



**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Ground Water Quality Bureau

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Draft: August 3, 2020

**GROUND WATER QUALITY BUREAU
DISCHARGE PERMIT
Issued under 20.6.2 NMAC**

Facility Name:	BNSF Railway Company Gallup Fueling Facility
Discharge Permit Number:	DP-193
Facility Location:	811 Roundhouse Road Gallup, NM
County:	McKinley
Permittee:	BNSF Railway Company
Mailing Address:	2500 Lou Menk Drive, AOB-3 Fort Worth, TX 76131
Facility Contact:	Domonic Lees
Telephone Number/Email:	(505) 767-6908/domonic.lees@bnsf.com
Permitting Action:	Renewal and Modification
Permit Issuance Date:	DATE
Permit Expiration Date:	DATE
NMED Permit Contact:	Avery Young
Telephone Number/Email:	(505) 827-2909/avery.young@state.nm.us

MICHELLE HUNTER
Chief, Ground Water Quality Bureau
New Mexico Environment Department

Date

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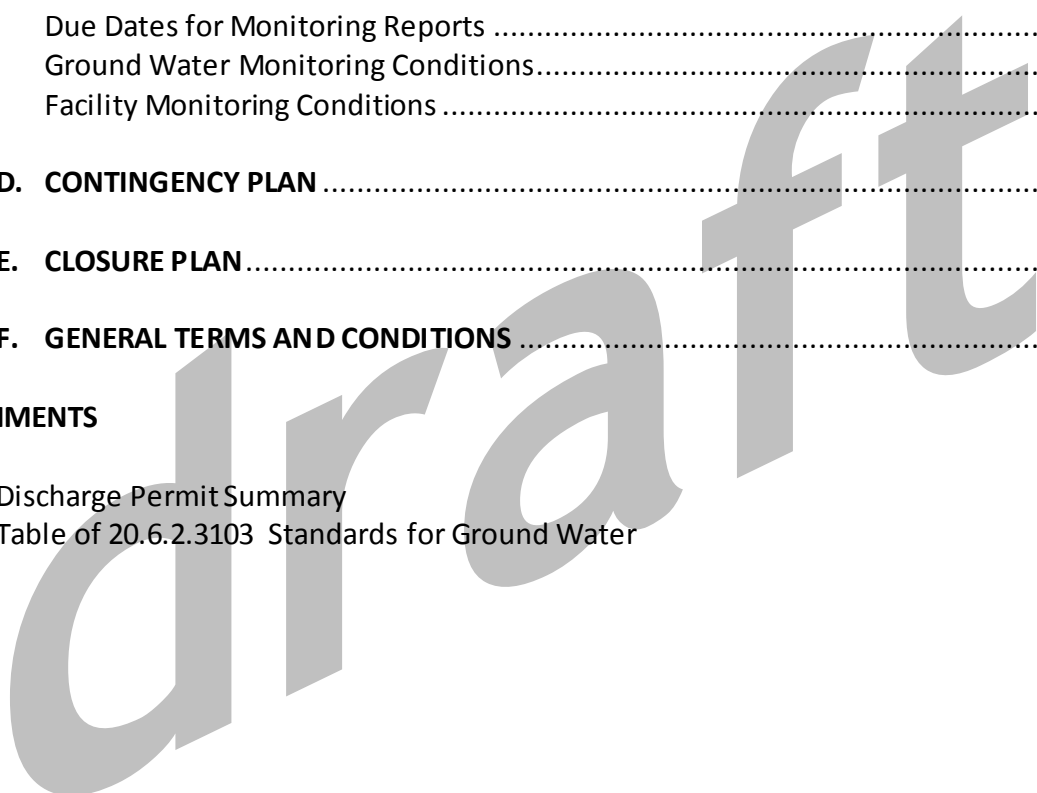
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I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this groundwater Discharge Permit Renewal and Modification (Discharge Permit or DP-193) to the 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) Ground and Surface Water Protection Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from the BNSF Railway Company Gallup Fueling Facility (Facility) in order to protect groundwater and those segments of surface water gaining from groundwater inflow for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health. It is NMED's determination in issuing this Discharge Permit that the Permittee has met the requirements of Subsection C of 20.6.2.3109 NMAC. The Permittee is responsible for complying with the terms and conditions of this Discharge Permit pursuant to Section 20.6.2.3104 NMAC; failure to do so may result in enforcement action by NMED (20.6.2.1220 NMAC).

