



**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

November 29, 2023

Kaylan Kennel  
Portales Dairy Products, LLC  
1820 South Industrial Drive  
Portales, NM 88130

**RE: Draft Discharge Permit Renewal, DP-941, Portales Dairy Products, LLC**

Dear Kaylan Kennel:

The New Mexico Environment Department (NMED) hereby provides notice to you of the proposed approval of Ground Water Discharge Permit Renewal, DP-941, (copy enclosed), pursuant to Subsection H of 20.6.2.3108 NMAC. NMED will publish notice of the availability of the draft Discharge Permit in the near future for public review and comment and will forward a copy of that notice to you.

Regarding Portales Dairy Products comments submitted within the Discharge Permit Renewal Application:

- 1. Table B. Monitoring and Reporting, vi. Facility Monitoring Conditions 35:** PDP requests that the permit be revised to require the permittee to maintain copies of manufacturer's certificate of calibration and the manufacturer's recommended maintenance schedule at the facility for the electromagnetic meters used onsite.  
**NMED Response:** NMED agrees, the condition will be outlined in the draft permit under Table B5 Flow Meters, along with the other appropriate terms pursuant to 20.6.2.3107(A) and 20.6.2.3109 (C) in the 2023 Renewal Discharge permit, DP-941 Portales Dairy Products, LLC.
- 2. Table B. Monitoring and Reporting, v. Land Application of Wastewater Monitoring Conditions 29:** PDP requests that the semi-annual soil sampling requirement be reduced to annual sampling.  
**NMED Response:** NMED agrees, PDP has provided adequate information to the geology, hydrogeology, mineralogy, and aquifer hydraulic properties within the three iterations of the Contingency Plans. With the quarterly groundwater monitoring, effluent analysis, discharge data, soil sampling, and annual submission of the Nutrient Management Plan the composition and properties of the soil, the observed groundwater/soil interactions, and water chemistry has been described. Ultimately, NMED's objective to monitor the constituents of concern generated in the wastewater and applied to the fields within the land application can be met with annual soil sampling.
- 3. Table B. Monitoring and Reporting, iv. Groundwater Monitoring Conditions 21:** PDP requests that arsenic, boron, molybdenum, and fluoride be removed from the quarterly monitoring well analysis.

SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

Ground Water Quality Bureau | 1190 Saint Francis Drive, PO Box 5469, Santa Fe, New Mexico 87502-5469

Telephone (505) 827-2900 | [www.env.nm.gov/gwqb/](http://www.env.nm.gov/gwqb/)

**NMED Response:** The request will be reevaluated when the conditions of the Stage 1 Abatement Plan are addressed.

4. **Table B. Monitoring and Reporting, iv. Groundwater Monitoring Conditions 23:** PDP requests authorization to plug and abandon MW-5 without the requirement of a replacement well.

**NMED Response:** NMED agrees, the well has been dry for over two years and the existing monitoring wells on site cover the potential sources of contamination as deemed necessary in Subsection A and C of 20.6.2.3107 NMAC. The condition will be outlined in B103 Facility: conditions for Closure for the 2023 Discharge Permit, DP-941 Portales Dairy Products, LLC.

5. **Table B. Monitoring and Reporting, iv. Groundwater Monitoring Conditions 23:** PDP request the sampling frequency for monitoring wells MW-6, MW-7, MW-9s, MW-9d, MW-12, MW-15, and MW-16 be reduced to once every permit cycle.

**NMED Response:** The request will be re-evaluated pending a survey and investigation of the structural integrity of Lagoon 2 as outlined in the Stage 1 Abatement Plan.

Prior to making a final ruling on the proposed Discharge Permit, NMED will allow 30 days from the date the public notice is published in the newspaper for any interested party, including the Discharge Permit applicant, i.e., yourself, to submit written comments and/or a request a public hearing. A hearing request shall set forth the reasons why a hearing is requested. NMED will hold a hearing in response to a timely hearing request if the NMED Secretary determines there is substantial public interest in the proposed Discharge Permit.

Please review the enclosed draft Discharge Permit carefully. Please be aware that this Discharge Permit may contain conditions that require the permittee to implement operational, monitoring or closure actions by a specified deadline.

