

GROUND WATER DISCHARGE PERMIT
BNSF Railway Company Gallup Fueling Facility, DP-193

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Plan Renewal Permit, DP-193, to BNSF Railway Company (permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit Renewal, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from the BNSF Railway Company Gallup Fueling Facility (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 Renewal, NMED has determined that the requirements of 20.6.2.3109.C 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 325 gallons per day (gpd) daily average on an annual basis of wastewater consisting of spilled grease, diesel fuel, wash water, oil, and stormwater from the tank car and truck unloading platform, a locomotive inspection pit, and an aboveground tank farm containment area is discharged to an oil-water separator and two evaporative lagoons. Separated oil is pumped out of the oil-water separator to an aboveground used oil storage tank located in a concrete containment area north of the separator and disposed off-site for recycling. Separated water is discharged to two synthetically lined lagoons (Lagoons A and B). Lagoon A liner consists of two 60-mil HDPE liners placed on top of each other. Lagoon B liner consists of two 60-mil HDPE liners separated by a layer of pea gravel and a 200 mil geotextile fabric. A leak detection system is installed in a sump beneath Lagoon B. The water in each lagoon is allowed to evaporate. The facility is located at 811 Roundhouse Road in Gallup, in Section 16, Township 15N, Range 18W, McKinley County. Ground water most likely to be affected is at a depth ranging from approximately 1.2 to 18 feet below ground surface and has a total dissolved solids concentration ranging from approximately 457 to 2,130 milligrams per liter.

The permittee's application consists of the materials submitted by Environmental Resource Management dated May 3, 2013. The permittee's Discharge Plan Renewal consists of this application and previously submitted materials as applicable. The discharge shall be managed in accordance with the Discharge Plan as conditioned by this Discharge Permit.

Pursuant to 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 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

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requirements to protect and/or remediate ground water quality may be required by NMED. These requirements may include changing remediation management practices, expanding monitoring requirements, or installing an advanced remediation system.

Issuance of this Discharge Permit does not relieve the BNSF Railway Company Gallup Fueling Facility of its 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
BTEX	Benzene, toluene, ethylbenzene, xylene	NMAC	New Mexico Administrative Code
CFR	Code of Federal Regulations	NMED	New Mexico Environment Department
Cl	Chloride	NMSA	New Mexico Statutes Annotated
EPA	Environmental Protection Agency	PAH	Polyaromatic Hydrocarbons
gpd	Gallons per day	TDS	total dissolved solids
GWQB	Ground Water Quality Bureau	WQCC	Water Quality Control Commission
mg/L	milligrams per liter		
mL	Milliliters		

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 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 20.6.2.3101.A NMAC.
3. The discharge from the facility is not subject to any of the exemptions of 20.6.2.3105 NMAC.

III. AUTHORIZATION TO DISCHARGE

The permittee is authorized to discharge up to 325 gallons per day (gpd) daily average on an annual basis of industrial wastewater consisting of spilled grease, diesel fuel, wash water, oil, and stormwater from the tank car and truck unloading platform, a locomotive inspection pit, and an aboveground tank farm containment area to an oil-water separator and two evaporative lagoons. Separated oil is pumped out of the oil-water separator to an aboveground used oil storage tank and transported off-site for recycling. Separated water is discharged to two synthetically lined lagoons (Lagoons A and B). Lagoon A liner consists of two 60-mil HDPE liners placed on top of each other. Lagoon B liner consists of two 60-mil HDPE liners separated by a layer of pea gravel and a 200 mil geotextile fabric. A leak detection system is installed in a sump beneath Lagoon B. The water in each lagoon is allowed to evaporate.