Described below are the activities that produce the discharge, the location of the discharge, and the quantity, quality and flow characteristics.

Discharged wastes include industrial wastewater consisting of spilled grease, diesel fuel, wash water, oil, and stormwater. Discharges originate from the tank car and truck unloading concrete platform while railcars are fueled, a locomotive inspection pit, and an above-ground, concrete-lined tank farm containment area. Discharges occur at a volume up to an annual average of 600 gallons per day (gpd). The Permittee manages discharges in an oil-water separator and two synthetically lined evaporative impoundments (Lagoon A and Lagoon B). The Permittee pumps the separated oil from the oil-water separator to an above-ground used oil storage tank located in a concrete containment area north of the separator and subsequently disposes of the oil off-site for recycling.

The Discharge Permit modification consists of an increase in the maximum discharge volume from an annual average of 325 gpd to 600 gpd.

The Permittee is subject to the requirements of an NMED approved abatement plan at this site pursuant to 20.6.2.4104.A NMAC.

The Facility is located at 811 Roundhouse Road, Gallup, in Section 16, Township 15N, Range 18W, McKinley County. A discharge at the Facility is most likely to affect groundwater at a depth of approximately 2 feet and having a total dissolved solids (TDS) concentration of approximately 2,130 milligrams per liter.

NMED issued the original Discharge Permit to the Permittee on January 19, 1982, subsequently renewed, modified, or renewed and modified the Permit nine times between September 11, 1982 and August 3, 2012, and last renewed the Permit on December 19, 2014. The application (i.e., discharge plan) consists of the materials submitted by the Permittee dated June 25, 2019 and materials contained in the administrative record prior to issuance of this Discharge Permit. The Permittee shall manage the discharge in accordance with all conditions and requirements of this Discharge Permit.

NMED reserves the right to require a discharge permit modification in the event NMED determines that the Permittee is or may be violating, or is likely to violate in the future, the requirements of 20.6.2 NMAC or the standards of Section 20.6.2.3103 NMAC. NMED reserves this right pursuant to Section 20.6.2.3109 NMAC. An NMED requirement to modify the Discharge Permit may result from a determination by NMED that structural controls and/or management practices approved under this Discharge Permit need to be more stringent to protect groundwater quality. NMED reserves the right to require the Permittee to implement abatement of water pollution and remediate groundwater quality.

NMED's issuance of this 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.

This Discharge Permit may use the following acronyms and abbreviations.

Abbreviation	Explanation	Abbreviation	Explanation
BOD ₅	biochemical oxygen demand (5-day)	NMSA	New Mexico Statutes Annotated
CFR	Code of Federal Regulations	NO ₃ -N	nitrate-nitrogen
CFU	colony forming unit	NTU	nephelometric turbidity units
Cl	chloride	QA/QC	Quality Assurance/Quality Control
EPA	United States Environmental Protection Agency	TDS	total dissolved solids
gpd	gallons per day	TKN	total Kjeldahl nitrogen
LAA	land application area	total nitrogen	= TKN + NO ₃ -N
LADS	Land Application Data Sheet(s)	TRC	total residual chlorine
mg/L	milligrams per liter	TSS	total suspended solids
mL	milliliters	WQA	New Mexico Water Quality Act
MPN	most probable number	WQCC	Water Quality Control Commission
NMAC	New Mexico Administrative Code	WWTF	Wastewater Treatment Facility

Abbreviation	Explanation		Abbreviation	Explanation
NMED	New Mexico Environment Department			

II. FINDINGS

In issuing this Discharge Permit, NMED finds the following.

1. The Permittee is discharging effluent or leachate from the Facility so that such effluent or leachate may move into groundwater of the State of New Mexico that has an existing concentration of 10,000 mg/L or less of TDS, within the meaning of Subsection A of 20.6.2.3101 NMAC, without exceeding standards of 20.6.2.3103 NMAC for any water contaminant.
2. The Permittee is allowed to discharge effluent or leachate from the Facility directly or indirectly into groundwater pursuant to this Discharge Permit and Section 20.6.2.3104 NMAC.
3. The discharge from the Facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC including Subsection 20.6.2.3105.A, which allows an exemption from obtaining a discharge permit if the discharge is composed of effluent or leachate which conforms to all the standards in Subsections A, B, and C of 20.6.2.3103 NMAC and has a total nitrogen concentration of 10 mg/L or less.

