

DISCHARGE PERMIT RENEWAL
OGLEBAY NORTON SPECIALTY MINERALS MICA MILL, DP-272
<Effective Date>

I. INTRODUCTION

The New Mexico Environment Department (NMED) renews Discharge Permit 272 (DP-272), to Oglebay Norton Specialty Minerals, Inc. (ONSM) 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 renewing DP-272, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from the ONSM Mica Mill into ground and surface water, so as to protect ground and surface water for present and potential future use as domestic and agriculture water supply and other uses. In issuing this Discharge Permit, the NMED has determined that the requirements of 20.6.2.3109.C NMAC have been met.

Facility Description

The ONSM Mica Mill Facility (Mica Mill Facility) is an inactive mill site that was formerly used to process mica ore. This Discharge Permit addresses post-closure monitoring and maintenance. When the mill was operational, mica ore was trucked to the mill from the ONSM U.S. Hill Mica Mine located in Taos County, New Mexico. The mica ore was then stockpiled at the mill until it was processed. Tailing slurry was discharged to one of three unlined tailing impoundments at the mill. The impoundments cover approximately 7 acres. Tailings were periodically removed from the tailing impoundments, dried, and then shipped back to the U.S. Hill Mica Mine for disposal.

The mill ceased operation on September 1, 2004, and reclamation of the facility was completed in January 2006. The reclamation included grading and covering the tailing impoundments, removal of some of the on site facilities, and re-seeding of disturbed areas.

Location of Discharge

The ONSM Mica Mill Facility is located approximately 5 miles southwest of Velarde, New Mexico in Section 17, T22N, R9E, Rio Arriba County.

Quantity, Quality and Flow Characteristics of the Discharge

When operational, the mill was permitted to discharge up to 864,000 gallons per day of tailing slurry into unlined impoundments located at the facility. The tailings decant water exceeded water quality standards under WQCC Regulations in 20.6.2.3103.B NMAC for sulfate, total dissolved solids (TDS) and manganese. On November 14, 2001, the Mining Environmental Compliance Section (MECS) of the NMED sent ONSM a letter indicating that the ground water

standards of the WQCC Section 20.6.2.3.103 had been exceeded in one of the on-site monitoring wells (Well #6) for sulfate and TDS. Additional monitoring confirmed exceedance of standards for sulfate and TDS as well as manganese. In 2004 an additional monitoring well (Monitoring Well #9) was installed along the southerly boundary of the facility. Samples obtained from Monitoring Well #9 indicated that ground water standards set forth in WQCC regulation 20.6.2.3103 had been exceeded for nitrate, manganese, TDS, and sulfate.

ONSM was required to abate ground water contamination pursuant to 20.6.2.3109E(1) because ground water standards were exceeded at the Mica Mill Facility. Following completion of site reclamation activities ground water quality began to improve and ground water standards have been met in site monitoring wells since December, 2006. NMED approved termination of the abatement plan by letter dated June 25, 2009.

Characteristics of the Ground Water

The depth to ground water in the vicinity of the mill ranges from approximately 30 to 80 feet below the ground surface with a TDS concentration of approximately 224 milligrams per liter. The ground water flow beneath the mill is generally southwestward.

General

ONSM's Discharge Plan consists of the Discharge Permit Application dated November 13, 2006, letters and documents submitted by ONSM to NMED dated January 8, 2003, April 1, 2003, April 17, 2003, and May 15, 2003. In addition, the terms of DP-272 include information and materials submitted as part of the original discharge plan approved on March 18, 1983 and renewed on March 18, 1988, March 19, 1993, April 3, 1998, and April 12, 2001. The discharge shall be managed in accordance with the Discharge Plan as conditioned by this Discharge Permit.

Pursuant to 20.6.2.309.E NMAC, NMED reserves the right to modify permit requirements in the event NMED determines that the requirements of 20.6.2 NMAC are being, or may be, violated or standards of 20.6.2.3103 NMAC are being, or may be, violated. This may include a determination by NMED that practices approved under this Discharge Permit are not protective of ground and surface water quality, and that a modification is necessary to protect water quality or abate water pollution. Permit modification may include, but is not limited to, expanding monitoring requirements, and implementing abatement of water pollution.