[20.6.2.3104 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection C of 20.6.2.3109 NMAC]

IV. 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:

A. 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. [Subsection C of 20.6.2.3109 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, Subsection C of 20.6.2.3109 NMAC]
3.	The permittee shall maintain a minimum of one foot of freeboard in the evaporative lagoons at all times as measured on the diagonal of the inner berm. In the event that a minimum of one foot of freeboard, as measured on the slope of the lagoon, cannot be maintained at all times, the permittee shall submit a corrective action plan for NMED approval to modify the management of discharge volumes. [20.6.2.3109 NMAC]
4.	The permittee shall maintain fences around the lagoons and post signs that the water is not potable. The fences shall be constructed in a manner that prevents access by children or small animals (e.g., chain link, field/woven fencing) and shall be maintained throughout the term of this Discharge Permit. [Subsections B and C of 20.6.2.3109 NMAC]

B. MONITORING, REPORTING, AND OTHER REQUIREMENTS

#	Terms and Conditions
5.	<p>The permittee shall conduct the following monitoring, reporting, and other requirements listed below.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
6.	<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 Water Data Acquisition f) Federal Register, latest methods published for monitoring pursuant to Resource Conservation and Recovery Act regulations g) Methods of Soil Analysis: Part 1. Physical and Mineralogical Methods; Part 2. Microbiological and Biochemical Properties; Part 3. Chemical Methods, American Society of Agronomy <p>[Subsection B of 20.6.2.3107 NMAC]</p>
7.	<p>The permittee shall submit annual monitoring reports to NMED-Ground Water Quality Bureau (GWQB) by the 1st of May of each year.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
8.	<p>The permittee shall inspect the oil/water separator on a quarterly basis and pump and clean as needed. The inspection and pumping/cleaning records shall be submitted to NMED in the annual monitoring report.</p> <p>[Subsection C of 20.6.3.3109 NMAC]</p>
9.	<p>The permittee shall inspect the under-drain collection sump of the leak detection system from Lagoon B for the presence of water on a monthly basis.</p> <p>[Subsection C of 20.6.3.3109 NMAC]</p>
10.	<p>The permittee shall visually inspect the evaporative lagoons and surrounding berms on a monthly basis to ensure proper maintenance. Any conditions that could damage the lagoons or liners, or affect the structural integrity of the lagoons shall be corrected. Such conditions include but are not limited to erosion damage, animal activity/damage, the presence of</p>

	<p>potentially harmful vegetation such as woody shrubs or uncontrolled weeds, evidence of seepage, or the presence of large pieces or quantities of debris. The permittee shall keep a log of the inspection findings and repairs made. In the event that inspection findings reveal significant damage likely to affect the ability of the lined lagoons to contain contaminants, the permittee shall submit a corrective action plan to NMED for approval.</p> <p>[Subsection C of 20.6.3.3109 NMAC]</p>
11.	<p>The permittee shall measure the total monthly volume of wastewater discharged to the evaporative lagoons by direct measurement of the flow counter gauge showing total minutes of pumping given that the pump discharges at a rate of 30 gpm. Measured wastewater discharge volumes shall be reported to NMED in the annual monitoring report.</p> <p>[Subsection A of 20.6.2.3107, Subsection H of 20.6.2.3109 NMAC]</p>
12.	<p>The permittee shall periodically empty and clean the lagoons and inspect the liners for wear and tear. Any identified defects in the liner shall be repaired. Sludge removed during the cleaning of the lagoons shall be disposed of at a permitted facility. The permittee shall keep a log of the lagoon cleaning, liner inspection and sludge removal and disposal. The record of such activities shall be submitted to NMED in the annual monitoring report.</p> <p>[Subsection C of 20.6.3.3109 NMAC]</p>
13.	<p>The permittee shall sample wastewater on an annual basis from the evaporative lagoon B. The sample shall be analyzed for benzene, toluene, ethylbenzene and xylene (BTEX) by EPA Method 8021B; polynuclear aromatic hydrocarbons (PAH) by EPA Method 8270; total dissolved solids, chloride, and dissolved iron and manganese. Analytical results shall be reported to NMED in the annual monitoring report. In the event Lagoon B does not contain sufficient wastewater to obtain a sample, then the sample shall be collected from Lagoon A.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
14.	<p>The permittee shall sample ground water on a semi-annual basis from monitoring wells MW-9R and MW-17. The sample shall be analyzed for BTEX by EPA Method 8021B; PAH by EPA Method 8270; total dissolved solids, chloride, and dissolved iron and manganese. Analytical results shall be reported to NMED in the annual monitoring report. Prior to sample collection, depth to water shall be measured and recorded, each well shall be purged of three (3) well volumes, and field parameters (temperature, conductivity, and pH) shall be measured and recorded during purging. These measurements taken prior to sample collection shall be reported to NMED in the annual monitoring report.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