III. AUTHORIZATION TO DISCHARGE

The Permittee is responsible for ensuring that discharges authorized by this Discharge Permit are consistent with the terms and conditions herein pursuant to 20.6.2.3104 NMAC.

This Discharge Permit authorizes the Permittee to discharge up to an annual average of 600 gpd of industrial wastewater consisting of spilled grease, diesel fuel, wash water, oil, and stormwater from the tank car and truck unloading concrete platform, a locomotive inspection pit, and an above-ground, concrete-lined tank farm containment area to an oil-water separator and two synthetically lined evaporative impoundments (Lagoon A and Lagoon B) for disposal by evaporation. This Discharge Permit also authorizes the Permittee to pump the separated oil out of the oil-water separator into an above-ground used oil storage tank located in a concrete containment area north of the separator and disposes of the oil off-site for recycling.

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

IV. CONDITIONS

NMED issues this Discharge Permit for the discharge of 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 2 and 4 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]

Operational Actions with Implementation Deadlines

#	Terms and Conditions
3.	Within 30 days of the effective date of this Discharge Permit (by DATE), the Permittee shall post signs indicating that the wastewater at the Facility is not potable. The Permittee shall post signs at the Facility entrance and other areas where there is potential for public contact with wastewater. Posted signs shall in English and Spanish and shall be legible throughout the term of this Discharge Permit. The Permittee shall submit documentation demonstrating sign installation that consists of date-stamped photographs. The Permittee shall submit the documentation to NMED in the next required periodic monitoring report. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]

Operating Conditions

#	Terms and Conditions
4.	The Permittee shall maintain fences around the impoundments to restrict access by the general public and animals. The fences shall consist of a minimum of six-foot chain link or field fencing and locking gates. The Permittee shall maintain the fences for the Permit stated purpose throughout the term of this Discharge Permit.

#	Terms and Conditions
	<p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
<p>5.</p>	<p>The Permittee shall maintain the impoundment liners as to avoid conditions that could affect the liner or the structural integrity of the impoundments.</p> <p>Characterization of such conditions may include the following:</p> <ul style="list-style-type: none"> • erosion damage; • animal burrows or other damage; • the presence of vegetation including aquatic plants, weeds, woody shrubs or trees growing within five feet of the top inside edge of a sub-grade impoundment, within five feet of the toe of the outside berm of an above-grade impoundment, or within the impoundment itself; • the presence of large debris or large quantities of debris in the impoundment; • evidence of seepage; or • evidence of berm subsidence. <p>The Permittee shall routinely control vegetation growing around the impoundments by mechanical removal that is protective of the impoundment liner.</p> <p>The Permittee shall visually inspect the impoundments and surrounding berms on a monthly basis to ensure proper maintenance. In the event that inspection reveals any evidence of damage that threatens the structural integrity of an impoundment berm or liner, or that may result in an unauthorized discharge, the Permittee shall implement the Contingency Plan set forth in this Discharge Permit.</p> <p>The Permittee shall create and maintain a log of all impoundment inspections which describes the date of the inspection, any findings and repairs, and the name of the person responsible for the inspection. The Permittee shall make the log available to NMED upon request.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
<p>6.</p>	<p>The Permittee shall preserve a minimum of one foot of freeboard, i.e., the liquid level in the impoundments and the elevation of the lowest-most top of the impoundment liner.</p> <p>In the event that the Permittee determines that it cannot preserve one foot of freeboard in the impoundment, the Permittee shall implement the Contingency Plan set forth in this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

#	Terms and Conditions
7.	<p>The Permittee shall maintain locking lids on the oil/water separator to control unauthorized access by the general public and animals throughout the term of this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
8.	<p>The Permittee shall remove separated waste oil from the oil/water separator and dispose of it off-site at a permitted waste management facility in accordance with all local, state, and federal regulations.</p> <p>The Permittee shall maintain manifests for all waste oil it transports from the Facility for off-site disposal. The manifests shall identify the date of off-site shipment, the volume of solids removed, the name of the hauler, the disposal method, and disposal location. The Permittee shall make the manifests available to NMED upon request.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

B. MONITORING AND REPORTING

#	Terms and Conditions
9.	<p>The Permittee shall conduct the monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
10.	<p>METHODOLOGY – Unless otherwise specified by this Discharge Permit, or approved in writing by NMED, the Permittee shall use sampling and analytical techniques that conform with the references listed in Subsection B of 20.6.2.3107 NMAC.</p> <p>[Subsection B of 20.6.2.3107 NMAC]</p>
11.	<p>SEMI-ANNUAL MONITORING - The Permittee shall perform monitoring and other Permit required actions during the following periods and shall submit semi-annual reports to NMED by the following due dates:</p> <ul style="list-style-type: none"> • January 1st through June 30th – due by August 1st; and • July 1st through December 31st – due by February 1st. <p>[Subsection A of 20.6.2.3107 NMAC]</p>