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

II. FINDINGS

In issuing this Discharge Permit, NMED finds:

1. ONSM discharged effluent or impacted water from the Mica Mill Facility so that such effluent may move directly or indirectly into ground water within the meaning of 20.6.2.3104 NMAC.
2. The ground water beneath the Mica Mill Facility 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 Mica Mill Facility is not subject to any of the exemptions of 20.6.2.3105 NMAC.
4. The Mica Mill Facility is located at a place of withdrawal of water for present or reasonably foreseeable future use within the meaning of the WQA, 1978 NMSA 74-6-5(E)(3), and the WQCC Regulations at Section 20.6.2.

III. PERMIT CONDITIONS

ONSM shall comply with the following conditions, which are enforceable by NMED. Based on results of additional studies, or other information, NMED may require, or ONSM may propose, additional or modified monitoring and closure measures.

Post-closure Monitoring, Reporting and Other Requirements

1. ONSM shall conduct the following monitoring, reporting, and other requirements as described in Conditions 2 through 13 until NMED determines post-closure monitoring is no longer required. The financial assurance described in Conditions 19 through 21 shall provide for a minimum of 5 years of post-closure ground water monitoring minus the time that monitoring has been performed since closure. [20.6.2.3107 NMAC]

Sampling, Field Measurements, and Periodic Inspections

2. Ground Water Monitoring Wells. ONSM shall conduct post-closure yearly sampling of all ground water monitoring wells listed in Table 1 and any new monitoring wells that may be installed after issuance of this Discharge Permit. ONSM shall record the depth to the water table and elevation above mean sea level (msl) to the nearest hundredth of a foot (0.01 ft). Monitoring wells shall be sampled as required in Table 1. In addition, ONSM shall collect ground water samples from all ground water monitoring wells on an annual basis and analyze the samples for organic compounds using EPA method 8270. Samples shall be analyzed for parameters listed in Condition 6 below. Analytical results and depth to ground water measurements shall be reported as required in Conditions 8 through 12 below. [20.6.2.3107 NMAC]

3. **Erosion.** ONSM shall perform inspections for evidence of erosion at all drainage channels and reclaimed surface impoundments and shall mitigate significant erosion features to prevent further degradation of the site. Post-closure erosion monitoring shall be performed, at a minimum, quarterly.
4. **Revegetation.** ONSM shall perform post-closure monitoring of cover revegetation to ensure that the revegetation is protective of water quality. Post-closure revegetation monitoring shall be performed pursuant to schedules and monitoring requirements approved by the Mining and Minerals Division (MMD) of the Energy, Minerals and Natural Resources Department. Any proposed changes to the revegetation monitoring plan to meet MMD requirements shall be submitted to NMED to ensure monitoring is protective of water quality. At such time as MMD's revegetation monitoring requirements have been met, revegetation monitoring shall continue under authority of NMED pursuant to this Discharge Permit.
5. **Maintenance.** During the post-closure period, ONSM shall perform maintenance on final covers and any associated drainage structures, as necessary, to preserve the integrity of final covers and to ensure that the requirements of the WQA and WQCC Regulations are met. Based on monitoring of erosion and revegetation described in Conditions 3 and 4, ONSM shall provide recommendations for maintenance work in yearly monitoring reports required in Conditions 8 through 11, including a schedule for completion of the work. [20.6.2.3107 NMAC]

Analysis

6. ONSM shall analyze samples of ground water for the specific parameters listed below and based on the schedule in the attached Table 1.

Group 1: Field parameters (to be performed in the field): water level.

Group 2: General chemistry parameters: total dissolved solids (TDS), sulfate (SO₄), fluoride, calcium, potassium, chloride, and nitrate (NO₃).

Group 3: Metal parameters: aluminum, cadmium, lead, chromium, copper, molybdenum, nickel, selenium, vanadium, zinc, magnesium, manganese, and iron.

Group 4: Organic compounds using EPA Method 8270.

Methodology

7. Unless otherwise approved in writing by NMED, ONSM shall conduct sampling and analysis in accordance with the most recent editions of the following documents.
 - a. American Public Health Association, *Standard Methods for Examination of Water and Wastewater*.
 - b. U.S. Environmental Protection Agency, *Methods for Chemical Analysis of Water and Waste*.

