controls.c) A minimum 100-foot set-back shall be maintained between any dwellings or occupied establishments and the edge of any area receiving reclaimed wastewater. <p>[20.6.2.3109 NMAC]</p>
19.	<p>Reclaimed wastewater shall not be mixed in-line with wastewater generated at Border Foods prior to being discharged to the lagoon. Backflow prevention shall be achieved by a physical air gap between the reclaimed wastewater discharge pipe and the liquid surface of the lagoon at least twice the diameter of the reclaimed wastewater discharge pipe.</p> <p>[20.6.2.3109 NMAC]</p>
20.	<p>Within one year of the effective date of this Discharge Permit, by _____, the permittee shall submit to NMED an up-to-date scaled map of the entire facility. The map shall be clear and legible, and drawn to a scale such that all necessary information is plainly shown and identified. The map shall show the scale in feet or metric measure, a graphical scale, a north arrow, and the effective date of the map. Documentation identifying the means used to locate the mapped objects (i.e., GPS, land survey, digital map interpolation, etc.) and the relative accuracy of the data (i.e., +/- XX feet or meters) shall be included with the map.</p>

	<p>The map shall include the following objects:</p> <ul style="list-style-type: none"> a) Location of sumps; b) Location of solids separators; c) Location of all wastewater storage lagoons; d) Location of all wastewater sampling ports; e) Location and acreage of each field within each land application area; f) Location of all domestic and public water supply wells within 1,000 feet of the discharge site; and g) Location of monitoring wells (including permanent designation). <p>The following elements shall also be shown on the map:</p> <ul style="list-style-type: none"> a) Location of meters measuring wastewater discharges to and from lagoons; b) Location of all transfer pumps; and c) Location of all wastewater distribution pipelines. <p>If these items cannot be directly shown, due to their location inside of existing structures or because they are buried without surface identification, they shall be identified on the map in a schematic format and called out as such.</p> <p>The facility map shall be updated and resubmitted to NMED within 120 days of any additions or changes to the facility layout which includes any of the items listed above. [20.6.2.3106 NMAC, 20.6.2.3109 NMAC]</p>
--	---

MONITORING, REPORTING, AND OTHER REQUIREMENTS

#	Terms and Conditions
21.	The permittee shall conduct the monitoring, reporting, and other requirements listed below. [20.6.2.3107 NMAC]
22.	<p>METHODOLOGY - Unless otherwise approved in writing by NMED, the permittee shall conduct sampling and analysis in accordance with the most recent edition of the following documents:</p> <ul style="list-style-type: none"> a) American Public Health Association, Standard Methods for the Examination of Water and Wastewater (18th, 19th or current); b) U.S. Environmental Protection Agency, Methods for Chemical Analysis of Water and Waste; c) U.S. Geological Survey, Techniques for Water Resources Investigations of the U.S. Geological Survey; d) American Society for Testing and Materials, Annual Book of ASTM Standards, Part 31.Water; e) U.S. Geological Survey, et al., National Handbook of Recommended Methods for