Groundwater Monitoring Conditions

#	Terms and Conditions
12.	<p>The Permittee shall perform semi-annual groundwater sampling in the following groundwater monitoring wells and analyze the samples for the constituents listed in Condition 16.</p> <ul style="list-style-type: none"> a) MW-9R, located hydrologically downgradient of Lagoon A and approximately 70 feet north of Lagoon A. b) MW-17, located hydrologically downgradient of Lagoon B and approximately 30 feet north of Lagoon B. <p>The Permittee shall perform groundwater sample collection, preservation, transport and analysis according to the following procedures.</p> <ul style="list-style-type: none"> a) Measure the depth-to-most-shallow groundwater from the top of the 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>The Permittee shall submit the depth-to-most-shallow groundwater measurements and the laboratory analytical data results, including the laboratory QA/QC summary report and Chain of Custody, to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
13.	<p>The Permittee shall develop a groundwater elevation contour map, i.e., potentiometric surface map, on a semi-annual basis using the top of casing elevation data from the monitoring well survey and the most recent semi-annual depth-to-most-shallow groundwater measurements, referenced to mean sea level, obtained during the groundwater sampling required by this Discharge Permit.</p> <p>The groundwater elevation contour map shall depict the groundwater flow direction based on the groundwater elevation contours. The Permittee shall estimate groundwater elevations between monitoring well locations using common interpolation methods. The Permittee shall use a contour interval appropriate to the data but shall not be greater than two feet. Groundwater elevation contour maps shall use arrows to depict the groundwater flow direction based on the orientation of the groundwater elevation contours and shall locate and identify each monitoring well and contaminant source.</p>

#	Terms and Conditions
	<p>The Permittee shall submit to NMED a groundwater elevation contour map in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
14.	<p>NMED shall have the option to perform downhole inspections of all groundwater monitoring wells identified in this Discharge Permit. NMED shall establish the inspection date and provide at least a 60-day notice to the Permittee by certified mail. The Permittee shall remove any existing dedicated pumps at least 48 hours prior to NMED inspection to allow adequate settling time of sediment agitated from pump removal.</p> <p>Should the Permittee decide to install a pump in a monitoring well without a dedicated pump, the Permittee shall notify NMED at least 90 days prior to pump installation so that NMED can schedule a downhole well inspection(s) prior to pump placement.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>

Facility Monitoring Conditions

#	Terms and Conditions
15.	<p>The Permittee shall on a monthly basis estimate the volume of wastewater discharged to the evaporative impoundments during the period.</p> <p>To determine the discharge volume, the Permittee shall determine the pumping rate of the effluent pumps located west of the oil-water separator from the manufacturer specifications or by documented field assessment. Further, the Permittee shall log the total run time for each pump on an hours-recorder and record the pump run hours on a monthly basis (pump operating time). Finally, the Permittee shall multiply the monthly pump run hours by the associated pumping rate to estimate the monthly volume discharged. (See the formula below)</p> <p style="text-align: center;">(pumping rate) x (monthly pump operating time) = estimated monthly discharge volume</p> <p>The Permittee shall use the estimated monthly discharge volume to calculate the average daily discharge volume by the formula below.</p> <p style="text-align: center;">estimated monthly discharge volume ÷ number of days in the month = average daily discharge volume</p> <p>The Permittee shall submit the record of the monthly operating time for the pumps, the pumping rate, and the estimated monthly and average daily discharge volume to NMED in the semi-annual monitoring reports. The Permittee shall keep the hours-recorder</p>