Please submit written comments or a request for hearing to my attention at the address below, through the online portal accessible at <https://nmed.commentinput.com/comment/search> or via email to [amanda.otieno@env.nm.gov](mailto:amanda.otieno@env.nm.gov) or [acs.general@state.nm.us](mailto:acs.general@state.nm.us). If NMED does not receive written comments or a request for hearing during the public comment period, the draft Discharge Permit will become final.

Thank you for your cooperation during the review process. Feel free to contact me with any questions at [amanda.otieno@env.nm.gov](mailto:amanda.otieno@env.nm.gov) or [acs.general@env.nm.gov](mailto:acs.general@env.nm.gov)

Sincerely,

Amanda Otieno  
Water Resource Professional II

Enc: Draft Discharge Permit Renewal, DP-941

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***Draft: November 2023***

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

**Facility Name:** Portales Dairy Products, LLC  
**Discharge Permit No:** DP-941  
**Permittee Name:** Portales Dairy Products, LLC  
**Mailing Address:** 1820 South Industrial Drive  
Portales, NM 88130

**Facility Location:** 1820 South Industrial Drive  
Portales, NM 88130

**County:** Roosevelt County

**Permitting Action:** Renewal  
**Source Classification:** Agriculture – Crop/Food Processing

**Permit Issuance Date:** DATE  
**Permit Expiration Date:** DATE

**NMED Permit Contact:** Amanda Otieno  
Telephone Number/Email: (505) 819-1219 /[Amanda.otieno@env.nm.gov](mailto:Amanda.otieno@env.nm.gov) or  
Main Bureau/Section Contact (505) 827-2900/ [acs.general@env.nm.gov](mailto:acs.general@env.nm.gov)

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**JUSTIN BALL**  
Chief, Ground Water Quality Bureau  
New Mexico Environment Department

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## **PART A GENERAL INFORMATION**

### **A100 Introduction**

- A. The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal (Discharge Permit), **DP-941**, to Portales Dairy Products, LLC (Permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978, §§ 74-6-1 through 74-6-17, and the New Mexico Ground and Surface Water Protection Regulations, 20.6.2 NMAC. NMED's purpose in issuing this Discharge Permit is to control the discharge of water contaminants from Portales Dairy Products, LLC (Facility) for the protection of 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.
- B. The Permittee is discharging up to 1.436 million gallons per day (gpd) of effluent from Portales Dairy Products, LLC. This discharge or leachate may move directly or indirectly into groundwater of the State of New Mexico which has an existing concentration of 10,000 milligrams per liter (mg/L) or less of total dissolved solids (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.
- C. In issuing this Discharge Permit, NMED has determined that the Permittee has met the requirements of Subsection C of 20.6.2.3109 NMAC. Pursuant to Section 20.6.2.3104 NMAC, it is the Permittee's responsibility to comply with the terms and conditions of this Discharge Permit; failure to do so may result in enforcement action by NMED (20.6.2.1220 NMAC).

### **A101 Terms of Permit Issuance**

- A. **Permit Duration** - Pursuant to WQA 74-6-5(I) and Subsection H of 20.6.2.3109 NMAC, the term of a Discharge Permit shall be for the fixed term of **five years** from the effective date of the Discharge Permit.
- B. **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. Permit fees are associated with issuance of this Discharge Permit. Nothing in this Discharge Permit relieves 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. [Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]

- C. **Permit Renewal** - To renew this Discharge Permit, the Permittee shall submit, in accordance with 20.6.2.3106 NMAC, an application and any associated fees for renewal, renewal and modification, or renewal for closure at least 120 days before the discharge permit expiration date, unless closure of the facility is approved by NMED before that date.
- D. **Transfer of Ownership** - This Discharge Permit is being issued to Portales Dairy Products, LLC as identified in **Section A100** above. In accordance with Section 20.6.2.3111 NMAC, the Permittee, any listed owner(s) of record, and any [other] holder(s) of an expired discharge permit are responsible for complying with the conditions listed herein. If during the duration of this Discharge Permit a change in the list of responsible parties is required, transfer of ownership shall be completed in accordance with Section 20.6.2.3111(A).

#### **A102 Applicable Regulations**

- A. **Scope** - This Discharge Permit applies solely for the regulation of process wastewater or stormwater generated from facility operations and does not include regulation of domestic wastewater at the facility. Domestic wastewater generated at the facility is treated or disposed of pursuant to 20.7.3 NMAC and industrial stormwater permit NMR053249.
- B. The discharge from the facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.
- C. Groundwater quality as observed in on-site monitoring wells is subject to the criteria of Sections 20.6.2.3101 and 20.6.2.3103 NMAC unless otherwise specified in this Discharge Permit.
- D. Complying with the applicable requirements of 20.6.2 NMAC does not relieve a facility's owner, operator or Permittee from complying with the requirements of other applicable local, state and federal regulations or laws.

