



**NEW MEXICO
ENVIRONMENT DEPARTMENT**



Ground Water Quality Bureau

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**GROUND WATER QUALITY BUREAU (GWQB)
DISCHARGE PERMIT RENEWAL/MODIFICATION**

Issued under 20.6.2 NMAC

Facility Name: URENCO USA
GWQB Discharge Permit Number: DP-1481
GWQB TEMPO AI Number: 20321

Permittee Name/Responsible Party: Louisiana Energy Services, LLC
Mailing Address: P.O. Box 1789
 Eunice, NM 88231

Facility Contact: Jesse Miller Chemistry Manager
Facility Contact Telephone Number: (575) 394-5891
Facility Location: 275 NM-176, 0.64 miles west of the Texas/New Mexico border and 2.84 miles east of the intersection of Andrews Highway (NM-176/NM-284) and South Eunice Highway (NM-18)

County: Lea County

Permitting Action: Renewal and Modification

Permit Effective Date: XXXXXX
Permit Expiration Date: XXXXXXXX

NMED Permit Contact: Jason Herman
NMED Contact Telephone Number: (505) 827-2713
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MICHELLE HUNTER
Chief, Ground Water Quality Bureau
New Mexico Environment Department

Date

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[Draft: ~~October-January 4~~ 10, 202019]

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal and Modification (Discharge Permit), DP-1481, to the URENCO USA (UUSA or 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 UUSA Site (facility) into ground and surface water, so as to protect ground and surface water for present and potential future use as domestic and agricultural water supply and other uses, and protect public health. In issuing this Discharge Permit, NMED has determined that the requirements of Subsection C of 20.6.2.3109 NMAC have been met. Pursuant to Section 20.6.2.3104 NMAC, it is the responsibility of the permittee to comply with the terms and conditions of this Discharge Permit; failure may result in an enforcement action(s) by NMED (20.6.2.1220 NMAC).

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

The UUSA Site is an industrial facility that enriches uranium using centrifuges. A federal license (Materials License No. SNM-2010, docket #70-3103) covers the operation of the uranium enrichment facility as well as the financial assurance for the decommissioning and disposition of the depleted uranium that is temporarily stored in uranium by-product cylinders (UBC). DP-1481 addresses industrial and stormwater discharges to two ponds.

The Site Storm Water Detention Basin is referred to as Pond 1. Discharges to Pond 1 include, cooling tower blowdown and backwash water and stormwater runoff from roads, parking areas, and building roofs. The area to be drained is approximately 96 acres. Pond 1 is designed to contain a stormwater runoff volume equal to that generated by a 24-hour, 100-year return frequency storm (6.45-inch rainfall). The maximum design stormwater runoff volume is approximately 16 million gallons per day (MGD) which may include up to 6,550 gallons per day (gpd) of cooling tower blowdown and backwash water. The storage capacity of Pond 1 is approximately 32.6 million gallons and its surface area is approximately 17 acres.

The UBC Storage Pad Storm Water Retention Basin is comprised of two evaporative cells side-by-side, Pond 2 East (Pond 2E) and Pond 2 West (Pond 2W), Pond 2 collectively. Pond 2 functions as an evaporative basin and is synthetically lined with 60-mil high density polyethylene (HDPE) placed over compacted clay bedding layers. Discharges to Pond 2 include the stormwater from the UBC storage area and various non-uranic process waters produced at the facility. The discharges are evaporated and leave residual solids or salts. The storage capacity was designed to contain stormwater runoff volume equal to that generated by a 24- hour, 100-year return frequency storm (6.45-inch rainfall). The area to be drained is approximately 23 acres. The cells of Pond 2

have a combined storage volume of 10.4 million gallons and a surface area of approximately 5 acres. Based on average operational flows, the non-uranic process water discharge to Pond 2 is estimated to be less than 17,000 gpd. The maximum daily discharge, including stormwater, is 3.7 MGD.

The modification consists of a change in discharge location of the cooling tower blowdown and backwash water discharge from Pond 2 and to Pond 1.

The discharge contains water contaminants that may be elevated above the standards of Section 20.6.2.3103 NMAC.

The facility is located approximately 4.5 miles east of Eunice along Highway 176 in Section 32, T21S, R38E in Lea County. Groundwater most likely to be affected ranges from approximately 90 to 240 feet below ground surface and has a total dissolved solids (TDS) concentration ranging from approximately 3,370 to 11,600 milligrams per liter (mg/L).