	<p>Water Data Acquisition; or f) Methods of Soil Analysis: Part 1. Physical and Mineralogical Methods and Part 2. Chemical and Microbiological Properties, American Society of Agronomy. [20.6.2.3107.B NMAC]</p>
<p>23.</p>	<p>The permittee shall submit quarterly monitoring reports to NMED by the 1st of February, May, August, and November of each year. Quarterly monitoring shall be performed during the following quarters and submitted as follows:</p> <ul style="list-style-type: none"> • January 1st through March 31st (first quarter) – due by May 1st; • April 1st through June 30th (second quarter) – due by August 1st; • July 1st through September 30th (third quarter) - due by November 1st; and • October 1st through December 31st (fourth quarter) - due by February 1st. <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>
<p>24.</p>	<p>Prior to discharging to the new synthetically lined lagoon and land application area LAA-B, the permittee shall install the following flow meters:</p> <ol style="list-style-type: none"> a) One closed-pipe velocity sensing totalizing flow meter on the pumped flow transfer line from the processing plant to the new synthetically lined lagoon; and b) One open-channel primary flow measuring device (flume or weir) equipped with head sensing and totalizing mechanisms on the gravity transfer line from the new synthetically lined lagoon to land application area LAA-B to measure the volume of wastewater discharged from the lagoon to the land application area. <p>Confirmation of meter installation, type, calibration and locations shall be submitted to NMED prior to discharging to the new synthetically lined lagoon and land application area LAA-B. [20.6.2.3109 NMAC]</p>
<p>25.</p>	<p>Prior to discharging reclaimed wastewater from Deming WWTP to the new synthetically lined lagoon, the permittee shall install one closed-pipe velocity sensing totalizing flow meter on the transfer line from Deming WWTP to the new synthetically lined lagoon. Confirmation of meter installation, type, calibration and locations shall be submitted to NMED prior to discharging prior to discharging reclaimed wastewater to the lagoon. [20.6.2.3109 NMAC]</p>
<p>26.</p>	<p>The permittee shall measure the monthly volume of wastewater discharged from the processing plant to the lagoon using a totalizing flow meter. Monthly meter readings, including units of measurement, and average daily and monthly discharge volumes reported in gallons shall be submitted to NMED in the quarterly monitoring reports. The flow meter shall be calibrated to within +/- 10% of actual flow and kept operational at all times. [20.6.2.3107.A(1) NMAC, 20.6.2.3109.H NMAC]</p>

27.	The permittee shall measure the monthly volume of reclaimed wastewater discharged to the lagoon using a totalizing flow meter. Monthly meter readings, including units of measurement, and average daily and monthly discharge volumes reported in gallons shall be submitted to NMED in the quarterly monitoring reports. The flow meter 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]
28.	The permittee shall calculate the average daily and monthly discharge volumes to the synthetically lined lagoon for the combined discharges of wastewater from Border Foods' processing plant and reclaimed wastewater from Deming WWTP. The combined average daily and monthly discharge volumes reported in gallons shall be submitted to NMED in the quarterly monitoring reports. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]
29.	The permittee shall measure and record all discharges from the lagoon to each field within the land application area. The volume of each discharge shall be measured using a primary flow measuring device equipped with head sensing and totalizing mechanisms on the transfer line between the lagoon and the land application area. The permittee shall maintain a log showing the date and location of each discharge, meter readings immediately prior to and after each discharge, and the calculated total volume of each discharge. A copy of the log entries including units of measurement shall be submitted to NMED in the quarterly monitoring reports. The discharge volumes shall be used to calculate nitrogen loading on the LADS. [20.6.2.3107.A(1) NMAC, 20.6.2.3109.H(1) NMAC]
30.	<p>Once prior to the expiration date of this Discharge Permit, NMED shall have the option to perform downhole inspections of all monitoring wells identified in this Discharge Permit. NMED shall establish the inspection date and provide at least 60 days notice to the permittee by certified mail. The permittee shall have any existing dedicated pumps removed at least 48 hours prior to NMED inspection to allow adequate settling time of sediment agitated from pump removal.</p> <p>Should a facility not have existing dedicated pumps, but decide to install pumps in any of the monitoring wells, NMED shall be notified at least 90 days prior to pump installation so that a downhole well inspection(s) can be scheduled prior to pump placement. [20.6.2.3107 NMAC]</p>
31.	<p>Within 30 days of the effective date of this Discharge Permit, by _____, the permittee shall submit a written monitoring well location proposal for review and approval by NMED. The proposal shall designate the locations of all monitoring wells required to be installed by this Discharge Permit. The proposal shall include, at a minimum, the following information:</p> <ul style="list-style-type: none"> a) A map showing the proposed location of each monitoring well from the boundary of the source it is intended to monitor. b) A written description of the specific location proposed for each monitoring well including the distance (in feet) and direction of each monitoring well from the edge (i.e., toe of lagoon berm) of the source it is intended to monitor. Examples include, 35