#### **A103 Facility: Physical Description**

- A. This facility is located at 1820 South Industrial Drive, Portales in Section 4, Township 2 South, Range 34 East, with land application areas and monitoring components in Sections 4 and 5, Township 2 South, Range 34 East for PDP fields; Sections 7, 12, 13, and 18, Township 2 South and Range 33 and 34 East for Kizer Field; and Section 5, Township 2 South, Range 34 East for Levacy Fields, all located in Roosevelt County.
- B. This facility is comprised of the following wastewater system components as identified in the application dated February 23, 2023 and the administrative record which includes the original Discharge Permit issued on September 7, 1993 and subsequently renewed and modified on July 16, 1999, September 8, 2006, December 12, 2013, and a supplemental working draft issued for settlement purposes only, issued September 13, 2017, with a finalized permit formatted and issued August 17, 2018 as of the effective date of this Discharge Permit:

1. Wastewater impoundments:
  - a. **Old Lagoon (Effluent) RL-1** - a 80-mil HDPE lined retention impoundment used to store treated wastewater prior to land application. The lagoon is centrally located at the facility, situated along the southeastern border of PDP Field 1, adjacent to the WWTP. Constructed prior to 1991, Old Lagoon has a current storage capacity of 5.49 Ac-ft.
  - b. **Aeration Lagoon RL-2 (T-1200)** – an 80-mil HDPE lined retention impoundment used in aerobic digestion in the WWTP process. The lagoon is located south of WWTP and the Old Lagoon. Constructed in 1993, T-1200 has a current storage capacity of 6.75 Ac-ft and contains a liner leak detection system.
  - c. **Northwest Stormwater Retention Basin** – an unlined retention impoundment used to store stormwater for evaporation, located south of the paved parking lot on the west side of the milking plant. Construction date and storage capacity are unknown.
  - d. **Northeast Stormwater Retention Basin** – an unlined retention impoundment used to store stormwater for evaporation, located north of the truck parking area on the east side of the milking plant. Construction date and storage capacity are unknown.
  - e. **South Stormwater Retention Basin** – an unlined retention impoundment used to store stormwater for evaporation located east of the paved warehouse used for shipping and receiving, south of the wastewater lift station. Construction date and storage capacity are unknown.
2. Fields or tracts within the land application area or surface disposal area:
  - a. **PDP Field 1** – covers 89.5 acres and is located along the northwestern boundary of the WWTP. Field 1 has been actively receiving wastewater discharge since 1993. Wastewater is applied by a center pivot installed in 1993.
  - b. **PDP Field 2** – covers 104 acres and is located along the southwest side of PDP Field 3. Field 2 has been actively receiving wastewater discharge since 1993. Wastewater is applied by a center pivot and replaced in 2014.
  - c. **PDP Field 3** –covers 43 acres and is located between PDP Field 1 and 2. Field 3 has been actively receiving wastewater discharge since 1993. Wastewater is applied by a center pivot installed in 2003.
  - d. **Kizer Field** – covers 488 acres and is located approximately 4 miles southwest of the Milk Plant, west of US Highway 70. Kizer has been actively receiving wastewater discharge since 2016. Wastewater is applied by a center pivot installed in 2008.
  - e. **Levacy Field 1** – covers 14 acres and is located west of the production area and PDP fields, adjacent to Levacy Field 2. Field 1 has received wastewater discharge historically, through above ground piping.
  - f. **Levacy Field 2** – covers 32 acres and is located west of the production area, east of Levacy Field 1. Field 2 has received wastewater discharge historically, through above ground piping.

- g. **Levacy Field 3** –covers 32 acres and is located west of the production area, south Field 2 and east of Field 4. Field 3 has received wastewater discharge historically, through above ground piping.
- h. **Levacy Field 4** –covers 32 acres and is located west of the production area, and west adjacent to Field 3. Field 4 has received wastewater discharge historically, through above ground piping.
- i. These system components identified are potential sources of groundwater contamination. **Section B100** lists all wastewater system components authorized to discharge under this Discharge Permit.

