

GROUND WATER DISCHARGE PERMIT FOR CLOSURE
Severn Peanut Co., dba Hampton Farms - Portales
DP-1745

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit for Closure (Discharge Permit), DP-1745, to Hampton Farms - Portales (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 and 20.6.6 NMAC.

NMED's purpose in issuing this Discharge Permit is to control the movement of water contaminants from Severn Peanut Co., dba Hampton Farms – Portales (facility) for the protection of ground water and those segments of surface water gaining from ground water inflow for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health. In issuing this Discharge Permit, NMED has determined that the requirements of 20.6.2 and 20.6.6 NMAC will be met.

The Discharge Permit is being issued to the permittee for the sole purpose of closing this facility's former wastewater discharge location (earthen impoundment). The discharge contained water contaminants or toxic pollutants which may be elevated above the standards of Section 20.6.2.3103 NMAC.

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

Prior to ceasing discharges of food processing wastewater to the earthen impoundment, the permittee discharged a maximum volume of 3,780 gallons per day (gpd) of wastewater (rinse water and brine) from the washing and salting of in-shell peanuts. The permittee is discharging up to 3,780 gpd of wastewater directly into the City of Portales wastewater collection system. The facility is located at 6A NM Highway 467, approximately 0.5 miles northeast of Portales, in Section 24, Township 1S, Range 34E, Roosevelt County. Ground water most likely to be affected is at a depth of approximately 300 feet and had a pre-discharge total dissolved solids concentration of approximately 334 milligrams per liter.

The application consists of the materials submitted by Felix Venezuela dated October 14, 2009 and materials contained in the administrative record prior to issuance of this Discharge Permit. Closure of this facility shall be managed in accordance with all applicable 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: changing waste management practices; expanding monitoring

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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.

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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

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1.	The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 1 and 2 NMAC. [20.6.2.3106.C NMAC, 20.6.2.3107 NMAC]
2.	The permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated. [20.6.2.3101 NMAC, 20.6.2.3103 NMAC]
3.	Within 180 days of the effective date of this Discharge Permit (by DATE), the permittee shall close the former wastewater discharge location (earthen impoundment). Wastewater and solids shall be removed and the impoundment area re-graded to blend with surface topography and prevent ponding. The solids shall be disposed of in accordance with all local, state, and federal regulations. Documentation verifying complete closure of the earthen impoundment, including photographic documentation, shall be submitted to NMED within 60 days of impoundment closure completion. [20.6.2.3109 NMAC, 20.6.2.3107 NMAC]
4.	This Discharge Permit is being issued to the permittee for the sole purpose of closing this facility's former wastewater discharge location (earthen impoundment). The permittee is discharging up to 3,780 gpd of wastewater (rinse water and brine) directly into the City of Portales wastewater collection system from the washing and salting of in-shell peanuts. [20.6.2.3104 NMAC]

MONITORING, REPORTING, AND OTHER REQUIREMENTS

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5.	The permittee shall conduct the monitoring, reporting, and other requirements listed below. [20.6.2.3107 NMAC]
6.	METHODOLOGY - Unless otherwise approved in writing by NMED, the permittee shall conduct sampling and analysis in accordance with the most recent edition of the following documents: a) American Public Health Association, Standard Methods for the Examination of Water and Wastewater (18 th , 19 th or current) b) U.S. Environmental Protection Agency, Methods for Chemical Analysis of Water and

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	<p>Waste</p> <p>c) U.S. Geological Survey, Techniques for Water Resources Investigations of the U.S. Geological Survey</p> <p>d) American Society for Testing and Materials, Annual Book of ASTM Standards, Part 31. Water</p> <p>e) Federal Register, latest methods published for monitoring pursuant to Resources Conservation Recovery Act regulations</p> <p>f) U.S. Geological Survey, et al., National Handbook of Recommended Methods for Water Data Acquisition</p> <p>g) Methods of Soil Analysis: Part 1. Physical and Mineralogical Methods, Part 2. Microbiological and Biochemical Properties, and Part 3. Chemical Methods. American Society of Agronomy.</p> <p>[20.6.2.3107.B NMAC]</p>
7.	<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• 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>
8.	<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>
9.	<p>Within 30 days of the effective date of this Discharge Permit (by DATE), 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>