	<p>feet north-northwest of the northern berm of the synthetically lined wastewater lagoon; 45 feet due south of the leachfield; 30 feet southeast of the land application area 150 degrees from north.</p> <p>c) A statement describing the ground water flow direction beneath the facility and data supporting the determination.</p> <p>[20.6.2.3107 NMAC]</p>
<p>32.</p>	<p>Within 90 days of the effective date of this Discharge Permit, by _____, the permittee shall install one new monitoring well (MW-1) 20 to 50 feet hydrologically downgradient of the existing synthetically lined lagoon.</p> <p>The monitoring well location shall be approved by NMED prior to installation. The well shall be completed in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.0, July 2008. Construction and lithologic logs shall be submitted to NMED within 60 days of well completion. [20.6.2.3107 NMAC]</p>
<p>33.</p>	<p>Prior to discharging to the new synthetically lined lagoon and land application area LAA-B and within one year of the effective date of this Discharge Permit, by _____, the permittee shall install three new monitoring wells. The permittee shall install:</p> <ul style="list-style-type: none"> • One monitoring well (MW-2) at a minimum of 100 feet hydrologically upgradient of land application area LAA-B; • One monitoring well (MW-3) 20 to 50 feet hydrologically downgradient of land application area LAA-B; and • One monitoring well (MW-4) 20 to 50 feet hydrologically downgradient of the new synthetically lined lagoon. <p>All monitoring well locations shall be approved by NMED prior to installation. The wells shall be completed in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.0, July 2008. Construction and lithologic logs shall be submitted to NMED within 60 days of well completion. [20.6.2.3107 NMAC]</p>
<p>34.</p>	<p>Following installation of the new monitoring wells required by this Discharge Permit, the permittee shall sample ground water in the new wells and analyze the samples for NO₃-N, TKN, Cl and TDS. The permittee shall sample:</p> <ul style="list-style-type: none"> • MW-1, intended to be located hydrologically downgradient of the existing synthetically lined lagoon; • MW-2, intended to be located hydrologically upgradient of land application area LAA-B; • MW-3, intended to be located hydrologically downgradient of land application area LAA-B; and • MW-4, intended to be located hydrologically downgradient of the new synthetically lined lagoon.

	<p>Ground water sample collection, preservation, transport and analysis shall be performed according to the following procedure:</p> <ol style="list-style-type: none"> a) measure the depth-to-ground water from the top of well casing to the nearest hundredth of a foot; b) purge three well volumes of water from the well prior to sample collection; c) obtain samples from the well for analysis; d) properly prepare, preserve and transport samples; and e) analyze samples in accordance with the methods authorized in this Discharge Permit. <p>Depth-to-water measurements, analytical results, including laboratory QA/QC summary report, and a facility layout map showing the location and number of each well shall be submitted to NMED within 60 days of the installation of the monitoring wells. [20.6.2.3107 NMAC]</p>
<p>35.</p>	<p>Within 120 days of the effective date of this Discharge Permit, by _____, the permittee shall survey all wells approved by NMED for Discharge Permit monitoring purposes to a U.S. Geological Survey (USGS) or other permanent benchmark. Survey data shall include northing, easting and elevation to the nearest hundredth of a foot or in accordance with the "Minimum Standards for Surveying in New Mexico" (12.8.2 NMAC). A survey elevation shall be established at the top-of-casing, with a permanent marking indicating the point of survey. The survey shall be completed and certified by a licensed New Mexico professional surveyor. Depth-to-water shall be measured to the nearest hundredth of a foot in all surveyed wells, and the data shall be used to develop a map showing the location of all monitoring wells and the direction and gradient of ground water flow at the facility. The data and map of ground water flow direction at the facility shall be submitted to NMED within 180 days for the effective date of this Discharge Permit, by _____. [20.6.2.3107 NMAC]</p>
<p>36.</p>	<p>The permittee shall perform quarterly ground water sampling in seven monitoring wells and analyze the samples for NO₃-N, TKN, Cl and TDS. The permittee shall sample:</p> <ul style="list-style-type: none"> • MW-1, intended to be located hydrologically downgradient of the existing synthetically lined lagoon; • MW-2, intended to be located hydrologically upgradient of land application area LAA-B; • MW-3, intended to be located hydrologically downgradient of land application area LAA-B; • MW-4, intended to be located hydrologically downgradient of the new synthetically lined lagoon; • MW-5, intended to be hydrologically downgradient of fields LAA-A1 and LAA-A2 (located southeast of fields LAA-A1 and LAA-A2); • MW-8, intended to be hydrologically downgradient of field LAA-A4 (located southeast of field LAA-A4) • MW-9, intended to be hydrologically downgradient of field LAA-A6 (located southeast

