FACT SHEET
Groundwater Discharge Permit DP-831
September 2020

Facility Name:	Waste Isolation Pilot Plant
Facility Location:	Highway 128, 26 miles southeast of Carlsbad Carlsbad, NM Sections 20, 21, 28 and 29, Township 22S, Range 31E
County:	Eddy County
Applicant/Permittee:	Reinhard Knerr, Manager U.S. Department of Energy, Carlsbad Field Office P.O. Box 3090 Carlsbad, NM 88221
Proposed Permitting Action:	Discharge Permit Renewal and Modification
Regulatory Authority:	Water Quality Control Commission's Ground and Surface Water Protection Regulations, 20.6.2 NMAC
Issuing Agency:	Ground Water Quality Bureau of the New Mexico Environment Department
GWQB Contact:	Avery Young P.O. Box 5469, Santa Fe, NM 87502-5469 Phone: (505) 827-2909 Email: avery.young@state.nm.us

The New Mexico Environment Department (NMED) provides this Fact Sheet to inform the public regarding the Department's proposed permitting action at the Waste Isolation Pilot Plant (WIPP or Facility) to protect groundwater. Prior to issuing a permit, NMED is required by regulation to release a draft of the permit for public comment. NMED is also required to issue a Fact Sheet which serves two functions: 1) to facilitate public review of that draft permit; and 2) to provide a brief summary of the basis for draft permit conditions.

This Fact Sheet includes general information about WIPP, a description of the department's permitting process to protect groundwater, a description of the wastewater discharged from the Facility that could potentially impact groundwater, and a summary of the draft conditions in the

groundwater discharge permit. NMED issues groundwater discharge permits in accordance with the State law, i.e., the New Mexico Water Quality Act, and State regulation, i.e., the Ground and Surface Water Protection Regulations.

Facility Background

The Facility is located near the Jal Highway (NM-128), 26 miles southeast of Carlsbad, in Sections 20, 21, 28, and 29, Township 22S, Range 31E, Eddy County. A map of the facility can be found in Attachment A.

The WIPP is a mined geologic repository for the disposal of U.S. Department of Energy (DOE or Permittee) mixed transuranic (MTRU) waste. MTRU waste is waste that has a hazardous component and radioactive elements heavier than uranium. DOE is obligated to manage MTRU waste in compliance with a Hazardous Waste Permit issued by NMED's Hazardous Waste Bureau (HWB) under the New Mexico Hazardous Waste Act and New Mexico's Hazardous Waste Regulations. New Mexico does not have the authority to regulate the radiological aspects of MTRU waste. The WIPP underground repository for MTRU waste is located 2,150 feet below land surface in the bedded salt of the Salado Formation. WIPP first began accepting MTRU waste in March 1999.

There are three basic structures associated with the Facility: surface structures, shafts and underground structures. The surface structures accommodate the personnel, equipment, and support services required for the receipt, preparation, and transfer of MTRU waste from the surface to the underground. Four vertical shafts connect the surface facility to the underground. The underground structures include the underground waste disposal areas, the shaft pillar area, interconnecting drifts, and other areas unrelated to waste management activities.

Regulatory Framework

The Ground and Surface Water Protection Regulations, 20.6.2 NMAC, establish the regulatory framework for controlling discharges onto or below the surface of the ground through the issuance of groundwater discharge permits. The purpose of the regulations pertaining to groundwater discharge permits, as stated in Section 20.6.2.3101 NMAC, is "to protect all ground water of the state of New Mexico which has an existing concentration of 10,000 mg/l or less of total dissolved solids, for present and potential future use as domestic and agricultural water supply, and to protect those segments of surface waters which are gaining because of ground water inflow, for uses designated" in the Standards for Interstate and Intrastate Surface Waters, 20.6.4 NMAC. (See the New Mexico Commission of Public Records website to view 20.6.2 and 20.6.4 NMAC: http://www.srca.nm.gov/chapter-6-water-quality/.) The regulations establish groundwater standards as identified in Section 20.6.2.3103 NMAC.

Persons proposing to discharge effluent or leachate in such a manner that it could move directly or indirectly into groundwater must obtain and comply with a discharge permit (20.6.2.3104

NMAC). In order to obtain a discharge permit, an applicant must submit an application (or "discharge plan" – 20.6.2.7 NMAC) proposing methods/techniques to be used or processes expected to naturally occur to ensure that the discharge of water contaminants does not result in the contamination of ground or surface water (20.6.2.3106 NMAC).