The original Discharge Permit was issued on February 28, 2007, and subsequently renewed on February 26, 2013. The application (i.e., discharge plan) consists of the materials submitted by the permittee dated December 21, 2018, and materials contained in the administrative record prior to issuance of this Discharge Permit. The discharge shall be managed in accordance with all conditions and requirements of this Discharge Permit.

Pursuant to Section 20.6.2.3109 NMAC, NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the requirements of 20.6.2 NMAC are being or may be violated or the standards of Section 20.6.2.3103 NMAC are being or may be violated. This may include a determination that structural controls and/or management practices approved under this Discharge Permit are not protective of groundwater quality, and that more stringent requirements to protect groundwater quality may be required by NMED. The permittee may be required to implement abatement of water pollution and remediate groundwater quality.

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 acronyms and abbreviations may be used in this Discharge Permit.

Abbreviation	Explanation	Abbreviation	Explanation
CFR	Code of Federal Regulations	NMSA	New Mexico Statutes Annotated
gpd	gallons per day	NRC	Nuclear regulatory Commission
HDPE	High density polyethylene	WQA	New Mexico Water Quality Act
MGD	Million gallons per day	WQCC	Water Quality Control Commission
mg/L	milligrams per liter	UBC	Uranium By-product Cylinder

Abbreviation	Explanation	Abbreviation	Explanation
NMAC	New Mexico Administrative Code	UUSA	URENCO USA
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 directly or indirectly into groundwater 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 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.
3. The discharge from the facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

III. AUTHORIZATION TO DISCHARGE

Pursuant to 20.6.2.3104 NMAC, it is the responsibility of the permittee to ensure that discharges authorized by this Discharge Permit are consistent with the terms and conditions herein.

UUSA is authorized to discharge up to 16 MGD of stormwater, cooling tower blowdown water, cooling tower backwash water or other non-process waters to the unlined impoundment, Pond 1, for retention purposes.

UUSA is authorized to discharge the following volumes of stormwater, non-process, and process waters to the synthetically lined impoundments, Pond 2E and 2W, for disposal by evaporation.

- a. Up to 3.7 MGD of stormwater from the UBC storage pad,
- b. Up to 17,000 gpd of non-stormwater from the following sources,
 - sump water from the Central Utilities Building (CUB),
 - sump water from the Security Diesel Generator Building,
 - water from the Fire Water Pump House,
 - UBC pad equipment wash water,
 - UF6 Station and HVAC Condensate CRDB Collection Tank,
 - Utility Services Module (USM) building floor drains
 - 30K Warehouse floor drains
 - 120K Warehouse floor drains
 - Centrifuge Assembly Building (CAB) floor drains

- Spray Wash Buidling floor drains
- Chemistry Laboratory Equipment wash water

[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.	<p>The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 2 and 4 NMAC.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
2.	<p>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.</p> <p>[20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
3.	<p>The permittee shall maintain a minimum of two feet of freeboard in Ponds 1, 2E and 2W at all times. In the event that a minimum of two feet of freeboard cannot be maintained, the permittee shall enact the contingency plan in this Discharge Permit.</p> <p>[20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>
4.	<p>The permittee shall measure the thickness of the sludge blanket in Ponds 1, 2E and 2W once during the term of this Permit. If sludge/sediment accumulation exceeds one-third of the maximum liquid depth of an impoundment, UUSA shall remove the sludge/sediment in a manner that is protective of the impoundment liner. Sludge removed from the impoundment shall be contained, transported, and disposed of in accordance with all local, state, and federal regulations. A report detailing the sludge/sediment depth measurement and disposal of excess accumulated solids (if any disposal occurs) shall be submitted to NMED in the next semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
5.	<p>The permittee shall maintain existing perimeter security fences around the facility limiting access to Ponds 1 and 2 by wildlife, livestock or unauthorized humans. Perimeter security fencing shall be maintained 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>