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	<p>a) A map showing the proposed location of each monitoring well from the boundary of the source it is intended to monitor.</p> <p>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 feet north-northwest of the northern berm of the earthen impoundment; 45 feet due south of the earthen impoundment.</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>
10.	<p>Within 90 days of the effective date of this Discharge Permit (by DATE), the permittee shall install the following three (3) new monitoring wells:</p> <ul style="list-style-type: none">• One monitoring well (MW-1) hydrologically upgradient of the entire facility.• One monitoring well (MW-2) located 20 to 50 feet hydrologically downgradient of the former wastewater discharge location (earthen impoundment).• One monitoring well (MW-3) located 20 to 50 feet hydrologically downgradient of the former wastewater discharge location (earthen impoundment) and in a different location from MW-2. <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 1.1, March 2011. Construction and lithologic logs shall be submitted to NMED within 180 days of the effective date of this Discharge Permit (by DATE). [20.6.2.3107 NMAC]</p>
11.	<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 the following wells:</p> <ul style="list-style-type: none">• MW-1, intended to be located hydrologically upgradient of the entire facility.• MW-2, intended to be located hydrologically downgradient of the former wastewater discharge location (earthen impoundment).• MW-3, intended to be located hydrologically downgradient of the former wastewater discharge location (earthen impoundment) and in a different location from MW-2. <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.

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	<p>e) Analyze samples in accordance with the methods authorized in this Discharge Permit.</p> <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>
12.	<p>Within 120 days of the effective date of this Discharge Permit (by DATE), 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 DATE). [20.6.2.3107 NMAC]</p>
13.	<p>The permittee shall perform quarterly ground water sampling in three (3) monitoring wells and analyze the samples for NO₃-N, TKN, Cl, and TDS. The permittee shall sample the following wells:</p> <ul style="list-style-type: none">• MW-1, intended to be located hydrologically upgradient of the entire facility.• MW-2, intended to be located hydrologically downgradient of the former wastewater discharge location (earthen impoundment).• MW-3, intended to be located hydrologically downgradient of the former wastewater discharge location (earthen impoundment) and in a different location from MW-2. <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.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 quarterly monitoring reports. [20.6.2.3107 NMAC]</p>

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14.	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]

CONTINGENCY PLAN

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15.	<p>In the event that ground water monitoring indicates that a ground water quality standard identified in Section 20.6.2.3103 NMAC is exceeded; the total nitrogen concentration in ground water is greater than 10 mg/L; or a toxic pollutant (defined in Subsection WW of 20.6.2.7 NMAC) is present in a ground water sample and in any subsequent ground water sample collected from a monitoring well required by this Discharge Permit, the permittee shall enact the following contingency plan:</p> <p>Within 60 days of the subsequent sample analysis date, the permittee shall propose measures to ensure that the exceedance of the standard or the presence of a toxic pollutant will be mitigated by submitting a corrective action plan to NMED for approval. The corrective action plan shall include a description of the proposed actions to control the source and an associated completion schedule. The plan shall be enacted as approved by NMED.</p> <p>Once invoked (whether during the term of this Discharge Permit; or after the term of this Discharge Permit and prior to the completion of the Discharge Permit closure plan requirements), this condition shall apply until the permittee has fulfilled the requirements of this condition and ground water monitoring confirms for a minimum of two years of consecutive ground water sampling events that the standards of Section 20.6.2.3103 NMAC are not exceeded and toxic pollutants are not present in ground water.</p> <p>The permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC, should the corrective action plan 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. [Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>
16.	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

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	<p>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 1.1, March 2011. 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 1.1, March 2011, 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>
17.	<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 1.1, March 2011. Construction and lithologic logs shall be submitted to NMED within 60 days of well completion. [20.6.2.3107 NMAC]</p>
18.	<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>
19.	<p>In the event NMED or the permittee identifies any other failures of the Discharge Permit or</p>

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	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]

POST-CLOSURE GROUND WATER MONITORING PLAN

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20.	<p>The permittee shall perform the following post-closure monitoring following the closure of the former wastewater discharge location (earthen impoundment):</p> <ul style="list-style-type: none"> a) Complete the installation of all monitoring wells as required by this Discharge Permit. b) 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. c) 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 1.1, March 2011. <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

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21.	<p>RECORD KEEPING - The permittee shall maintain a written record of the following information:</p> <ul 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 Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC. 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.

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	<ul style="list-style-type: none">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; andviii) A copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. <p>The written record shall be maintained by the permittee at a location accessible during a facility inspection by NMED for a period of at least five years from the date of application, report, collection or measurement and shall be made available to the department upon request.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>
22.	<p>INSPECTION and ENTRY – The permittee shall allow inspection by NMED of the facility and its operations which are subject to this Discharge Permit and the WQCC regulations. NMED may upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which are located any records required to be maintained by regulations of the federal government or the WQCC.</p> <p>The permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling or monitoring during an inspection for</p>

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	<p>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>
23.	<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>
24.	<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>
25.	<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>
26.	<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,</p>

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	<p>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>
27.	<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; or3) 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>
28.	<p>COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the permittee of the obligation to comply with all applicable federal, state, and local laws, regulations, permits or orders.</p> <p>[NMSA 1978, § 74-6-5.L]</p>

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29.	<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>
30.	<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; and3) 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>
31.	<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>

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Effective Date

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EFFECTIVE DATE: **effective date**
EXPIRATION DATE: **expiration date**

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

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