In reviewing and approving an application, NMED must ensure that the discharge plan will not result in a hazard to public health, undue risk to property, exceedance of the groundwater standards at any place of withdrawal of water for present or reasonably foreseeable future use, or violation of a stream standard (Subsections C and H of 20.6.3109 NMAC). "Hazard to public health" is defined in Section 20.6.2.7 NMAC and pertains to the exceedance of the groundwater standards in a drinking water supply.

Subsection B of 20.6.2.3109 NMAC directs the NMED Secretary to "approve, approve with conditions, or deny" a discharge permit application, after the administrative record is complete and all required information is available. This regulation authorizing permit approval "with conditions" provides the fundamental authority for including conditions in discharge permits.

Discharge Permit

NMED's Ground Water Quality Bureau (GWQB) is responsible for the issuance of the groundwater discharge permit (Discharge Permit of DP-831) to control discharges from the Facility for the protection of groundwater for present and potential future use as domestic and agricultural water supply. The draft Discharge Permit does not address the management of MTRU waste but instead addresses non-hazardous, non-radiological wastes generated primarily at the surface at WIPP in addition to mined salt disposed of at the surface.

Categories of wastes types addressed in the draft Discharge Permit include domestic waste, industrial wastewaters, salt brine, stormwater runoff, and salt. Domestic wastewater, i.e., human waste, is discharged to an impoundment system for treatment and disposal by evaporation. Industrial wastewater such as compressed air system generated waters, purge waters from sampling and developing Facility monitoring wells, and other miscellaneous industrial non-hazardous, non-radioactive wastewaters is discharged to an impoundment system for disposal by evaporation. Salt brine produced from stormwater runoff from salt storage piles and other Facility processes is discharged to an impoundment system for disposal by evaporation. Salt mined at the Facility is stored at the surface in four stockpiles or salt cells. A portion of these stockpiles are closed and covered. The salt stockpiles have lined stormwater collection and drainage systems which convey the water to impoundments or ponds for evaporation.

Discharge Permit History

The original WIPP groundwater Discharge Permit (DP-831) was issued by NMED on January 16, 1992, amended on August 28, 1995, renewed on July 3, 1997, amended on June 12, 1998 and on

January 24, 2000, renewed on April 29, 2003, modified on December 22, 2003 and on December 29, 2006, renewed and modified on July 23, 2008, and last renewed on July 29, 2014. The application (i.e., discharge plan) consists of the materials submitted by the Permittee dated December 3, 2018 and materials contained in the administrative record prior to issuance of this draft Discharge Permit and draft Fact Sheet.

The draft Discharge Permit addresses the renewal and modification of associated permit conditions. The permit modification consists of the addition of one new salt storage cell and four new liquid impoundments: Salt Cell 5, Salt Storage Pond 5, Brine Salt Storage Pone 4, Brine Retention Pond East, and Brine Retention Pond West. Additional changes made to the Discharge Permit issued on July 29, 2014 are described below.

Hydrogeology

The Facility is geologically situated in the southeast portion of New Mexico within the Delaware Basin, which is part of the larger Permian Basin. The geologic formations below the facility that are pertinent to this Discharge Permit, from deepest to shallowest, include: the Salado Formation (851 to 2,150 below ground surface [bgs]), the Rustler Formation (546 to 851 bgs), the Dewey Lake Formation (54 to 564 bgs), and, in the northeastern portion of the facility, the Santa Rosa Formation (34 to 54 bgs). The Salado Formation consists predominately of polyhalite, with some halite, carbonates, anhydrites, and clay seams. The Rustler Formation consists of carbonates, anhydrites, and halites. The Dewey Lake Formation consists almost entirely of mudstone, claystone, siltstone, and interbedded sandstone, and is frequently referred to as the Dewey Lake Redbeds Formation. The terms upper, middle, and lower Dewey Lake are used to describe the stratigraphic position in the formation and characteristics that related to the occurrence of saturated conditions. The upper Dewey Lake consists of a think, generally unsaturated section. The middle Dewey Lake occurs above a sulfate cementation change, which results in saturated conditions and a natural water table in limited areas. The lower Dewey Lake is below the sulfate cementation change and has low permeability. The Santa Rosa Formation consists of gray and red sandstone with lenses of shale and conglomerate.

The vadose zone, i.e., the area above the water table, consists of Quaternary dune sand (0 to 7.5 bgs), Mescalero caliche (7.5 to 17 bgs), and the Gatuña Formation (17 to 34 bgs). Recharge rates through the native soils are extremely low and there is little recharge through the vadose zone to the Santa Rosa Formation.