#	Terms and Conditions																												
	<p>functional at all times. If the recorder is not functioning properly, the Permittee shall note that fact in the record submitted to NMED.</p> <p>*Should more than one pump/hours-recorder assembly exist at the Facility, the Permittee shall calculate the estimated monthly volume for the Facility by adding the estimated monthly volume determined for each pump/hours recorder assembly. This summation should be completed prior to calculating the average daily volume for the Facility.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>																												
16.	<p>The Permittee shall collect a composite wastewater sample on an annual basis from each of the evaporative impoundments for chemical characterization. The composite sample shall consist of a minimum of six equal aliquots collected equidistantly around the entire perimeter of the evaporative impoundment and thoroughly mixed. The Permittee shall analyze the composite sample for:</p> <table border="1" data-bbox="472 898 1252 1465"> <thead> <tr> <th colspan="2">Analyte</th> </tr> </thead> <tbody> <tr> <td>Benzene</td> <td>Chrysene</td> </tr> <tr> <td>Toluene</td> <td>Dibenz(a,h)anthracene</td> </tr> <tr> <td>Ethylbenzene</td> <td>Fluoranthene</td> </tr> <tr> <td>Total Xylenes</td> <td>Indeno(1,2,3-cd)pyrene</td> </tr> <tr> <td>Anthracene</td> <td>Phenanthrene</td> </tr> <tr> <td>Acenaphthene</td> <td>Pyrene</td> </tr> <tr> <td>Acenaphthylene</td> <td>1-Methylnaphthalene</td> </tr> <tr> <td>Benzo(a)anthracene</td> <td>2-Methylnaphthalene</td> </tr> <tr> <td>Benzo(b)fluoranthene</td> <td>Naphthalene</td> </tr> <tr> <td>Benzo(g,h,i)perylene</td> <td>2-Chloronaphthalene</td> </tr> <tr> <td>Benzo(k)fluoranthene</td> <td>Dissolved Manganese</td> </tr> <tr> <td>Dissolved Iron</td> <td>Chloride</td> </tr> <tr> <td>Total Dissolved Solids</td> <td></td> </tr> </tbody> </table> <p>The Permittee shall ensure the samples are properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. The Permittee shall submit the laboratory analytical data results, including the QA/QC summary and Chain of Custody, to NMED in the semi-annual monitoring report due on February 1st each year.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>	Analyte		Benzene	Chrysene	Toluene	Dibenz(a,h)anthracene	Ethylbenzene	Fluoranthene	Total Xylenes	Indeno(1,2,3-cd)pyrene	Anthracene	Phenanthrene	Acenaphthene	Pyrene	Acenaphthylene	1-Methylnaphthalene	Benzo(a)anthracene	2-Methylnaphthalene	Benzo(b)fluoranthene	Naphthalene	Benzo(g,h,i)perylene	2-Chloronaphthalene	Benzo(k)fluoranthene	Dissolved Manganese	Dissolved Iron	Chloride	Total Dissolved Solids	
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17.	<p>The Permittee shall inspect the oil/water separator on a quarterly basis and pump and clean the separator as needed.</p>																												

#	Terms and Conditions
	<p>The Permittee shall create and maintain a log of oil/water separator inspections which identifies the date of the inspection, all findings and repairs, cleanings, and the name of the person responsible for the inspection. The Permittee shall make the log available to NMED upon request.</p> <p>The Permittee shall maintain a record of oil removed from the oil/water separator including the date, the volume of oil removed, and the disposal method and disposal location. The Permittee shall make the record of oil removed available to NMED upon request.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
18.	<p>The Permittee shall inspect the under-drain collection sump of the leak detection system for Lagoon B on a monthly basis for the presence of water. If liquid is present in the leak detection sump, the Permittee shall evaluate the origin of the liquid by sampling the liquid within 15 days of determining the presence of the liquid and by analyzing the sample for the constituents listed in Condition 16.</p> <p>In the event that the Permittee determines that water in the Lagoon B leak detection system is similar to the water in the Lagoon and indicative of a leak in the Lagoon's liner, the Permittee shall implement the related Contingency Plan requirement set forth in this Discharge Permit.</p> <p>The Permittee shall maintain a log of Lagoon B collection sump inspections which identifies the date of the inspection, all findings, the laboratory analytical data results including the QA/QC summary, and the name of the person responsible for the inspection.</p> <p>The Permittee shall submit a copy of the leak detection system inspection log to NMED in the semi-annual monitoring reports.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>

D. CONTINGENCY PLAN

#	Terms and Conditions
19.	<p>In the event that groundwater monitoring indicates that groundwater exceeds a standard identified in Section 20.6.2.3103 NMAC in a monitoring well with no previous exceedances of the chemical constituent at the date of issuance of this Discharge Permit,</p>