**A104 Facility: Documented Hydrogeologic Conditions**

- A. Groundwater most likely to be affected at this facility is at a depth of approximately 68 feet at the PDP Fields and 24 feet at Kizer Field and had a total dissolved solids concentration of 2,400 milligrams per liter.
- B. Data collected from on-site monitoring wells document groundwater contamination attributed to one or more wastewater system components at this facility: Large Lagoon RL-2. Groundwater quality standards for *TDS* have been exceeded according to the criteria of Sections 20.6.2.3101 and 20.6.2.3103 NMAC.
- C. An investigation into the integrity of the impoundment, including its liner, was required as part of the Conditional Approval, Contingency Plan Proposal (Stage 1 Abatement Plan), Portales Dairy Products LLC, DP-941 Letter dated November 28, 2023.

**PART B DISCHARGE REQUIREMENTS**

**B100 Facility: Authorized Discharge**

- A. NMED authorizes the Permittee to discharge water contaminants as part of facility operations subject to the following requirements:
  - 1. The Permittee is authorized to discharge up to 1.436 million gallons per day (gpd) of wastewater from the production area. Three automatic pumps connected to level controls housed in the lift station pump food process wastewater from the milk processing plant to the wastewater treatment plant (WWTP). The WWTP moves wastewater through an equalization tank (T-800) balancing the flow and organic loadings, from which transfer pumps move wastewater to an anoxic reactor tank (T-200) where it mixes with return activated sludge meant to promote denitrification of wastewater. The wastewater overflow drains by gravity to the Aeration Lagoon RL-2 (T-1200) where aerobic digestion occurs. Wastewater can be transferred to either the solids liquids separator (T-500 and T-600) or back to the T-200 tank for denitrification. Clarified wastewater from the WWTP will flow to a synthetically lined wastewater impoundment Old Lagoon (Effluent) RL-2 for storage prior to being land applied by center pivot on up to 834.5 acres of irrigated cropland under cultivation.

2. The Permittee is authorized to use the following impoundments for the following purposes in accordance with Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC:
  - a. **Old Lagoon RL-1 (Effluent)** – authorized to receive wastewater for storage prior to land application. This impoundment **exists** as of the effective date of this Discharge Permit.
  - b. **Aeration Lagoon RL-2 (T-1200)** – authorized to receive wastewater as a means of wastewater treatment and storage. This impoundment **exists** as of the effective date of this Discharge Permit.
  - c. **Northwest Stormwater Retention Basin** – authorized to receive stormwater for collection prior to disposal by evaporation. This impoundment **exists** as of the effective date of this Discharge Permit.
  - d. **Northeast Stormwater Retention Basin** – authorized to receive stormwater for collection prior to disposal by evaporation. This impoundment **exists** as of the effective date of this Discharge Permit.
  - e. **South Stormwater Retention Basin** – authorized to receive stormwater for collection prior to disposal by evaporation. This impoundment **exists** as of the effective date of this Discharge Permit.
3. The Permittee is authorized to apply wastewater to fields within the land application area in accordance with Subsection C of 20.6.2.3109 NMAC. The land application area is comprised of the following fields for a total area of 834.5 acres.
  - a. **PDP Field 1** – This field was authorized by the last Discharge Permit by the last Discharge Permit (*August 17, 2018*) to receive wastewater and *has* received wastewater as of the effective date of this Discharge Permit.
  - b. **PDP Field 2** – This field was authorized by the last Discharge Permit by the last Discharge Permit (*August 17, 2018*) to receive wastewater and *has* received wastewater as of the effective date of this Discharge Permit.
  - c. **PDP Field 3** – This field was authorized by the last Discharge Permit by the last Discharge Permit (*August 17, 2018*) to receive wastewater and *has* received wastewater as of the effective date of this Discharge Permit.
  - d. **Kizer Field** – This field was authorized by the last Discharge Permit by the last Discharge Permit (*August 17, 2018*) to receive wastewater and *has* received wastewater as of the effective date of this Discharge Permit.
  - e. **Levacy Field 1** – This field was authorized by the last Discharge Permit by the last Discharge Permit (*August 17, 2018*) to receive wastewater and *has not* received wastewater as of the effective date of this Discharge Permit.
  - f. **Levacy Field 2** – This field was authorized by the last Discharge Permit by the last Discharge Permit (*August 17, 2018*) to receive wastewater and *has not* received wastewater as of the effective date of this Discharge Permit.