Groundwater below the Facility most likely to be affected by a discharge from the facility is at a depth of approximately 34 to 160 feet. The WIPP discovered a perched water zone in the lower Santa Rosa and upper Dewey Lake Formations in 1995 and determined that the probable sources of this shallow groundwater were the unlined impoundments constructed to capture stormwater runoff at the Facility and runoff from the above-ground salt piles. This shallow groundwater is contaminated with total dissolved solids, sulfate, and chloride. After the discovery of the human caused shallow groundwater, all impoundments at the facility were lined and a network of

monitoring wells was installed. The shallow groundwater has a flow direction of north to south. Natural, non-human caused, groundwater occurs in the middle portion of the Dewey Lake Formation south of the WIPP facility at a depth of 160 feet. The Dewey Lake Formation has a relatively low hydraulic conductivity and the groundwater in the Formation has an average total dissolved solids concentration of approximately 3,400 milligrams per liter.

The first laterally continuous water-bearing zone below the Facility is within an approximately 30-foot-thick section of the Culebra Member of the Rustler Formation. Water in the Culebra Member is usually present in fractures and is confined by overlaying anhydrite and underlying clay and anhydrite beds. The Culebra Member is monitored through a network of monitoring wells.

Description of the Proposed Discharge

The activities that produce the discharge and the quantity, quality, and flow characteristics of the proposed discharges at the WIPP are briefly described as follows:

The source and disposition locations of proposed discharges at WIPP include the following: domestic wastewater to a facultative (treatment) lagoon system; industrial, non-hazardous, non-radioactive wastewater to evaporative impoundments; stormwater emanating generally from the Facility to evaporative impoundments, and stormwater emanating from the salt piles to evaporative impoundments.

Up to 23,000 gallons per day (gpd) of domestic wastewater may be discharged to seven synthetically lined impoundments (Facultative Lagoon System) comprised of Settling Lagoons 1 and 2, Polishing Lagoons 1 and 2, and Effluent Lagoons A, B, and C for disposal by evaporation and removal of precipitated domestic waste solids.

Non-domestic wastewater may be discharged at the Facility in the following ways:

- Up to 27,000 gpd of industrial wastewaters from the following sources: wastewater from compressed air systems, brine, purge waters from sampling and developing Facility monitoring wells, and other miscellaneous industrial non-hazardous, non-radioactive wastewaters. These industrial wastewaters are discharged to the Effluent Lagoons B and C of the Facultative Lagoon System for disposal by evaporation.

- Up to 50,000 gpd of industrial wastewaters from the following sources: brine, purge waters from sampling and developing Facility monitoring wells, condensate from the Exhaust Shaft fan ductwork on the surface, and water collected from the Waste Shaft Sump, Exhaust Shaft Interception Wells, and other observation boreholes in the underground. These industrial wastewaters are discharged to a separate synthetically lined impoundment for disposal by evaporation (Evaporation Pond H-19).

- Up to 2,210 gpd of brine produced from the operation of the to be constructed Salt Reduction System within the Safety Significant Confinement Ventilation System (SSCVS) will be discharged to two double synthetically lined impoundments, each with a leak detection system (Brine Retention Ponds East and West, collectively Brine Ponds). One brine retention pond will be in service while the other brine retention pond is closed for evaporation and removal of precipitated salt in order to maintain at least two feet of freeboard. Any remaining brine in the closed Brine Pond will be transferred to Brine Salt Storage Pond 4 for disposal by evaporation.

- Salt and other subsurface materials mined during construction of the Facility, as well as currently mined salt, are stored at the surface in four stockpiles. The stockpiles currently storing salt, or that will be used in the future as salt is mined from the Facility's underground panels, are referred to as Salt Cells 2, 3, and 5. Stormwater runoff in contact with Salt Cells 2 and 3 is collected in two double synthetically-lined stormwater impoundments, each with a leak detection system (Salt Storage Ponds 2 and 3). The total storage capacity of Salt Storage Ponds 2 and 3 is 21,737,254 gallons. Stormwater runoff in contact with Salt Cell 5 will be collected in a double synthetically-lined stormwater impoundment with a leak detection system (Salt Storage Pond 5). The storage capacity of Salt Storage Pond 5 will be 6,355,404 gallons. Salt Cell 1 no longer receives salt and is capped with synthetic material and an earthen cover. Stormwater runoff in contact with this stockpile is collected in synthetically-lined diversion ditches directed to a synthetically-lined impoundment (Salt Storage Pond 1). The storage capacity of Salt Storage Pond 1 is 3,301,634 gallons. The storage capacity of each salt storage pond is more than sufficient to contain a 24-hour, 100-year (5.84-inch rainfall) storm event.