#	Terms and Conditions
	<p>the Permittee shall collect a confirmatory sample from the monitoring well within 15 days of receipt of the initial sampling results to confirm the initial sampling results.</p> <p>In the event that groundwater significantly exceeds the established background concentration of total dissolved solids (TDS) referenced in the Introduction to this Discharge Permit, the Permittee shall collect a confirmatory sample from the monitoring well within 15 days of receipt of the initial analytical results to confirm those results.</p> <p>Within 60 days of confirmation of groundwater contamination, the Permittee shall submit to NMED a Corrective Action Plan (CAP) that proposes, at a minimum, contaminant source control measures and an implementation schedule. The Permittee shall implement the CAP as approved by NMED.</p> <p>Once this groundwater exceedance response condition is 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 groundwater monitoring confirms for a minimum of eight (8) consecutive quarterly samples that groundwater does not exceed the standards of Section 20.6.2.3103 NMAC.</p> <p>Violation of the groundwater standard beyond 180 days after the confirmation of groundwater contamination may cause NMED to require the Permittee to abate water pollution consistent with the requirements and provisions of Section 20.6.2.4101, Section 20.6.2.4103, Subsections C and E of 20.6.2.4106, Section 20.6.2.4107, Section 20.6.2.4108 and Section 20.6.2.4112 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>
20.	<p>In the event that information available to NMED indicates that a well is not constructed in a manner consistent with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011 (Monitoring Well Guidance); contains insufficient water to effectively monitor groundwater quality; or is otherwise not completed in a manner that is protective of groundwater quality, the Permittee shall install a replacement well(s) within 120 days following notification from NMED.</p> <p>The Permittee shall survey the replacement monitoring wells within 30 days following well completion.</p> <p>The Permittee shall install replacement wells at locations approved by NMED prior to installation and shall complete replacement wells in accordance with the attached</p>

#	Terms and Conditions
	<p>Monitoring Well Guidance. The Permittee shall submit well construction and lithologic logs, survey data and a groundwater elevation contour map to NMED within 60 days following well completion.</p> <p>The Permittee shall properly plug and abandon a monitoring well requiring replacement upon completion of the replacement monitoring well. The Permittee shall complete the well plugging and abandonment and shall document the abandonment procedures in accordance with the attached Monitoring Well Guidance and all applicable local, state, and federal regulations. The Permittee shall submit a copy of the well abandonment documentation to NMED within 60 days following the replacement well completion.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
21.	<p>In the event that groundwater flow information obtained pursuant to this Discharge Permit indicates that a monitoring well is not appropriately located, e.g., hydrologically downgradient of the discharge location it is intended to monitor, the Permittee shall install a replacement well within 120 days following notification from NMED. The Permittee shall survey the replacement monitoring well within 30 days following well completion.</p> <p>The Permittee shall install replacement wells at locations approved by NMED prior to installation and shall complete replacement wells in accordance with the attached Monitoring Well Guidance. The Permittee shall submit construction and lithologic logs, survey data and a groundwater elevation contour map within 60 days following well completion.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
22.	<p>In the event that the laboratory analytical data results of the liquid present in the leak detection sump indicates that the chemical content of the liquid is consistent with the contents of the evaporative impoundment, the Permittee shall submit a Corrective Action Plan (CAP) to NMED which evaluates the primary liner leakage rate and proposes options for stopping or reducing leakage. The Permittee shall submit the CAP to NMED for approval within 60 days of the receipt of the analytical results.</p> <p>[20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>
23.	<p>In the event that an inspection performed by the Permittee of an impoundment liner reveals significant damage has occurred or is likely to affect the structural integrity of the liner or its ability to contain contaminants, the Permittee shall propose the repair or replacement of the impoundment liner by submitting a Corrective Action Plan (CAP) to NMED for approval. The Permittee shall ensure the CAP is submitted to NMED within 30</p>

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	<p>days after discovery of the damage by the Permittee or following notification from NMED that significant liner damage is evident. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions. The Permittee shall initiate implementation of the CAP following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
24.	<p>In the event that an impoundment cannot preserve a minimum of one foot of freeboard, the Permittee shall take actions to restore the required freeboard as authorized by this Discharge Permit and all applicable local, state, and federal regulations.</p> <p>In the event that one foot of freeboard cannot be restored within a period of 72 hours following discovery, the Permittee shall propose actions to restore one foot of freeboard by submitting a short-term Corrective Action Plan (CAP) to NMED for approval. Examples of short-term corrective actions include the pumping and hauling of excess wastewater from the impoundment or reducing the volume of wastewater discharged to the impoundment. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions. The Permittee shall submit the CAP within 15 days following the date the Permittee or the NMED discover the exceedance. The Permittee shall initiate implementation of the CAP following NMED approval.</p> <p>In the event that the short-term corrective actions fail to restore one foot of freeboard, the Permittee shall submit to NMED a proposal for permanent corrective actions in a long-term CAP. The Permittee shall submit the long-term CAP within 90 days following failure of the short-term CAP. Example corrective actions include the installation of an additional storage impoundment or a significant and permanent reduction in the volume of wastewater discharged to the impoundment. The Permittee shall ensure the long-term CAP includes a schedule for completion of corrective actions. The Permittee shall implement the CAP following NMED approval.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
25.	<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.