- g. **Levacy Field 3** – This field was authorized by the last Discharge Permit by the last Discharge Permit (*August 17, 2018*) to receive wastewater and *has not* received wastewater as of the effective date of this Discharge Permit.
  - h. **Levacy Field 4** – This field was authorized by the last Discharge Permit by the last Discharge Permit (*August 17, 2018*) to receive wastewater and *has not* received wastewater as of the effective date of this Discharge Permit.
- B. This Discharge Permit authorizes only those discharges specified herein. Any unauthorized discharges, such as spills or leaks must be reported to NMED in a corrective action conducted pursuant to Section 20.6.2.1203 NMAC.

**B101 Existing System Controls**

- A. The following existing system controls at this facility shall be required as described below:
- 1. **Impoundments** - The Permittee shall maintain operations of the existing impoundment(s) as listed in **Section A103** above in accordance with conditions listed in **Table B2** to achieve compliance with this Discharge Permit. The wastewater impoundment system shall be designed to achieve compliance with the storage capacity requirements of Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC.
  - 2. **Flow Meters** - The facility measures the volume of (1) wastewater discharged from the production area and (2) wastewater and stormwater discharged to the land application area/surface disposal area using the following flow meters:
    - a. **FE- SLS** - located at the south “wastewater” lift station to measure the volume of wastewater discharged from the production area to the WWTP. [Subsection A of 20.6.2.3107 NMAC]
    - b. **FE- 900** - located at the PDP Fields Pump Station to measure the volume of treated wastewater from the PDP fields pump station to the PDP land application areas.
    - c. **FE- 901** - located at the PDP Fields Irrigation Rig 1 to measure the volume of treated wastewater from the PDP fields pump station P) through 8-inch irrigations lines to the center pivot on PDP Field 1.
    - d. **FE- 902** - located at the PDP Fields Irrigation Rig 2 and 3 to measure the volume of treated wastewater from the PDP fields pump station P) through 8-inch irrigations lines to the center pivot on PDP Fields 2 and 3.
    - e. **FE-1600** - located at Kizer Pump House to measure the volume of treated wastewater from the Kizer Pump House to Kizer Fields center pivot.
  - 3. **Monitoring Wells** - The facility uses the following monitoring wells to supply data representative of groundwater quality [Subsection A of 20.6.2.3107 NMAC]: \*s = shallow \*d = deep
    - a. **MW-1** - hydrologically downgradient PDP Field 1, located northwest of PDP Field 1.
    - b. **MW-2** - hydrologically downgradient of the Old Lagoon, WWTP, and PDP Field 1, located south of the Milk Plant.

- c. **MW-3** - hydrologically downgradient of PDP Field 1 and 3, located south of the T-1200.
- d. **MW-4s** - hydrologically downgradient of PDP fields, located west of the Old Lagoon near the center of PDP Field 1.
- e. **MW-4d** - hydrologically downgradient of PDP fields, located just south of MW-4s.
- f. **MW-6s** - hydrologically downgradient of PDP Field 2, located on the east side of the Field.
- g. **MW-6d** - hydrologically downgradient of PDP Field 2, located on the east side of the Field alongside MW-6s.
- h. **MW-7** - hydrologically downgradient of PDP Field 2, of located northeast of MW-6s/d.
- i. **MW-8s** - hydrologically downgradient of PDP Field 1, located south of the Lagoon T-200 tank.
- j. **MW-8d** - hydrologically downgradient of T-1200 located on its eastern edge.
- k. **MW-9s** - hydrologically upgradient of the WWTP, located southeast of Lagoon T-1200.
- l. **MW-9d** - hydrologically downgradient of WWTP, located southeast of Lagoon T-1200 alongside MW-9s.
- m. **MW-10** - hydrologically upgradient of all the contamination sources at the facility, located on the southeast side of the Kizer Field Pivot.
- n. **MW-11** - hydrologically downgradient of Kizer Field, located on the northeast side of Kizer Field.
- o. **MW-12** - hydrologically downgradient of Levacy Field 2 and 3, located north of Levacy Field 2.
- p. **MW-13** - hydrologically downgradient of Kizer Field, located southwest of PDP Field 2.
- q. **MW-14** - hydrologically upgradient of all the contamination sources at the facility, located southwest of Kizer Field.
- r. **MW-15** - hydrologically downgradient of WWTP and PDP Field 3, located south of Lagoon T-1200 and MW-3D.
- s. **MW-16** - hydrologically downgradient of WWTP of located east of Lagoon T-1200.