#	Terms and Conditions												
6.	<p>The permittee shall maintain signs indicating that the wastewater at the facility is not potable. Signs shall be posted at Ponds 1 and 2 where there is potential for public contact with wastewater. All signs shall be printed in English and Spanish and shall remain visible and legible for 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>												
7.	<p>The permittee has provided sufficient data and statistical analysis that demonstrates the following groundwater constituent concentrations in the Chinle (Cooper Canyon) formation and are the applicable standards pursuant to Subsection A(2) of 20.6.2.3101 NMAC:</p> <table border="1"> <tbody> <tr> <td>Chloride</td> <td>3126 mg/L</td> </tr> <tr> <td>Iron</td> <td>1.27 mg/L</td> </tr> <tr> <td>Manganese</td> <td>0.926 mg/L</td> </tr> <tr> <td>Selenium</td> <td>0.126 mg/L</td> </tr> <tr> <td>Sulfate</td> <td>2723 mg/L</td> </tr> <tr> <td>TDS</td> <td>8770 mg/L</td> </tr> </tbody> </table> <p>[Subsection A of 20.6.2.3101 NMAC, 20.6.2.3103 NMAC]</p>	Chloride	3126 mg/L	Iron	1.27 mg/L	Manganese	0.926 mg/L	Selenium	0.126 mg/L	Sulfate	2723 mg/L	TDS	8770 mg/L
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B. MONITORING AND REPORTING

#	Terms and Conditions
8.	<p>The permittee shall conduct the following monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit. A summary of the monitoring requirements is attached to this permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
9.	<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>
10.	<p>Quarterly <u>monitoring</u> shall be performed during the following periods:</p> <ul style="list-style-type: none"> • Quarter 1 (Q1): October 1st through December 31st – due in semi-annual report submitted by May 1st • Quarter 2 (Q2): January 1st through March 31st - due in semi-annual report submitted by May 1st

#	Terms and Conditions
	<ul style="list-style-type: none"> • Quarter 3 (Q3): April 1st through June 30th - due in semi-annual report submitted by November 1st • Quarter 4 (Q4): July 1st through September 30th - due in semi-annual report submitted by November 1st <p>Semi-annual <u>reports</u> shall be submitted to NMED as follows</p> <ul style="list-style-type: none"> • October 1st through March 31st – due by May 1st • April 1st through September 30th – due by November 1st. <p>[Subsection A of 20.6.2.3107 NMAC]</p>
11.	<p>The semi-annual monitoring reports shall include the following documentation and information.</p> <ol style="list-style-type: none"> a) Tables in a paper and electronic format (spreadsheet) of water quality data with only those constituents analyzed and water levels measured during a single event shown in columns. Tabulated electrical conductivity will include the measured field values and corrected values to 25 degrees Celsius. Monitor sites will be shown in rows. Values exceeding 20.6.2.3013 NMAC standards and concentrations listed in Condition 7 of this permit when applicable shall be bolded. Any constituent not analyzed for a particular well or location will be shown as "NA", and any site not sampled shall be shown as "NS" with an associated reason and any site not measured for water levels will be shown as "NM" with an associated reason. The report shall include a table showing water level data for all monitoring wells and surface impoundments for the reporting period. The report shall include figures showing the sample locations. The analytical results obtained for the sample period with exceedances of applicable water quality standards shall be presented in bold text in the tables. b) Copies of the original laboratory data sheets submitted electronically. c) A brief written summary of all activities related to the discharge conducted during the preceding six months. This may include operational activities, average monthly flow volumes, meter readings, spills, maintenance, repairs, well drilling, water management, construction or demolition of structures, water quality trends, daily precipitation, trends in water levels, pond inspections, leak detection measurements, pumping records, solids removal and disposal records, and analytical results from soil sediments and plant tissue analysis. These requirements are summarized in the attached monitoring summary. Any inadvertent omissions from this summary of a required action, monitoring or reporting requirement shall not relieve UUSA of responsibility for compliance with that requirement.

#	Terms and Conditions
	<p>d) Groundwater elevation contour maps, i.e., potentiometric surface maps, for both the alluvial and Chinle (Cooper Canyon) formations.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
12.	<p>The permittee shall include in the semi-annual reports the following information:</p> <ul style="list-style-type: none"> a) A summary of precipitation, by month, for the semi-annual period being reported; b) A table showing current water level data for all monitoring wells, including those wells previously identified as being “dry,” collected over the semi-annual period; c) Time series graphs for each well for uranium, TDS, sulfate and chloride. Each graph shall contain all analytical data available.. d) Hydrographs of water level elevation data versus time for all wells except dry wells. All available data from previous years shall be included. <p>[Subsection A of 20.6.2.3107 NMAC]</p>
13.	<p>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 a 60-day 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.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>
14.	<p>In the event that UUSA proposes to abandon any groundwater monitoring well installed prior to the submittal of the Discharge Permit application, UUSA shall provide NMED written notice at least 30 days prior to the well abandonment. Well abandonment shall be consistent with the Office of the State Engineer Regulations and NMED Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions, Revision 1.1, March 2011 (copy enclosed). Well abandonment details including volumes of materials used, composition of plugging material and methods shall be submitted to NMED within 30 days of well abandonment.</p>