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	<p>c) The date, time, location, and duration of the unauthorized discharge.</p> <p>d) The source and cause of unauthorized discharge.</p> <p>e) A description of the unauthorized discharge, including its estimated chemical composition.</p> <p>f) The estimated volume of the unauthorized discharge.</p> <p>g) Any actions taken to mitigate immediate damage from the unauthorized discharge.</p> <p>Within <u>one week</u> following discovery of the unauthorized discharge, the Permittee shall submit written notification to NMED providing 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 Plan (CAP) to NMED describing any corrective actions previously taken and corrective actions to be taken relative to the unauthorized discharge. The CAP shall include the following information.</p> <p>a) A description of proposed actions to mitigate damage from the unauthorized discharge.</p> <p>b) A description of proposed actions to prevent future unauthorized discharges of this nature.</p> <p>c) A schedule for completion of proposed actions.</p> <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, NMED may require the Permittee to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p> <p>The Permittee shall not construe anything in this condition as relieving them of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC.</p> <p>[20.6.2.1203 NMAC]</p>
26.	<p>In the event that NMED or the Permittee identifies any failures of the discharge plan, i.e., the application, 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

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27.	<p>The Permittee shall perform the following closure measures in the event the Facility, or a component thereof, is proposed to be permanently closed.</p> <p>Within <u>60 days</u> of ceasing to discharge to the impoundments, the Permittee shall plug the impoundment influent lines so that a discharge can no longer occur.</p> <p>Within <u>60 days</u> of ceasing to discharge to the impoundments, the Permittee shall evaporate or drain all wastewater from the impoundment and any other wastewater system components and disposed of it in accordance with all local, state, and federal regulations.</p> <p>Within <u>one year</u> of ceasing to discharge to the impoundments, the Permittee shall complete the following closure measures.</p> <ul style="list-style-type: none">a) Remove all lines leading to and from the impoundments, or permanently plug and abandon the lines in place.b) Remove or demolish any other wastewater system components.c) Characterize, remove and dispose of all solids from the impoundments in accordance with local, state, and federal regulations, and maintain a record of solids transported for off-site disposal, including the volume of solids transported and the disposal location.d) Remove and dispose of the impoundment liners at a solid waste facility. If there is evidence of contaminated soil below the liners, assess the impact, report that assessment to NMED, and mitigate the impacts following NMED approval.e) Fill the impoundments with suitable fill.f) Re-grade the impoundment site and the locations of ancillary equipment, e.g., influent piping, to blend with surface topography, promote positive drainage and prevent ponding. <p>The Permittee shall perform the following closure measures within 180 days from the day the Permittee ceases use of the fueling platforms:</p> <ul style="list-style-type: none">a) Clean, dismantle, and properly dispose of all track pans.b) Remove or plug all lines conveying wastewater from the track pans to the oil/water separators so that a discharge can no longer occur.c) If there is evidence of contaminated soil below the platforms, assess the impact, report that assessment to NMED, and mitigate the impacts following NMED approval. <p>The Permittee shall perform the following closure measures within 180 days from the</p>

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	<p>day the Permittee cease use of oil/water separators:</p> <ol style="list-style-type: none"> a) Remove or plug all lines conveying wastewater to the impoundments so that a discharge can no longer occur. b) Pump the residual materials from the oil/water separators and dispose of pumped materials in accordance with all local, state, and federal regulations. c) Demolish or remove the oil/water separators from the site. d) If there is evidence of contaminated soil below the oil/water separators, assess the impact, report that assessment to NMED, and mitigate the impacts following NMED approval. <p>The Permittee shall continue groundwater monitoring until the Permittee meets the requirements of this condition and groundwater monitoring confirms for a minimum of eight consecutive quarterly groundwater sampling events that groundwater does not exceed the standards of Section 20.6.2.3103 NMAC. This period is referred to as “post-closure”.</p> <p>If at any time monitoring results show an exceedance of a groundwater quality standard in Section 20.6.2.3103 NMAC, the Permittee shall implement the Contingency Plan required by this Discharge Permit.</p> <p>Following notification from NMED that the Permittee may cease post-closure monitoring, the Permittee shall plug and abandon the monitoring well(s) in accordance with the attached Monitoring Well Guidance.</p> <p>When the Permittee has met all closure and post-closure requirements and verified appropriate actions with date stamped photographic evidence or an associated NMED inspection, the Permittee may submit to NMED a written request, including photographic evidence, for termination of the Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC]</p>