	<p>of field LAA-A6)</p> <p>Ground water sample collection, preservation, transport and analysis shall be performed according to the following procedure:</p> <ol style="list-style-type: none"> a) measure the depth-to-ground water from the top of well casing to the nearest hundredth of a foot; b) purge three well volumes of water from the well prior to sample collection; c) obtain samples from the well for analysis; d) properly prepare, preserve and transport samples; and e) analyze samples in accordance with the methods authorized in this Discharge Permit. <p>Depth-to-water measurements, analytical results, including laboratory QA/QC summary report, and a facility layout map showing the location and number of each well shall be submitted to NMED in the monitoring report due by August 1st each year. [20.6.2.3107 NMAC]</p>
37.	<p>The permittee shall develop a ground water elevation contour map on a quarterly basis using the monitoring well survey data and quarterly depth-to-water measurements as required by this Discharge Permit. The ground water elevation contour map shall depict the ground water flow direction based on the ground water elevation contours. The data and ground water elevation contour maps shall be submitted to NMED in the quarterly monitoring reports. [20.6.2.3107 NMAC]</p>
38.	<p>Prior to discharging to the new synthetically lined lagoon and land application area LAA-B, the permittee shall install an in-line wastewater sampling port on the transfer line from the new lagoon to land application area LAA-B. Location of the sampling port shall be approved by NMED prior to installation. Confirmation of sampling port installation and location, including photographic documentation, shall be submitted to NMED prior to discharging to the new synthetically lined lagoon and land application area LAA-B. [20.6.2.3107 NMAC]</p>
39.	<p>The permittee shall collect a wastewater sample from the in-line sampling port located on the transfer line from the lagoon to land application area LAA-B on a quarterly basis. Wastewater samples shall be collected while irrigating, but <u>not</u> during the first hour of irrigation. In the event that land application of wastewater does not occur during a particular quarter, a wastewater sample shall be collected during the first wastewater application event of the following quarter. The regularly scheduled quarterly wastewater sample shall also be collected within the quarter, during a later application event. Wastewater samples shall be analyzed for NO₃-N, TKN, Cl and TDS. Analytical results shall be submitted to NMED in the quarterly monitoring reports. [20.6.2.3107 NMAC]</p>
40.	<p>The permittee shall collect a wastewater sample following pH neutralization, prior to discharging to the lagoon, on a quarterly basis. Wastewater samples shall be analyzed for NO₃-N, TKN, Cl, TDS and pH. Analytical results shall be submitted to NMED in the quarterly monitoring reports. [20.6.2.3107 NMAC]</p>

41.	<p>The permittee shall determine the total nitrogen concentration of each harvested crop grown to verify plant nitrogen removal levels. A composite sample consisting of 15 sub-samples of plant material shall be taken from each field/management unit during the final harvest of each crop grown per year. Samples shall be analyzed for percent total nitrogen and percent dry matter. Analytical reports shall be submitted to NMED in the monitoring report due by the 1st of August. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>
42.	<p>Yield documentation and plant and harvest dates of each crop grown shall be submitted to NMED in the monitoring report due by the 1st of August. Yield documentation shall consist of scale-weight tickets or harvest summaries based on scale-weights. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>
43.	<p>The permittee shall complete LADS which document the amount of nitrogen from wastewater applied to each field within land application area LAA-A and each management unit within land application area LAA-B. The LADS shall be completed for each crop grown associated with each field/management unit and shall reflect the nitrogen concentration from the quarterly wastewater analyses and the measured discharge volumes for each month. The volume of wastewater used in the LADS calculations shall be the volume obtained from meter readings required in this Discharge Permit. The permittee shall also include with the LADS, the crops grown, yields removed and the total nitrogen concentration of the harvested crop for each crop grown. The LADS or a statement that no land application occurred shall be submitted to NMED in the monitoring report due by the 1st of August. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>
44.	<p>Prior to discharging to land application area LAA-B and for the first soil sampling event following the effective date of this Discharge Permit, the permittee shall collect and analyze soil samples from each management unit within land application area LAA-B. A management unit may consist of one or more fields in a growing season that have a uniform crop and are managed uniformly with regard to wastewater and nitrogen application. Composite soil samples shall be collected for all management units regardless of whether the unit is cropped, remains fallow, or has received wastewater. One surface composite soil sample (1st-foot) and two sub-surface composite soil samples (2nd and 3rd-foot) shall be collected from each management unit.</p> <p>Composite soil samples shall be collected according to the following procedure:</p> <ul style="list-style-type: none"> • Each surface and sub-surface soil sample shall consist of a single composite of 15 soil cores collected randomly throughout each management unit. Should a management unit consist of considerably different soil textures (i.e., sandy and silty clay); soil samples shall be collected from each soil texture within each management unit. • Surface soil samples (1st-foot) shall be collected from a depth of 0 to 12 inches. • Each 2nd-foot sub-surface soil sample shall be collected from a depth of 12 to 24 inches.