- c. U.S. Geological Survey, *Techniques for Water Resource 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. Surface water monitoring must also be conducted according to test procedures approved under Title 40 CFR Part 136.
- g. New Mexico Environment Department, Hazardous Waste Bureau Position Paper, *Use of Low-Flow and Other Non-Traditional Sampling Techniques for RCRA Compliant Groundwater Monitoring*. [20.6.2.3107 NMAC]

Reporting

8. ONSM shall submit to NMED yearly monitoring reports containing information collected during the preceding year on or before January 31 of each year. [20.6.2.3107 NMAC]
9. Monitoring reports shall include results of all monitoring tasks described in Conditions 2 through 5 above and Table 1. [20.6.3107 NMAC]
10. The yearly reports shall contain a description of any work completed during the preceding year towards post-closure monitoring and maintenance at the Mica Mill Facility. This requirement includes, but is not limited to: 1) any maintenance and repair work conducted for any closure component, including monitoring wells; and 2) closure monitoring results for revegetation and erosion. [20.6.3107 NMAC]
11. ONSM shall submit the yearly report in the format summarized below. This requirement includes but is not limited to:
 - a. A summary of all activities at the facility during the preceding year. Examples are: Section 20.6.2.1203 NMAC reportable spills during the preceding year, maintenance, repairs, well drilling and abandonment, water management, construction or demolition of structures, water quality, and water level trends.
 - b. A single table in a paper and electronic format (EXCEL spreadsheet) of water quality data with only those parameters analyzed and water levels measured during a single event (calendar year) shown in columns. Monitoring sites shall be shown in rows. Values exceeding standards shall be bolded. Any constituent not analyzed for a particular site shall be shown as "NA," any site not sampled shall be shown as "NS" with an associated reason, and any site not measured for water levels shall be shown as "NM" with an associated reason.

- c. A single table as described in the paragraph above that includes all available ground water data to date shall be submitted annually on or before January 31 of the following year. For each monitoring well, the name of the well shall be entered in the far left column. Sampling events, beginning with the earliest event first, shall be entered in subsequent rows with the corresponding analytical data in columns to the right. Each new sampling event shall be added as an additional row to the existing spreadsheet with the date of the sampling event noted in the far left column under the monitoring well name.
 - d. Graphs of TDS and sulfate concentration versus time for the monitoring wells.
12. ONSM shall submit to NMED the following information in the yearly reports due on or before January 31 of each year:
 - a. A discussion of ground water quality data from all monitoring wells.
 - b. A potentiometric map that includes data from all monitoring wells. [20.6.3107 NMAC]
 13. ONSM shall verbally report evidence of major rill, gully, or sheet erosion on any reclaimed area to NMED within 24 hours of discovery. ONSM shall provide a written report within 30 days of the discovery describing the nature and extent of erosion and steps taken to repair the erosion. NMED may require ONSM to take additional steps to repair or otherwise mitigate the erosion.

Additional and Replacement Monitoring Wells

14. If it is determined by NMED that additional ground water monitoring wells are required, ONSM shall construct such wells according to *NMED Monitoring Well Construction and Abandonment Guidelines*. The location of all new wells shall be approved by NMED prior to installation. Lithographic logs of the wells shall be submitted to NMED within 30 days of well completion. [20.6.2.3107 NMAC]
15. ONSM shall provide NMED at least 30 days notification of the anticipated destruction or removal of any monitoring wells required under DP-272. In the event of unintentional well destruction or damage requiring well abandonment, ONSM shall notify NMED as soon as possible and no later than 3 days of discovery. The notification shall include a description of monitoring well abandonment procedures and propose a replacement well location for NMED approval. Monitoring well abandonment and replacement shall be performed in accordance with *NMED Monitoring Well Construction and Abandonment Guidelines* or alternate method approved by NMED. [20.6.2.3107] and [20.6.2.4107C NMAC]

Contingency Plans

16. In the event that monitoring indicates the extent or magnitude of existing ground water contamination is significantly increasing, and/or new constituents that exceed ground water standards set forth in WQCC regulation 20.6.2.4103 are detected, ONSM shall collect a confirmatory sample from the monitoring well(s) or other monitoring locations within 15

days to confirm the initial sampling results. Within 30 days of the confirmation of new ground water contamination or significant increases in existing contamination, ONSM shall submit to NMED for approval a plan to abate the contamination, which shall include a site investigation to define the source, nature, and extent of contamination; a proposed abatement option, and a schedule for its implementation. The site investigation and abatement option shall be consistent with the requirements and provisions of sections 20.6.2.4101, 4103, 4106C and E, 4107, 4108, and 4112 NMAC.