- Stormwater runoff from the SSCVS area is collected in a double synthetically-lined stormwater impoundment with a leak detection system (Brine Salt Storage Pond 4). The storage capacity of Brine Salt Storage Pond 4 is 8,668,722 gallons. The capacity of the Brine Salt Storage Pond 4 is more than sufficient to contain a 24-hour, 100-year (5.84-inch rainfall) storm event.

- Additional stormwater runoff from the Facility's paved areas and roofs is collected in three synthetically-lined impoundments (Storm Water Ponds 1, 2, and 3). This runoff does not contact the salt stockpiles or other waste materials at the Facility and may be used by the permittee for dust control, soil compaction, and other construction activities.

Basis for Draft Permit Conditions

The conditions in this Draft Permit are organized into the following Sections: Operational Plan, Monitoring and Reporting, Additional Studies Required, Contingency, Closure, and General Requirements. The Draft Permit conditions conform to the requirements of the regulations and are generally consistent with similar conditions in other groundwater discharge permits issued by the Department.

1. Operational Plan Conditions (pages 6-14 in the Draft Permit)

Conditions in this Section require the permittee to properly operate and maintain the disposal systems, to restrict access to the systems via fencing so that unauthorized persons cannot damage a system or be exposed to unsafe conditions, and to post appropriate cautionary signs.

This Section contains operating conditions typically required for discharge systems composed of lined treatment impoundments for domestic wastewater and lined evaporative impoundments for industrial wastewater and stormwater. These conditions include requirements to appropriately maintain the synthetic impoundment liners, to maintain a specific freeboard within impoundments to prevent overtopping, to measure the thickness of settled solids within impoundments and to remove those solids in accordance with all local, state, and federal regulations if storage capacity is diminished to a specific limit. Proper operation and maintenance of the discharge system is critical for the Discharge Permit to achieve the performance criteria established in Subsection C of 20.6.2.3109 NMAC.

This Section requires the Permittee to monitor impoundment leak detection systems associated with specific salt storage ponds and the proposed impoundments. This requirement in-part addresses the requirement that a discharge plan include procedures for detecting a failure of the discharge system as specified in 20.6.2.3107 NMAC. The Permittee must construct, maintain, and operate impoundment leak detection, collection, and recovery systems (LDCRS) in a manner that will result in less than one foot of hydraulic head on the secondary liner. If this impoundment leakage limit cannot be maintained, the Permittee is obligated to submit a corrective action plan to NMED for approval.

This Section also requires the Permittee to conduct regular inspection of the earthen covers on Salt Cell 1 and the Site and Preliminary Design Validation (SPDV) Material Pile. The Permittee is required to inspect the earthen covers monthly and after storm events of 2 inches or greater in a 24-hour period to evaluate the covers, including erosional impact and vegetative success. Both piles consist of salt excavated during the construction of the Facility. Both piles are no longer active, i.e., they no longer receive mined salt; therefore, they have been covered in order to prevent stormwater infiltration and destabilization of the piles.

The Draft Permit does not contain discharge quality limitations because all discharges are contained in evaporative disposal systems.

2. Monitoring and Reporting Conditions (pages 15 – 27 in the Draft Permit)

Conditions in this Section require the Permittee to monitor and report on various aspects of the discharge system and groundwater to demonstrate that operations are compliant with the Discharge Permit and that the Discharge Permit is achieving the expected results. Monitoring and reporting requirements are authorized by Subsection A of 20.6.2.3107 NMAC. A discharge permit may not be approved without provisions for flow measurement and sampling, pursuant to Subsection H of 20.6.2.3109 NMAC.

The facility subsections require monitoring of the quantity and quality of the discharges, specifically, the discharge volumes to the impoundments, the chemical characterization of the impounded fluids, and the volume of liquid pumped from the leak detection systems.

This Section requires semi-annual sampling of Effluent Lagoon A of the Facultative Lagoon System for total Kjeldahl nitrogen, nitrate as nitrogen, total dissolved solids, chloride, and sulfate. If industrial wastewater is discharged into Effluent Lagoon B or C during a semi-annual period, the Permittee is required to sample the impoundments for total dissolved solids, chloride and sulfate. In addition, NMED may require comprehensive laboratory analysis of the industrial wastewater prior to it being discharged when NMED determines additional information is required.