F. GENERAL TERMS AND CONDITIONS

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28.	<p>RECORD KEEPING - The Permittee shall maintain a written record of:</p> <ul style="list-style-type: none"> • Information and data used to complete the application for this Discharge Permit; • Any releases (commonly known as “spills”) not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC;

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	<ul style="list-style-type: none"> • The operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater; • 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; • Copies of logs, inspection reports, and monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit; • The volume of wastewater or other wastes discharged pursuant to this Discharge Permit; • Groundwater quality and wastewater quality data collected pursuant to this Discharge Permit; • Copies of construction records (well log) for all sampled groundwater monitoring wells pursuant to this Discharge Permit; • The maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and • Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including: <ul style="list-style-type: none"> ○ the dates, location and times of sampling or field measurements; ○ the name and job title of the individuals who performed each sample collection or field measurement; ○ the sample analysis date of each sample ○ the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis; ○ the analytical technique or method used to analyze each sample or collect each field measurement; ○ the results of each analysis or field measurement, including raw data; ○ the results of any split, spiked, duplicate or repeat sample; and ○ 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 Permittee shall maintain the written record at a location accessible to NMED during a Facility inspection for the lifetime of the Discharge Permit. The Permittee shall make the record available to the an NMED representative upon request.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>
29.	<p>INSPECTION and ENTRY – The Permittee shall allow NMED to inspect the Facility and its operations that 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 any maintained</p>

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	<p>records required by this Discharge Permit, the regulations of the federal government, or the WQCC are located.</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>No person shall construe anything in this Discharge Permit 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>
30.	<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>
31.	<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 NMED's approval (which may require modification of this Discharge Permit) 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>
32.	<p>PLANS and SPECIFICATIONS – In the event the Permittee proposes 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 of the proposed system or process unit to NMED for approval prior to the commencement of construction.</p> <p>In the event the Permittee implements changes to the wastewater system authorized by this Discharge Permit that 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) to NMED prior to implementation.</p>

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	[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]
33.	<p>CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the Permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the Permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]</p>
34.	<p>CRIMINAL PENALTIES – No person shall:</p> <ul style="list-style-type: none"> • Make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or maintained under the WQA; • Falsify, tamper with or render inaccurate any monitoring device, method or record maintained under the WQA; or • 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</p>

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	<p>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>
35.	<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 any other applicable federal, state, and/or local laws, regulations, zoning requirements, nuisance ordinances, permits or orders.</p> <p>[NMSA 1978, § 74-6-5.L]</p>
36.	<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 raised and the relief sought. Unless the Permittee files a timely petition for review, 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>
37.	<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> <ul style="list-style-type: none">• Notify the proposed transferee in writing of the existence of this Discharge Permit;• Include a copy of this Discharge Permit with the notice; and• Deliver or send by certified mail to NMED a copy of the notification and proof that the proposed transferee has received such notification. <p>The Permittee shall continue to be responsible for any discharge from the Facility, until both ownership and possession of the Facility have been transferred to the transferee.</p> <p>[20.6.2.3111 NMAC]</p>
38.	<p>PERMIT FEES – The Permittee shall be aware that the payment of permit fees is due at the time of Discharge Permit approval. The Permittee may pay the permit fees in a single payment or they may pay the fee in equal installments on a yearly basis over the term of the Discharge Permit. The Permittee shall remit single payments to NMED no later than 30 days after the Discharge Permit effective date. The Permittee shall remit initial installment payments to NMED no later than 30 days after the Discharge Permit effective date; with subsequent installment payments remitted to NMED no later than the anniversary of the Discharge Permit effective date.</p>

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	<p>Permit fees are associated with <u>issuance</u> of this Discharge Permit. No person shall construe anything in this Discharge Permit 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. NMED shall suspend or terminate an approved Discharge Permit if the Permittee 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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