#	Terms and Conditions
	[20.6.2.3107 NMAC]

Groundwater Monitoring

#	Terms and Conditions
15.	<p>The permittee shall perform quarterly groundwater sampling using low flow techniques or other methods approved by NMED in the following alluvial monitoring wells when sufficient water is present.</p> <ul style="list-style-type: none"> • MW-7, located at Latitude: 32.442527° Longitude: -103.074328° • MW-21, located at Latitude: 32.437477° Longitude: -103.079302° • MW-23, located at Latitude: 32.437051° Longitude: -103.081170° • MW-24, located at Latitude: 32.433639° Longitude: -103.083635° • MW-26, located at Latitude: 32.433659° Longitude: -103.084863° • MW-27, located at Latitude: 32.429658° Longitude: -103.075492° <p>At the time of collection, samples shall be analyzed in the field for temperature, pH, and specific conductance. After collection, the samples shall be submitted to a laboratory for analysis of isotopic uranium (^{234}U, ^{235}U, ^{238}U), fluoride, chloride, sulfate, $\text{NO}_3\text{-N}$ and TDS.</p> <p>Groundwater 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-most-shallow groundwater from the top of the well casing to the nearest hundredth of a foot. b) Sample the wells using low-flow techniques. c) Obtain samples from the well for analysis. When insufficient water is present at the time of sampling, the permittee shall return 24 hours later to confirm the well is dry or immediately sample the water present in the well. d) Properly prepare, preserve and transport samples. e) Analyze samples in accordance with the methods authorized in this Discharge Permit. <p>Depth-to-most-shallow groundwater measurements, analytical results, including the 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 corresponding semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

#	Terms and Conditions
16.	<p>The permittee shall perform semi-annual groundwater sampling using low flow techniques or other methods approved by NMED in the following Chinle (Cooper Canyon) monitoring wells when sufficient water is present.</p> <ul style="list-style-type: none"> • MW-10, located at Latitude: 32.442520° Longitude: -103.083924° • MW-14, located at Latitude: 32.432460° Longitude: -103.089909° • MW-15, located at Latitude: 32.431250° Longitude: -103.085447° • MW-20, located at Latitude: 32.437464° Longitude: -103.080518° • MW-25, located at Latitude: 32.433631° Longitude: -103.084180° • MW-28, located at Latitude: 32.429717° Longitude: -103.075506° <p>At the time of collection, samples shall be analyzed in the field for temperature, pH, and specific conductance. After collection the samples shall be submitted to a laboratory for analysis of isotopic uranium (^{234}U, ^{235}U, ^{238}U), fluoride, chloride, sulfate, $\text{NO}_3\text{-N}$ and TDS.</p> <p>Groundwater 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-most-shallow groundwater from the top of the well casing to the nearest hundredth of a foot. b) Sample the wells using low-flow techniques. When insufficient water is present at the time of sampling, the permittee shall return 24 hours later to confirm the well is dry or immediately sample the water present in the well. 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-most-shallow groundwater measurements, analytical results, including the 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 corresponding semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
17.	<p>The permittee shall develop an alluvial groundwater elevation contour map on a quarterly basis using the top of casing elevation data from the monitoring well survey and quarterly depth-to-most-shallow groundwater measurements, referenced to mean sea level, obtained from the alluvial groundwater monitoring required by this Discharge Permit.</p> <p>The groundwater elevation contour map shall depict the groundwater flow direction based on the groundwater elevation contours. Groundwater elevations between monitoring well locations shall be estimated using common interpolation methods. A contour interval appropriate to the data shall be used, but the interval shall, in no case, be greater than two feet. Groundwater elevation contour maps shall depict the groundwater flow direction,</p>