17. If NMED or ONSM identifies any other failure or potential failure of this Discharge Permit not specifically noted above, NMED may require ONSM to develop for NMED approval a contingency plan and schedules to address such a failure. [20.6.2.3107 A (10) NMAC]
18. In the event of a spill or release that is not authorized by this Discharge Permit, ONSM shall initiate the notification and corrective actions required in 20.6.2.1203 NMAC. ONSM shall take immediate corrective action to contain and remove or mitigate the damage caused by the discharge. Within 24 hours of discovery of the discharge, ONSM shall verbally notify the NMED and provide the information outlined in 20.6.2.1203.A.1 NMAC. Within seven days of discovering the discharge, ONSM shall submit a written report to NMED verifying the oral notification and providing any additional information or changes. ONSM shall submit a corrective action report within 15 days after the discovery of the discharge. [20.6.2.1203 NMAC]

Financial Assurance

19. ONSM shall maintain financial assurance in the amount of \$215,206.00 pursuant to the revised financial assurance calculations presented in a letter to the NMED dated August 15, 2007. The letter was prepared by Lawrence Earth Engineering on behalf of ONSM. A financial assurance instrument in the amount indicated above shall be submitted to NMED for approval within 30 days of the effective date of this permit. Until the revised financial assurance instrument is approved by NEMD, the existing financial assurance in the amount of \$287,821.00 shall be maintained. The financial assurance shall ensure that funds will be available to complete the post-closure activities at any time ONSM is unable, unwilling, or otherwise fails to continue with the required closure activities.
20. The financial assurance including any revised financial assurance, shall meet the following standard requirements:
 - a. ONSM shall continue the trust to receive and disburse funds deposited for post-closure activities provided in Condition 20 and shall maintain a trust agreement, which names NMED (or NMED and MMD for joint financial assurance) as the beneficiary. The trust agreement shall be in a form approved by NMED. The trust shall be maintained until the financial assurance is released. If specifically approved by NMED, ONSM may provide alternative financial assurance instruments, in lieu of a trust agreement, that assures payment of the required amount. Upon forfeiture of the financial assurance, the forfeited amount shall be deposited directly into a trust to fund closure activities.
 - b. The financial assurance instrument(s) shall remain in effect throughout the term of DP-

272 until replaced or released by NMED. ONSM shall not replace any approved financial assurance instrument prior to NMED approval. The financial assurance shall remain in place at all times, including lapses in discharge permit coverage, and late discharge permit renewal.

- c. Except as provided herein, NMED shall be named as the sole beneficiary in each financial assurance instrument. ONSM may select a joint financial assurance instrument(s) to meet the requirements of NMED and MMD. If a joint instrument(s) is selected, both NMED and MMD shall be named as joint beneficiaries and the joint instrument(s) shall meet the requirements of both agencies.
- d. No more than once every 12 months ONSM may request that NMED review remaining closure measures including alternate post-closure measures that NMED has approved. The request for post-closure review shall describe the post-closure measures completed and shall contain an updated cost estimate for remaining post-closure measures. If NMED approves the description of completed post-closure measures and the cost estimate for remaining post-closure measures, and determines that the remaining post-closure measures are adequate to ensure compliance with the Water Quality Act and WQCC Regulations, NMED will adjust the total amount of required financial assurance to reflect the revised cost estimate.
- e. The financial assurance shall be evaluated, and if necessary, revised to comply with WQCC financial assurance regulations, if and when such regulations are promulgated and become effective.
- f. Each financial assurance instrument shall include a provision, which requires the financial assurance provider to provide at least 120 days written notice to NMED and ONSM prior to cancellation or non-renewal of the financial assurance instrument. ONSM shall obtain an NMED-approved alternate financial assurance mechanism within 60 days of such notice. If ONSM fails to obtain alternate financial assurance within 60 days, the current financial assurance shall become immediately payable to the trust fund.
- g. If ONSM is unable or unwilling or otherwise fails to complete the post-closure requirements of this Discharge Permit, then NMED may proceed with forfeiture of all or part of the financial assurance. Prior to beginning a forfeiture proceeding, NMED will provide written notice, by certified mail return receipt requested, to ONSM and to all financial assurance providers, if applicable, informing them of the determination to forfeit all, or a portion of the financial assurance. The written notice will state the reasons for the forfeiture and the amount to be forfeited. The amount shall be based on the total cost of performing post-closure monitoring and maintenance, in accordance with this Discharge Permit and all applicable laws and regulations. NMED will also advise ONSM and all financial assurance providers, if applicable, of the conditions under which forfeiture may be avoided. Such conditions may include, without limitation, an agreement by ONSM, by a financial assurance provider, or by an NMED approved third party, to perform post-closure monitoring and maintenance, in accordance with this Discharge Permit and all applicable laws and regulations, and a demonstration that such person has the financial ability and technical qualifications to do so. All financial