	<ul style="list-style-type: none"> • Each 3rd-foot sub-surface soil sample shall be collected from a depth of 24 to 36 inches. <p>Each surface and sub-surface composite sample shall be analyzed for pH, electrical conductivity (EC), TKN, NO₃-N, Cl, organic matter (OM), potassium (K), phosphorus (P), sodium (Na), calcium (Ca), magnesium (Mg), bicarbonate (HCO₃), sulfate (SO₄), soil texture and determination of the sodium adsorption ratio (SAR).</p> <p>Soil samples shall be analyzed according to the following methods:</p> <ul style="list-style-type: none"> • Soil pH, EC, Na, Ca, Mg and SO₄ shall be analyzed using a saturated paste extract, as described in Methods of Soil Analysis: Part 2, Chemical and Microbiological Properties, Agronomy Monograph no.9 (2nd edition), pp 167-179, American Society of Agronomy. • Soil P shall be analyzed using the Olsen sodium bicarbonate method, as described in Methods of Soil Analysis: Part 2, Chemical and Microbiological Properties, Agronomy Monograph no.9 (2nd edition), pp 421-422, American Society of Agronomy. • Soil NO₃-N shall be analyzed by a 2 molar KCl extract, as described in Methods of Soil Analysis: Part 2, Chemical and Microbiological Properties, Agronomy Monograph no.9 (2nd edition), pp 643-698, American Society of Agronomy. <p>The analytical results and a map showing the fields and the management units as well as the sampling locations within each management unit shall be submitted to NMED in the monitoring report due by August 1, 2010. [20.6.2.3107 NMAC]</p>
<p>45.</p>	<p>Following the initial soil sampling required by this Discharge Permit, the permittee shall, on an annual basis, collect and analyze soil samples from each management unit within land application area LAA-B that has received or is actively receiving wastewater during the term of this Discharge Permit. Additionally, for those management units which have never before received wastewater, soil samples shall be collected immediately prior to initial wastewater application and annually thereafter for the term of this Discharge Permit. Once a management unit has received wastewater it shall be sampled annually regardless of whether the unit is cropped, remains fallow, or has recently received wastewater. Each surface composite soil sample (1st-foot) and sub-surface composite soil sample (2nd and 3rd-foot) shall be collected in accordance with the soil sampling procedures provided in the preceding permit condition and analyzed for the constituents listed below. Composite soil samples shall be collected between December 1st and May 31st.</p> <p>Surface (1st-foot) samples shall be analyzed for pH, EC, NO₃-N, Cl, OM, K, P, Na, Ca, Mg, and determination of the SAR.</p> <p>Sub-surface (2nd and 3rd-foot) samples shall be analyzed for EC, NO₃-N, and Cl.</p> <p>Soil samples shall be analyzed in accordance with the methods as required by this</p>

	<p>Discharge Permit.</p> <p>The analytical results and a map showing the fields and the management units as well as the sampling locations within each field shall be submitted to NMED in the monitoring report due by the 1st of August each year. [20.6.2.3107 NMAC]</p>
46.	<p>The permittee shall keep a log of all additional fertilizer applied to each field within each land application area. The log shall contain the date of fertilizer application, the type and fertilizer analysis, and the amount of fertilizer applied (lbs/ac) to each field. A copy of the log entries for the previous 12-month period shall be submitted to NMED in the monitoring report due by the 1st of August each year. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>