#	Terms and Conditions
	<p>using arrows, based on the orientation of the groundwater elevation contours, and the location and identification of each monitoring well and contaminant source. The groundwater elevation contour map shall be submitted to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
18.	<p>The permittee shall develop a Chinle (Cooper Canyon) groundwater elevation contour map on a semi-annual basis using the top of casing elevation data from the monitoring well survey and semi-annual depth-to-most-shallow groundwater measurements, referenced to mean sea level, obtained from the Chinle (Cooper Canyon) groundwater monitoring required by this Discharge Permit.</p> <p>The groundwater elevation contour map shall depict the groundwater flow direction based on the groundwater elevation contours. Groundwater elevations between monitoring well locations shall be estimated using common interpolation methods. A contour interval appropriate to the data shall be used, but the interval shall, in no case, be greater than two feet. Groundwater elevation contour maps shall depict the groundwater flow direction, using arrows, based on the orientation of the groundwater elevation contours, and the location and identification of each monitoring well and contaminant source. The groundwater elevation contour map shall be submitted to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

Pond 1 and Pond 2 Surface Water Monitoring

#	Terms and Conditions
19.	<p>The permittee shall measure the monthly volume of wastewater discharged to the evaporative impoundment Pond 2 through lift station 4. The permittee shall obtain readings from a totalizing flow meter on a monthly basis and calculate the monthly and average daily volume discharged to Pond 2. The monthly meter readings and calculated monthly average daily discharge volumes shall be submitted to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
20.	<p>The permittee shall estimate the total volume retained in Pond 1 on a monthly basis. The calculation used to estimate the retained volume must include:</p> <ul style="list-style-type: none"> • Surface area and run off calculations for precipitation events added to the discharge quantities of other inputs into Pond 1. • A permanent measuring device showing depth of water at a representative location

#	Terms and Conditions
	<p>The estimated weekly retention volumes shall be submitted to NMED in the semi-annual monitoring reports including a time series graph for the previous five year period.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
21.	<p>On a semi-annual basis, the permittee shall collect a sample from Pond 1, 2E and 2W when sufficient water is present and analyze the samples for the following constituents:</p> <ul style="list-style-type: none"> • TSS (total suspended solids) • sulfate • temperature • pH • specific conductance • isotopic uranium (²³⁴U, ²³⁵U, ²³⁸U) • fluoride • chloride • TDS (total dissolved solids) • bicarbonate • calcium • magnesium • sodium • potassium • alkalinity • aluminum • arsenic • barium • beryllium • cadmium • chromium • cobalt • copper • iron • lead • manganese • total mercury • nitrate • molybdenum • nickel • selenium • silver • zinc • oil and grease • total petroleum hydrocarbons (TPH) <p>Samples shall be properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results shall be submitted to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
22.	<p>The permittee shall visually inspect Ponds 1 and 2, and surrounding berms on a monthly basis to ensure proper maintenance. Any conditions that could damage the pond liner or affect the structural integrity of the pond shall be corrected. Such conditions include but are not limited to erosion damage, berm subsidence, animal activity/damage, the presence of potentially harmful vegetation such as woody shrubs or uncontrolled weeds, evidence of seepage, or the presence of large pieces or quantities of debris. UUSA shall submit inspection findings, repairs made and report the presence or absence of water in the impoundments in the semi-annual monitoring reports.</p>

#	Terms and Conditions
	<p>In the event that inspection findings reveal significant damage likely to affect the ability of the impoundment to contain contaminants, UUSA shall submit a corrective action plan to NMED for approval within 90 days of the inspection.</p> <p>[20.6.2.3107 NMAC]</p>

Soil and Plant Tissue Monitoring

#	Terms and Conditions
23.	<p>The permittee shall collect soil and plant tissue samples from the following eight locations on a semi-annual basis.</p> <ul style="list-style-type: none"> • S&PT-1, located at Latitude: 32.432222° Longitude: -103.090556° • S&PT-2, located at Latitude: 32.430556° Longitude: -103.081944° • S&PT-3, located at Latitude: 32.429423° Longitude: -103.074172° • S&PT-4, located at Latitude: 32.4442550° Longitude: -103.090427° • S&PT-5, located at Latitude: 32.435556° Longitude: -103.074167° • S&PT-6, located at Latitude: 32.442500° Longitude: -103.076389° • S&PT-7, located at Latitude: 32.442222° Longitude: -103.082778° • S&PT-8, located at Latitude: 32.437236° Longitude: -103.090792° <p>Each sample shall be analyzed the samples for percent moisture, fluoride, chloride and isotopic uranium (^{234}U, ^{235}U, ^{238}U). Analytical results shall be submitted to NMED in the semi-annual monitoring reports required in this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
24.	<p>The permittee shall collect a composite sediment sample on a semi-annual basis from Pond 1, 2E and 2W. The composite sample shall consist of two samples, one each at each inlet t and thoroughly mixed. Each sample shall be analyzed the samples for percent moisture, fluoride, chloride and isotopic uranium (^{234}U, ^{235}U, ^{238}U).</p> <p>Samples shall be properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results shall be submitted to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>