assurance forfeited shall become immediately payable to the trust or as otherwise provided in the approved instrument. Forfeited funds shall be used to complete post-closure monitoring and maintenance as described in conditions 2 through 5. If the forfeited amount is insufficient, ONSM shall be liable for the remaining costs. If the amount forfeited is more than necessary, the excess amount shall be refunded to the person from whom it was collected.

- h. The financial assurance shall be released or modified when NMED determines that post-closure measures covered by the financial assurance have been completed according to the requirements of this Discharge Permit.
21. Within 30 days of an NMED determination that the existing financial assurance is inadequate, ONSM shall submit to NMED for approval a revised cost estimate and financial assurance instruments that meet the requirements of Conditions 19 and 20. Within 30 days of NMED approval of the revised cost estimate and financial assurance instrument, ONSM shall execute the revised financial instruments and shall provide NMED with an original signed and notarized copy of each financial assurance instrument. [20.6.2.3107A(11) NMAC]

IV. GENERAL TERMS AND CONDITIONS

22. ONSM shall comply with the following conditions, which shall be enforceable by the NMED.

Record Keeping

23. ONSM shall maintain a written record of all data and information on monitoring of ground water pursuant to this Discharge Permit including the following information:
 - a. The date, exact time, and exact location of each sample collection or field measurement;
 - b. The name and job title of the person 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 the raw data; and,
 - g. A description of the quality assurance and quality control procedures used. [20.6.2.3107. NMAC]

24. Such data and information as described in Condition 23, shall also be maintained on all split and duplicate samples, spike and blank samples, and repeat samples. [20.6.2.3107.A NMAC]
25. ONSM shall maintain a written record of any spills, or leaks of effluent, or fluids not authorized by this Discharge Permit. [20.6.2.3107.A NMAC]
26. ONSM shall maintain a written record of the operation, maintenance, and repair of all facilities/equipment used to monitor water quality; or, to collect other data required by this Discharge Permit. [20.6.2.3107.A NMAC]
27. Notwithstanding any company record retention policy to the contrary, until such time as NMED determines that all post-closure measures have been completed in accordance with the requirements of this Discharge Permit, ONSM shall retain copies of all data, records, reports, and other documents generated pursuant to this Discharge Permit. Such record retention period may be increased by NMED at any time upon written notice to ONSM.. [20.6.2.3107.A NMAC]
28. All such data, records, reports, and other documents generated pursuant to this Discharge Permit, shall be provided to NMED upon request. [20.6.2.3107.A NMAC]

Inspection and Entry

29. ONSM shall allow the Secretary or an authorized representative of NMED, upon the presentation of credentials to:
 - a. Enter any property or premises owned or controlled by ONSM at reasonable times upon ONSM's premises or at another location where records are kept under the conditions of this Discharge Permit or any Federal or WQCC regulation.
 - b. Inspect and copy, at reasonable times, records required to be kept under the conditions of this Discharge Permit or pursuant to State or Federal water quality regulations.
 - c. Inspect at reasonable times any facility, equipment, practices or operations regulated or required under this Discharge Permit or under any Federal or WQCC regulations.
 - d. Sample or monitor at reasonable times for the purpose of assuring compliance with this Discharge Permit or as otherwise authorized by the New Mexico Water Quality Act, any monitoring wells used for monitoring ground water. [20.6.2.3107.D NMAC] [74-6-9.B and E WQA]
30. Nothing in this Discharge Permit shall be construed as limiting in any way the inspection and entry authority of the NMED under the WQA, the WQCC Regulations, or any other applicable law or regulation. [20.6.2.3107 NMAC]