This Section requires the Permittee once during the Discharge Permit term to evaluate the industrial wastewater in Evaporation Pond H-19 for constituent listed in 20.6.2.3103 NMAC. This comprehensive analysis pertains to the industrial waste discharges having varied origins, including brine, purge waters from sampling and developing monitoring wells, water collected from the Waste Shaft Sump, Exhaust Shaft Interception Wells, other observation boreholes in the underground, and condensate from the Exhaust Shaft fan ductwork on the surface. On an annual basis, the Permittee is required to sample Storm Water Ponds 1, 2, and 3 for sulfate, total dissolved solids, and chloride. The Permittee is required to sample the industrial wastewater in Brine Retention Ponds East and West quarterly and analyze the sample for every constituent listed in Subsection A of 20.6.2.3103 NMAC. After four consecutive quarterly sampling events, the Permittee may request to reduce the sampling frequency and/or the analyte list.

The Permittee is required to sample Salt Storage Ponds 1, 2, 3 and 5 on an annual basis and analyze the sample for sulfate, total dissolved solids, and chloride.

The Groundwater Monitoring and Reporting subsection requires monitoring groundwater downgradient of the following potential contaminant sources: impoundments containing stormwater runoff in contact with salt piles, the domestic wastewater impoundment system, capped salt piles, uncapped salt piles, and impoundments containing industrial discharges. This Section requires groundwater monitoring of two perched water zones, the shallow human caused groundwater measured at approximately 35 to 80 feet below ground surface in fifteen monitoring wells and the shallowest natural water-bearing zone in the Dewey Lake Formation

measured at approximately 160 feet below ground surface in three monitoring wells. A map depicting monitoring well locations can be found in Attachment B.

The Permittee is required on a semi-annual basis to sample for total dissolved solids, chloride, and sulfate in eighteen groundwater monitoring wells designated to monitor salt piles, impoundments containing stormwater runoff in contact with salt piles, and the domestic wastewater system. The Permittee is required to sample on a semi-annual basis for nitrate as nitrogen and total Kjeldahl nitrogen in one groundwater monitoring well designated to monitor the domestic wastewater impoundment system. The Permittee is required to sample for uranium and combined radium-226 and radium-228 once within the first year of the permit term in eighteen groundwater monitoring wells designated to monitor all domestic and non-domestic discharge locations at the Facility. The sampling requirements for uranium and radium-226/radium-228 are included because these constituents are the only radioactive constituents for which New Mexico has groundwater protection standards. Historical analysis for 12 years at the Facility for other radioactive constituents showed results at concentrations at background levels or below counting limits. Radionuclides continue to be monitored in the Annual Site Environmental Report prepared by the WIPP.

Monitoring wells WQSP-6A, PZ-17, and PZ-19 are intended to monitor the shallowest natural water-bearing zone in the Dewey Lake Formation, which occurs in the subsurface at the southern end of the Facility. All other monitoring wells are intended to monitor the shallow human caused groundwater.

This subsection requires the installation of four new groundwater monitoring wells to monitor groundwater associated with newly authorized impoundments, to replace an improperly located well, and to monitor previously unmonitored locations. One monitoring well is required to be installed downgradient of the Facultative Lagoon System to replace an improperly located well. One monitoring well is required to be installed downgradient of Evaporation Pond H-19 because the impoundment is comprised of a single, 40-mil synthetic liner; therefore, a monitoring well is required downgradient to monitor the integrity of the liner. One monitoring well is required to be installed downgradient of the proposed Brine Salt Storage Pond 4 to monitor that impoundment system. One well is required to be installed downgradient of the proposed Salt Storage Pond 5 in order to monitor that impoundment system.

This Section requires the submittal of semi-annual monitoring reports that include the following: the chemical analytical results of domestic effluent and non-domestic wastewater; discharge volumes; record of solids (salt) removal and disposal; leak detection system measurements; the submittal of DOE's "Waste Isolation Pilot Plant Annual Site Environmental Report"; groundwater characterization data; groundwater depth measurements; and groundwater elevation contour maps.