C. CONTINGENCY PLAN

#	Terms and Conditions
25.	<p>In the event that groundwater monitoring from onsite wells indicates an exceedance of a groundwater quality standard identified in Section 20.6.2.3103 NMAC, and if applicable a concentration identified in Condition 7 of this Discharge Permit, the permittee shall enact the following contingency plan.</p> <p>UUSA shall collect a confirmation sample from the monitoring well(s) within 30 days to confirm the initial sampling results that indicate an exceedance. Within 60 days of the sample analysis date confirming the exceedance, the permittee shall identify the source of the contamination and report to NMED the findings for review. If UUSA is found to be the source of the contamination the permittee shall propose measures to ensure that the exceedance of the standard 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 groundwater monitoring confirms for a minimum of two years of consecutive groundwater sampling events that the standards of Section 20.6.2.3103 NMAC or when applicable, concentrations listed in Condition 7 of this permit, whichever is greater, are not exceeded and toxic pollutants are not present in groundwater.</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 groundwater contamination.</p> <p>Chinle (Cooper Canyon) formation concentrations in accordance with Subsection A(2) 20.6.2.3101 NMAC established for this facility and listed in Condition 7 of this Discharge Permit are for the term of this Discharge Permit only.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>
26.	<p>In the event that groundwater flow information obtained pursuant to this Discharge Permit indicates that a monitoring well is not located 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 150 days following notification from NMED.</p> <p>A replacement well locations 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.</p>

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	<p>The permittee shall submit construction and lithologic logs, survey data and a groundwater elevation contour map within 30 days following well completion.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
27.	<p>In the event that inspection findings reveal significant damage likely to affect the structural integrity of a lined impoundment or its ability to contain contaminants, the permittee shall propose the repair or replacement of the impoundment liner by submitting a corrective action plan to NMED for approval. The plan shall be submitted to NMED within 30 days after discovery by the permittee or following notification from NMED that significant liner damage is evident. The corrective action plan shall include a schedule for completion of corrective actions and the permittee shall initiate implementation of the plan following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
28.	<p>In the event that inspection findings reveal significant damage likely to affect the structural integrity of an impoundment or its ability to contain contaminants, the permittee shall propose the repair or replacement of the impoundment by submitting a corrective action plan to NMED for approval. The plan shall be submitted to NMED within 30 days after discovery by the permittee or following notification from NMED that significant damage is evident. The corrective action plan shall include a schedule for completion of corrective actions and the permittee shall initiate implementation of the plan following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
29.	<p>In the event that a minimum of two feet of freeboard cannot be preserved in an impoundment, the permittee shall take actions authorized by this Discharge Permit and all applicable local, state, and federal regulations to restore the required freeboard.</p> <p>In the event that two feet of freeboard cannot be restored within a period of 72 hours following discovery, the permittee shall propose actions to be immediately implemented to restore two feet of freeboard by submitting a short-term corrective action plan to NMED for approval. Examples of short-term corrective actions include removing excess wastewater from the impoundment through pumping and hauling, or reducing the volume of wastewater discharged to the impoundment. The plan shall include a schedule for completion of corrective actions and shall be submitted within 15 days following the date when the two feet of freeboard limit was initially discovered. The permittee shall initiate implementation of the plan following approval by NMED.</p> <p>In the event that the short-term corrective actions failed to restore two feet of freeboard, the permittee shall propose permanent corrective actions in a long-term corrective action plan submitted to NMED within 90 days following failure of the short-term corrective</p>