CONTINGENCY PLAN

#	Terms and Conditions
47.	<p>In the event that ground water monitoring indicates that one or more of the ground water standards of Section 20.6.2.3103 NMAC are violated during the term of this Discharge Permit, upon closure of the facility or during post-closure monitoring, the permittee shall:</p> <ul style="list-style-type: none"> a) Collect a second sample from the monitoring well(s) within 30 days of the initial sample analysis date to verify the initial results. b) Submit the analytical results for both the initial and second ground water samples to NMED within 30 days of the analysis date of the second ground water sample. <p>In the event that analytical results of the second ground water sample verify the exceedance of one or more of the ground water standards of Section 20.6.2.3103 NMAC, within 60 days of the second sample analysis date the permittee shall submit a corrective action plan to NMED and implement the plan upon NMED approval. The corrective action plan shall propose measures to mitigate damage from the discharge including, at a minimum, source control measures and an implementation schedule. The permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 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 confirmed ground water contamination. [20.6.2.1203 NMAC, 20.6.2.4105.A(8) NMAC]</p>
48.	<p>In the event that a minimum of two feet of freeboard cannot be maintained in the lagoon at all times and/or wastewater cannot be discharged to land application area LAA-B due to frozen/saturated conditions or crop/nutrient management considerations, the permittee shall enact the following contingency plan:</p> <ul style="list-style-type: none"> a) Cease discharging wastewater from Border Foods and Deming WWTP to the lagoon. b) The permittee shall submit a corrective action plan for NMED approval to address the storage/management problems and propose methods of correction. The corrective action plan shall be submitted within 15 days of the discovered problem and shall be

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

	<p>land application area within 30 days of the exceedance. The corrective action plan shall be implemented within 30 days of NMED approval. [20.6.2.3107.A(10) NMAC, 20.6.2.3109 NMAC]</p>
<p>53.</p>	<p>In the event NMED determines, upon review of analytical results from surface and sub-surface soil sampling, that nitrogen may be migrating vertically, the permittee shall, within 30 days of notification, submit for NMED approval a corrective action plan to reduce nitrogen concentrations in the soil. The plan shall include source control measures, such as a reduction in the amount of wastewater or solids applied to the land, expansion of the land application area, and/or changes in crop rotation.</p> <p>The permittee shall also implement the following deep soil sampling. From each field/management unit, the permittee shall collect composite soil samples at depths of 2, 4, 6, 8 and 10 feet from three separate soil cores. Composite samples for each depth shall be assembled from the three cores and analyzed for NO₃-N and TKN. Soil NO₃-N shall be analyzed by a 2 molar KCl extract, as described in Methods of Soil Analysis: Part 2, Chemical and Microbiological Properties, Agronomy Monograph no.9 (2nd edition), pp 643-698, American Society of Agronomy. The analytical results and a map showing the sampling locations within each field/management unit shall be submitted to NMED within 30 days of the sampling date. If initial deep soil sampling results indicate the presence of excessive nitrogen at depths below 36 inches, NMED may require deep soil sampling on an annual basis to verify success of the corrective actions. [20.6.2.3107.A(10) NMAC, 20.6.2.3109 NMAC]</p>
<p>54.</p>	<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. Wastewater shall be contained, pumped and/or transferred to the concrete sump, lagoon and/or land application area as necessary. Failed components shall be repaired or replaced within 48 hours from the time of failure or as soon as possible. Within seven days of discovering the discharge, the permittee shall submit a written report to NMED verifying the oral notification and providing any additional information or changes. The permittee shall submit a corrective action report within 15 days after discovery of the discharge. [20.6.2.1203 NMAC]</p>
<p>55.</p>	<p>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]</p>
<p>56.</p>	<p>In the event that there is a confirmed exceedance of any of the maximum limitations for BOD₅, TSS, or fecal coliform bacteria for reclaimed domestic wastewater set by this Discharge Permit, the permittee shall enact the following contingency plan:</p>