3. Additional Studies Required (pages 27 - 28 in the Draft Permit)

This Section requires the Permittee to submit for NMED approval a workplan to investigate the shallow groundwater beneath the site, which contains concentrations of total dissolved solids, chloride, and sulfate above the standards of 20.6.2.3103 NMAC. Contingency Condition 26 of WIPP's previous Discharge Permit dated July 29, 2014 requires a response to exceedances to the standards of 20.6.2.3103 NAMC. Facility records identify the probable source of this groundwater as unlined stormwater impoundments from the time of initial construction of the Facility to the time the impoundments were lined in 2005. The purpose of the site investigation is to determine the efficacy of existing source controls, to determine the current lateral and vertical extent of this contaminated shallow groundwater, and to identify any potential impacts to the downgradient and naturally occurring downgradient groundwater in the Dewey Lake Formation. The site investigation may build upon the previous investigations completed by Daniel B. Stephens and Associates in 2003 and 2008.

This requirement is consistent with Section 20.6.2.3107 NMAC, which allows the Secretary to require a system of monitoring and reporting to verify that the permit is achieving the expected results and to require reporting of other information. The site investigation will provide additional information necessary to prevent further contamination and to determine whether to require corrective action or abatement.

4. Contingency Plan Conditions (pages 28 -31 in the Draft Permit)

This Section requires the Permittee implement specified actions, or to propose corrective actions for NMED's approval, in the case of failure of any aspect of the discharge system. The conditions, which reflect standard language used in other industrial discharge permits, address the exceedance of groundwater standards, damage to impoundment liners, lack of required freeboard in impoundments, and monitoring well deficiencies (e.g., improper construction, improper location for monitoring the intended source, insufficient water for sampling). If any of the conditions listed occur, the Permittee is required to submit a Corrective Action Plan resolving the issue to NMED for approval. Contingency plans are authorized by Subsection A(10) of 20.6.2.3107 NMAC. The Permittee is required to report and address unauthorized discharges in accordance with 20.6.2.1203 NMAC.

5. Closure Conditions (pages 32 – 35 in the Draft Permit)

This Section prescribes measures and timeframes for closing part, or all, of the Facility so that discharges can no longer occur and so that the exceedance of groundwater standards does not occur after the cessation of the operation. NMED understands that the Permittee does not plan to close the Facility during the term of this Discharge Permit, however general closure conditions are always included in discharge permits. Closure requirements are authorized by Subsection A(11) of 20.6.2.3107 NMAC, which also stipulates that closure requirements survive the termination or expiration of the Discharge Permit.

Groundwater monitoring is required after a discharge ceases and all means of transferring liquid to a discharge impoundment are sealed. This period after "closure" is commonly referred to as "post-closure" and generally continues until a minimum of eight consecutive quarters of groundwater sampling and analysis confirm no exceedance of standards. This two-year period allows for the potential movement of contaminants through the vadose zone and is consistent with the time period established in remediation programs for demonstrating that remediation is complete, e.g., 20.6.2.4103 NMAC (abatement plans) and 20.5.119.1929 NMAC (petroleum storage tank systems).

This Section includes a condition for properly closing the Facility in accordance with the WIPP Land Withdrawal Act, WIPP's Hazardous Waste Facility Permit (NM4890139088-TSDF), and the WIPP Land Management Plan's requirements for disposition of salt. In particular, the condition requires removal of all salt stockpiles from the land surface at the Facility so that the salt does not remain as a potential source of a contaminant discharge to groundwater.

6. General Terms and Conditions (pages 35 – 39 in the Draft Permit)

This Section's general terms and conditions are standard conditions in all discharge permits.

The Permittee is required to maintain certain records and provide them if requested to NMED, as authorized by Subsections A and D of 20.6.2.3107 NMAC. The Permittee is required to notify NMED of proposed changes to the volume, location, or character of the discharge, as this may require a "discharge permit modification" as defined in Subsection D of 20.6.2.7 NMAC and is consistent with the notification requirement in Subsection C of 20.6.2.3107 NMAC.

This Section identifies the Permittee's obligations, pursuant to the Ground and Surface Water Protection Regulations, regarding the transfer of the discharge permit, permit fees, and submittal of construction plans and specifications. The Section also cites New Mexico Water Quality Act provisions allowing for inspections, civil and criminal penalties, and the duty to comply with other laws.

Comment Period / Request for Hearing

NMED will allow at least thirty days during which time the public or the Facility may submit written comments and request a public hearing regarding the draft Discharge Permit. NMED will allow for these activities after publishing notice of the availability of this draft Permit and Fact Sheet. Requests for public hearing shall be in writing and shall set forth the reasons why a hearing should be held. A hearing will be held if the NMED Secretary determines that there is substantial public interest. To obtain a copy of the Draft Permit, to submit a comment, or to request a hearing on this matter, contact the GWQB Contact listed at the beginning of this Fact Sheet.