C. ADDITIONAL STUDIES or ABATEMENT PLAN

#	Terms and Conditions
15.	The permittee shall perform all abatement activities in accordance with the approved site wide

	abatement plan. [20.6.2.4110 NMAC]
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D. CONTINGENCY PLAN

#	Terms and Conditions
16.	<p>In the event fluid is observed in the collection sump from the leak detection system in Lagoon B, the permittee shall notify NMED within 24 hours of detecting fluid, obtain a sample of the of the fluid within 2 days of discovering the fluid and analyze it for BTEX and PAHs. If the analytical results of the sample indicate the presence of BTEX or PAHs, the permittee shall collect a confirmation sample within 15 days to confirm the initial sampling results. If the confirmatory sample indicates the presence of water contaminants, the permittee shall cease discharging wastewater immediately to Lagoon B and submit a corrective action plan to abate water pollution.</p> <p>[20.6.2.4106 NMAC, 20.6.2.1203 NMAC]</p>
17.	<p>In the event that a release (commonly known as a “spill”) occurs that is not authorized under this Discharge Permit, the permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below.</p> <p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the permittee shall verbally notify NMED and provide the following information:</p> <ol style="list-style-type: none"> a) The name, address, and telephone number of the person or persons in charge of the facility, as well as of the owner and/or operator of the facility. b) The name and address of the facility. c) The date, time, location, and duration of the unauthorized discharge. d) The source and cause of unauthorized discharge. e) A description of the unauthorized discharge, including its estimated chemical composition. f) The estimated volume of the unauthorized discharge. g) Any actions taken to mitigate immediate damage from the unauthorized discharge. <p>Within <u>one week</u> following discovery of the unauthorized discharge, the permittee shall submit written notification to NMED with the information listed above and any pertinent updates.</p> <p>Within <u>15 days</u> following discovery of the unauthorized discharge, the permittee shall submit a corrective action report/plan to NMED describing any corrective actions taken and/or to be taken relative to the unauthorized discharge that includes the following:</p> <ol style="list-style-type: none"> a) A description of proposed actions to mitigate damage from the unauthorized discharge. b) A description of proposed actions to prevent future unauthorized discharges of this nature. c) A schedule for completion of proposed actions.

	<p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, the permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p> <p>Nothing in this condition shall be construed as relieving the permittee of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC.</p> <p>[20.6.2.1203 NMAC, Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
18.	<p>In the event that monitoring indicates ground water standards are violated during the term of this Discharge Permit, upon closure of the facility or during post-closure monitoring, the permittee shall collect a confirmatory sample from the monitoring well within 15 days to confirm the initial sampling results. Within 30 days of confirmation of ground water contamination, the permittee shall submit to NMED a corrective action plan that proposes a site investigation to define the source, nature, and extent of contamination and an implementation schedule.</p> <p>The permittee may be required to abate water pollution pursuant to 20.6.2.4000 through 20.6.2.4115 NMAC, if the corrective action plan will not result in compliance with the standards and requirements set forth in Section 20.6.2.4103 NMAC within 180 days of confirmation of ground water contamination.</p> <p>[Subsection A of 20.6.2.4105 NMAC, 20.6.2.1203 NMAC]</p>
19.	<p>In the event that NMED or the permittee identifies any failures of the discharge plan or this Discharge Permit not specifically noted herein, NMED may require the permittee to submit a corrective action plan and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a Discharge Permit modification to achieve compliance with 20.6.2 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>

E. CLOSURE PLAN

#	Terms and Conditions
20.	<p>The permittee shall notify NMED in writing at least 30 days prior to cessation of operations and provide a schedule for implementation of the closure plan.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
21.	<p>Upon closure of the facility, the permittee shall perform the following closure measures:</p> <ol style="list-style-type: none"> 1. Plug and/or remove all collection, conveyance, treatment, and disposal features.