	<p>a) NMED shall be notified immediately that the contingency plan is being enacted.</p> <p>b) The permittee shall immediately cease discharging reclaimed domestic wastewater to the synthetically lined lagoon.</p> <p>If a facility is required to enact the contingency plan more than two times in a calendar year, the permittee shall submit a corrective action plan for NMED approval to achieve consistent compliance with the maximum and 30-day average limitations. The plan shall be submitted within 60 days of the second occurrence and shall be implemented immediately upon NMED approval. [20.6.2.3107.A(10) NMAC]</p>
--	--

CLOSURE PLAN

#	Terms and Conditions
57.	<p>The permittee is not authorized to plug and abandon existing monitoring wells MW-6 and MW-7. The monitoring wells shall be capped and locked at all times. Abandonment of the monitoring wells shall only be performed upon notification from NMED and 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 NMAC]</p>
58.	<p>Within one year of the effective date of this Discharge Permit, by _____, the permittee shall permanently cease discharging wastewater to the existing synthetically lined lagoon. Following ceasing discharging to the existing synthetically lined lagoon and within two years of the effective date of this Discharge Permit, by _____, the following closure measures shall be performed:</p> <p>a) Empty lagoon of all wastewater and solids. The permittee shall submit a plan for the removal, storage and disposal of the solids-slurry, including a schedule for implementation through completion, to NMED for approval. In the event the plan proposes land application of solids-slurry, the plan must also include analytical results of a representative sample of the solids-slurry to be applied. The plan shall be implemented upon department approval. In the event that reclaimed domestic wastewater was ever discharged into the lagoon, solids shall be disposed of in accordance with federal regulations (40 CFR Part 503)</p> <p>b) Perforate or remove the lagoon liner and re-grade the lagoon with clean fill to blend with surface topography and prevent ponding</p> <p>Documentation verifying complete closure of the lagoon, including photographic documentation, shall be submitted to NMED within 60 days of lagoon closure completion. [20.6.2.3109 NMAC, 20.6.2.3107 NMAC]</p>
59.	<p>Within one year of the effective date of this Discharge Permit, by _____, the permittee shall permanently cease discharging wastewater to land application area LAA-A and submit written documentation of the date that discharge ceased to NMED. Following ceasing discharging to land application area LAA-A, the permittee shall perform the following closure measures:</p>

	<p>a) The permittee shall collect and analyze soil samples from each field within land application area LAA-A within 30 days of ceasing discharging to land application area LAA-A. Composite soil samples shall be collected for all fields regardless of whether the field is cropped, remains fallow, or has received wastewater. One surface composite soil sample (1st-foot) and two sub-surface composite soil samples (2nd and 3rd-foot) shall be collected from each field. Soil samples shall be collected and analyzed in accordance with the methods as required by this Discharge Permit. Surface (1st-foot) samples shall be analyzed for pH, EC, NO₃-N, Cl, OM, K, P, Na, Ca, Mg, and determination of the SAR. Sub-surface (2nd and 3rd-foot) samples shall be analyzed for EC, NO₃-N, and Cl. The analytical results and a map showing the fields as well as the sampling locations within each field shall be submitted to NMED within 60 days of the sampling event.</p> <p>b) Ground water monitoring of monitoring wells MW-5, MW-8 and MW-9 as required by this Discharge Permit shall continue for two years following closure of land application area LAA-A to confirm the absence of ground water contamination. If monitoring results show that the ground water standards in Section 20.6.2.3103 NMAC are being violated, the permittee shall implement the contingency plan required by this Discharge Permit.</p> <p>c) Following notification from NMED, the permittee shall plug and abandon monitoring wells MW-5, MW-8 and MW-9 in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.0, July 2008. [20.6.2.3109 NMAC, 20.6.2.3107 NMAC]</p>
<p>60.</p>	<p>Upon permanent closure of the facility, the permittee shall perform the following closure measures:</p> <p>a) Complete the installation of all monitoring wells as required by this Discharge Permit.</p> <p>b) Remove food processing solids from the processing area and apply to land application area LAA-B or transfer offsite for proper disposal.</p> <p>c) Empty lagoon of all wastewater and solids. The permittee shall submit a plan for the removal, storage and disposal of the solids-slurry, including a schedule for implementation through completion, to NMED for approval. In the event the plan proposes land application of solids-slurry, the plan must also include analytical results of a representative sample of the solids-slurry to be applied. The plan shall be implemented upon department approval. In the event that reclaimed domestic wastewater was ever discharged into the lagoon, solids shall be disposed of in accordance with federal regulations (40 CFR Part 503).</p> <p>d) Perforate or remove the lagoon liner and re-grade the lagoon with clean fill to blend with surface topography and prevent ponding.</p> <p>e) Remove or plug all lines leading from the concrete sump to the lagoon, and from the lagoon to the land application area so that a discharge can no longer occur.</p> <p>f) Pump all liquids and solids from the concrete sump and dispose of pumpings in accordance with all local, state, and federal regulations.</p> <p>g) Backfill the concrete sump with clean fill or sand or remove from site.</p>