#	Terms and Conditions
	<p>action plan. Examples include the installation of an additional storage impoundment, or a significant/permanent reduction in the volume of wastewater discharged to the impoundment. The plan shall include a schedule for completion of corrective actions and implementation of the plan shall be initiated following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
30.	<p>In the event that a release from the Pond 1 outfall or any discharge (commonly known as a “spill”) including any discharge from Pond 1, occurs that is not authorized under this Discharge Permit, the permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below.</p> <p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the permittee shall verbally notify NMED and provide the following information.</p> <ol style="list-style-type: none"> a) The name, address, and telephone number of the person or persons in charge of the facility, as well as of the owner and/or operator of the facility. b) The name and address of the facility. c) The date, time, location, and duration of the unauthorized discharge. d) The source and cause of unauthorized discharge. e) A description of the unauthorized discharge, including its estimated chemical composition. f) The estimated volume of the unauthorized discharge. g) Any actions taken to mitigate immediate damage from the unauthorized discharge. <p>Within <u>one week</u> following discovery of the unauthorized discharge, the permittee shall submit written notification to NMED with the information listed above and any pertinent updates.</p> <p>Within <u>15 days</u> following discovery of the unauthorized discharge, the permittee shall submit a corrective action report/plan to NMED describing any corrective actions taken and/or to be taken relative to the unauthorized discharge that includes the following information.</p> <ol style="list-style-type: none"> a) A description of proposed actions to mitigate damage from the unauthorized discharge. b) A description of proposed actions to prevent future unauthorized discharges of this nature. c) A schedule for completion of proposed actions. <p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, the</p>

#	Terms and Conditions
	<p>permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p> <p>Nothing in this condition shall be construed as relieving the permittee of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC.</p> <p>[20.6.2.1203 NMAC]</p>
31.	<p>In the event that NMED or the permittee identifies any failures of the discharge plan or this Discharge Permit not specifically noted herein, NMED may require the permittee to submit a corrective action plan and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a Discharge Permit modification to achieve compliance with 20.6.2 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>

D. CLOSURE PLAN

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32.	<p>Upon closure of the facility, UUSA shall perform the following closure measures for the Pond 1 and Pond 2:</p> <ol style="list-style-type: none"> a) Remove or plug all lines leading to the ponds so that a discharge can no longer occur. b) Drain and/or evaporate all liquids from all ponds, and dispose of all sludge in accordance with all local, state, and federal regulations and NRC requirements. c) Perforate or remove the holding pond liners and re-grade the resultant depressions with clean fill to blend with surface topography and prevent ponding. d) UUSA shall submit a completion report that documents the closure activities performed. <p>Upon completion of the closure procedures identified above, UUSA shall implement post-closure monitoring by continuing groundwater monitoring as required by this Discharge Permit for a period of two years after closure to confirm the absence of groundwater contamination. If monitoring results show that the groundwater standards in 20.6.2.3103 NMAC and when applicable the concentrations identified in Condition 7 of this permit, are being violated, UUSA shall implement the contingency plan required by Condition 25 of this Discharge Permit.</p> <ol style="list-style-type: none"> a) Following notification from NMED that post-closure monitoring may cease, the UUSA shall plug and abandon the monitoring wells in accordance with NMED Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions, Revision 1.1, March 2011 (copy enclosed).

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	<p>b) UUSA shall submit a completion report that documents the post-closure activities performed.</p> <p>When all post-closure requirements have been met, UUSA may request to terminate the Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]</p>

E. FINANCIAL ASSURANCE

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33.	<p>Closure financial assurance and recordkeeping will be maintained in accordance with Nuclear Regulatory Requirements set forth in 10 CFR Part 70.25 and supporting NRC guidance in NUREG-I757, Volume 3.</p>

F. GENERAL TERMS AND CONDITIONS

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34.	<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; • 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 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 groundwater monitoring wells required to be sampled 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:

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	<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>For the life of this Discharge Permit the written record shall be maintained by the permittee at a location accessible during a facility inspection by NMED and shall be made available to the department upon request.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>
35.	<p>INSPECTION and ENTRY – The permittee shall allow inspection by NMED of 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 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 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>
36.	<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>

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37.	<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>
38.	<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 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) 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>
39.	<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>
40.	<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 required to be maintained under the WQA;

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	<ul style="list-style-type: none"> • falsify, tamper with or render inaccurate any monitoring device, method or record required to be 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, Section 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, Section 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, Section 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, Section 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
41.	<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>
42.	<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>
43.	<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 such notification has been received by the proposed transferee.

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	<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>
44.	<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>