	<p>Underground lines will be removed and/or plugged.</p> <ol style="list-style-type: none"> 2. The lagoons shall be dismantled by removing and properly disposing of the water and sludge in the lagoons; then clean, perforate, remove, and dispose of the liner at a solid waste disposal facility. Soils under the liners shall be sampled for total petroleum hydrocarbons by Method 8015M. If the soil sample results show that this soil is contaminated, then the permittee shall submit a corrective action plan to NMED that either shows that the contaminated soil shall be excavated and disposed at a permitted disposal or treatment facility or remediated in place. The lagoon areas will be backfilled with clean backfill and compacted. 3. The oil/water separator shall be pumped, cleaned, removed, and properly disposed. Removed sludges shall be disposed at a proper facility. All piping into the separators shall be capped. Soils under the oil/water separator shall be sampled for total petroleum hydrocarbons by Method 8015M. If the soil sample results show that this soil is contaminated, then the permittee shall submit a corrective action plan to NMED that either shows that the contaminated soil shall be excavated and disposed at a permitted disposal or treatment facility or remediated in place. The oil/water separator area will be backfilled with clean backfill and compacted. 4. The permittee shall conduct post closure ground water monitoring at the monitoring wells MW-9R and MW-17 and analyzed for BTEX by EPA Method 8021B; PAH by EPA Method 8270; and dissolved iron and manganese for a period of two years. If ground water standards are exceeded during post closure monitoring, the permittee shall implement the contingency plan required in the active permit. 5. Following notification from NMED that post-closure monitoring is not required or may cease, the permittee shall plug and abandon the ground water monitoring wells in accordance with Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions, dated March 2011 (copy enclosed). 6. When all post-closure requirements have been met, the permittee may request to terminate the Discharge Permit. <p>[Subsection A of 20.6.2.3107 NMAC]</p>
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F. GENERAL TERMS AND CONDITIONS

#	Terms and Conditions
22.	<p>RECORD KEEPING – The permittee shall maintain a written record of the following information:</p> <ol style="list-style-type: none"> a) Information and data used to complete the application for this Discharge Permit. b) Records of any releases (commonly known as “spills”) not authorized under this

#	Terms and Conditions
	<p>Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC.</p> <ul style="list-style-type: none"> c) Records of the operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater. 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. e) Copies of monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit. f) The volume of wastewater or other wastes discharged pursuant to this Discharge Permit. g) Ground water quality and wastewater quality data collected pursuant to this Discharge Permit. h) Copies of construction records (well log) for all ground water monitoring wells required to be sampled pursuant to this Discharge Permit. i) Records of the maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit. j) Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit. The following information shall be recorded and shall be made available to NMED upon request: <ul style="list-style-type: none"> 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; and viii) A copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. <p>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>[Subsections A and D of 20.6.2.3107 NMAC]</p>
23.	<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</p>

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	<p>the WQCC.</p> <p>The permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling or monitoring during an inspection for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations.</p> <p>Nothing in this Discharge Permit shall be construed as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state or federal regulations.</p> <p>[Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>
24.	<p>DUTY to PROVIDE INFORMATION – The permittee shall, upon NMED’s request, allow for NMED’s inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.</p> <p>[Subsection D of 20.6.2.3107 NMAC]</p>
25.	<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>[Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]</p>
26.	<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>[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
27.	<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</p>

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	<p>permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]</p>
28.	<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 of this condition is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
29.	<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>

#	Terms and Conditions
	[NMSA 1978, § 74-6-5.L]
30.	<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>[20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]</p>
31.	<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. <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>
32.	<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>

V. PERMIT TERM & SIGNATURE

EFFECTIVE DATE: [effective date]

TERM ENDS: [date term ends]

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

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

draft