	<p>h) Continue ground water monitoring as required by this Discharge Permit for two years after closure to confirm the absence of ground water contamination. If monitoring results show that the ground water standards in Section 20.6.2.3103 NMAC are being violated, the permittee shall implement the contingency plan required by this Discharge Permit.</p> <p>i) Following notification from NMED that post-closure monitoring may cease, the permittee shall plug and abandon the monitoring well(s) in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.0, July 2008.</p> <p>When all post-closure requirements have been met, the permittee may request to terminate the Discharge Permit. [20.6.2.3107.A(11) NMAC]</p>
--	--

GENERAL TERMS AND CONDITIONS

#	Terms and Conditions
61.	<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>
62.	<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>
63.	<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</p>

	NMAC]
64.	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]
65.	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]
66.	INSPECTION and ENTRY - The permittee shall allow the Secretary or an authorized representative, upon the presentation of credentials, to: <ul style="list-style-type: none"> a) Enter at regular business hours or at other reasonable times upon the permittee's premises or other location where records must be kept under the conditions of this Discharge Permit, or under any federal or WQCC regulation. b) Inspect and copy, during regular business hours or at other reasonable times, any records required to be kept under the conditions of this Discharge Permit, or under any federal or WQCC regulation. c) Inspect, at regular business hours or at other reasonable times, any facility, equipment (including monitoring and control equipment or treatment works), practices or operations regulated or required under this Discharge Permit, or under any federal or WQCC regulation. d) Sample or monitor, at reasonable times for the purpose of assuring compliance with this Discharge Permit or as otherwise authorized by the WQA, any effluent, water contaminant, or receiving water at any location before or after discharge. [20.6.2.3107.D NMAC, 74-6-9(B) & (E) WQA]
67.	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]
68.	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]

69.	<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>
70.	<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>
71.	<p>PLANS and SPECIFICATIONS - The permittee shall file plans and specifications with NMED for the construction of a wastewater system and for proposed changes that will change substantially the quantity or quality of the discharge from the system. The permittee shall file plans and specifications prior to the commencement of construction. Changes to the wastewater system having a minor effect on the character of the discharge shall be reported as of January 1 and June 30 of each year to NMED. [20.6.2.1202 NMAC]</p>
72.	<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. [74-6-10 WQA, 74-6-10.1 WQA]</p>
73.	<p>CRIMINAL PENALTIES – Any person who knowingly violates or knowingly causes or allows another person to:</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

	<p>required to be maintained under the WQA; or</p> <p>3) fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation, is subject to felony charges and shall be sentenced in accordance with the provisions of Section 31-18-15 NMSA 1978. [74-6-10.2(A-F) WQA]</p>
74.	<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. [20.6.2 NMAC]</p>
75.	<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 (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]</p>
76.	<p>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]</p>
77.	<p>TERM - Pursuant to the WQA 74-6-5(I) and Subsection H of 20.6.2.3109 NMAC, the term of this Discharge Permit is five years from its effective date. To renew this Discharge Permit, the permittee must submit an application for renewal at least 180 days before the termination date. [20.6.2.3109.H NMAC, 74-6-5(I) WQA]</p>
78.	<p>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]</p>

EFFECTIVE DATE: effective date

EXPIRATION DATE: expiration date

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