Duty to Provide Information

31. Within a reasonable time after a request from NMED, which time may be specified by the NMED, ONSM shall provide the NMED with any relevant information to determine whether cause exists for modifying, terminating, or renewing this Discharge Permit, or to determine whether ONSM is in compliance with this Discharge Permit. [20.6.2.3107.D NMAC] [74-6-9.B and E WQA]
32. Nothing in this Discharge Permit shall be construed as limiting in any way the information gathering authority of NMED under the WQA, the WQCC Regulations, or any other applicable law or regulation. [20.6.2.3107.D NMAC] [74-6-9.B and E WQA]

Spills, Leaks and Other Unauthorized Discharges

33. This Discharge Permit authorizes only those discharges specified herein. Any discharge not authorized by this Discharge Permit is a violation of the WQCC Regulations at 20.6.2.3104 NMAC. ONSM must report any such discharge to NMED, and it must take corrective action to contain and remove or mitigate the damage caused by the discharge in accordance with Section 20.6.2.1203 NMAC.

Enforcement

34. Any violation of the requirements and conditions of this Discharge Permit, including any failure or refusal to allow the NMED to enter and inspect records or facilities, or any refusal or failure to provide the NMED with records or information, may subject ONSM to an enforcement action. Pursuant to WQA § 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, suspending 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 the WQA §§ 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA § 74-6-5, the WQCC regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation standard, or order adopted pursuant to such other provision. For certain violations specified in the WQA § 74-6-10.2, criminal penalties may also apply. In any action to enforce this Discharge Permit, ONSM waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit. ONSM does not waive any argument as to the weight such evidence should be given. [74-6-5, 74-6-10 WQA]

Compliance with Other Laws

35. Nothing in this Discharge Permit shall be construed in any way as relieving ONSM of its obligation to comply with all applicable Federal, State, and local laws, regulations, permits, or orders. [74-5-5.K WQA]

Liability

36. The approval of this Discharge Permit does not relieve ONSM of liability should activities at the mill result in actual pollution of surface or ground water which may be actionable under other laws and/or regulations. [20.6.2.1220 NMAC]

Right to Appeal

37. ONSM may file a petition for a hearing before the WQCC on this Discharge Permit. Such petition must be made in writing to the WQCC within thirty (30) days after ONSM receives this Discharge Permit. Unless a timely petition for a hearing is made, the decision of NMED shall be final. [74-6-5.N WQA]

Transfer

38. Prior to any transfer of ownership, control, or possession of the Velarde Mill Facility or any portion thereof, ONSM shall notify the proposed transferee in writing of the existence of this Discharge Permit and include a copy of this Permit with the notice. ONSM shall deliver or send by certified mail to the NMED a copy of the notification and proof that such notification has been received by the proposed transferee. [20.6.2.3111 NMAC]

Term

39. The effective date of this Discharge Permit is the date it is issued and signed by the Chief of the Ground Water Quality Bureau. The term of this Discharge Permit is five (5) years, and the Permit will automatically expire five (5) years from the date it is issued. To renew this Discharge Permit, ONSM must submit an application for renewal at least 120 days before that date. [74-6-5.H and 20.6.2.3109.H NMAC]

Issued this ____ day of _____, 2009

William C. Olson, Chief
Ground Water Quality Bureau
New Mexico Environment Department

Under authority delegated by the Secretary of the New Mexico Environment
Department

Table 1. SUMMARY OF SAMPLING REQUIREMENTS UNDER DP-272

MONITORING FREQUENCY	SAMPLING DESCRIPTION	LOCATION	REFERENCE
nnually	Group 1 Static Water Levels	Monitoring Wells 4A, 5, 8, 10, 11 and 12	Condition 6, Page 4
Annually	Group 2 <u>General Chemistry:</u> Total dissolved solids, sulfate, fluoride, calcium, potassium, chloride, nitrate (NO₃)	Monitoring Wells 4A, 5, 8, 10, 11 and 12	Condition 6, Page 4
Annually	Group 3 Metals: aluminum, cadmium, lead, chromium, copper, molybdenum, nickel, selenium, vanadium, zinc, magnesium, manganese, and iron	Monitoring Wells 4A, 5, 8, 10, 11 and 12	Condition 6, Page 4
Annually	Group 4 Organics by EPA Method 8270	Monitoring Wells 4A, 5, 8, 10, 11 and 12	Condition 6, Page 4

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