**B102 Conditions for Operation**

- A. NMED has reviewed the permit application for the proposed facility and has determined that the provisions of the applicable groundwater quality standards will be met in accordance with this Discharge Permit. General conditions for all Discharge Permits issued by the Ground.

DRAFT

**Table B1**  
**General Discharge Permit Conditions:**

<b>Engineering and Surveying</b>
a) None required.
<b>Operations and Maintenance</b>
b) Operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated.
c) The permittee shall inform NMED in writing no less than 30 days prior to installation and/or use of any mobile wastewater treatments units, except in an emergency when the permittee shall notify NMED as soon as possible. Additionally, the permittee shall inform NMED in writing within 30 days of removal of mobile wastewater treatment units.
d) The permittee shall utilize operators, certified by the State of New Mexico at the appropriate level or equivalently trained, to operate the wastewater collection treatment, and distribution system at the facility. All operations and maintenance of all or any part of the WWTP excluding irrigation systems not located on Portales Dairy Products, LLC property, shall be performed by, or under the direct supervision of a certified or equivalently trained operator.
e) Maintain all fencing and gates around the facility and WWTP to control access by the public and animals.
f) Maintain all signage indicating that the wastewater at the facility is not potable. All signage shall be printed in English and Spanish and shall remain visible and legible.
g) Repair or replace compromised pipe(s) or fixture(s) within 72 hours of discovery.
<b>Inspection and Monitoring</b>
h) Visually inspect all facility pipes and fixtures on a weekly basis for evidence of leaks or failure, including the lift stations which should be cleaned as needed to prevent pump failure. [20.6.2.3107 NMAC and Subsection C of 20.6.2.3109]
<b>Recordkeeping and Reporting</b>
i) Maintain written records at the facility of any inspection(s), repairs and maintenance conducted on facility infrastructure as related the wastewater management system.
j) Conduct the monitoring, reporting, and other requirements in accordance with the monitoring requirements of this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
k) 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.
l) Unless otherwise identified in this Discharge Permit, submit monitoring reports to NMED quarterly according to the following schedule: [Subsection A of 20.6.2.3107 NMAC]
<ul style="list-style-type: none"><li>• January 1 through March 31 (first quarter) – report due by <b>May 1</b></li><li>• April 1 through June 30 (second quarter) – report due by <b>August 1</b></li><li>• July 1 through September 30 (third quarter) – report due by <b>November 1</b></li><li>• October 1 through December 31 (fourth quarter) – report due by <b>February 1</b></li></ul>

**Table B1  
 General Discharge Permit Conditions:**

m) Retain required records for a minimum period of five years from the date of any sample collection, measurement, report or application in accordance with 20.6.2.3107 NMAC, 74-6-5 WQA.

- B. Water Quality Bureau pursuant to NMAC 20.6.2 are summarized on **Table B1**. Unless otherwise specified in Parts A or B of this Discharge Permit, both the general conditions for a facility discharge permit (as listed in this part) and facility-specific conditions as listed are mandated to assure continued compliance.
- C. **Impoundment(s)** - The Permittee shall manage all impoundments at the facility in accordance with 20.6.2.3107 and 20.6.2.3109 NMAC and the conditions summarized in **Table B2** below.

**Table B2  
 Impoundment(s)**

<b>Engineering, Surveying and Construction and/or Improvements</b>
<p>a) Within 90 days of the effective date of this Discharge Permit (<b>by DATE</b>), the Permittee shall submit an up-to-date survey of the stormwater impoundments (Northwest, Northeast, and South Stormwater Retention Basins) and capacity calculations to NMED. The survey and capacity calculations shall be completed by a licensed New Mexico professional surveyor. The capacity calculations shall include the storage volume below the two-foot freeboard level.</p>
<b>Operations and Maintenance of All Impoundments</b>
<p>b) The wastewater impoundment(s) shall be designed to contain the maximum daily discharge volume authorized by the Discharge Permit for a minimum period of 60 days to accommodate periods when land application is not feasible, while preserving two feet of freeboard. This capacity requirement may be satisfied by a single wastewater impoundment or by the collective capacity of multiple impoundments including the WTPP intended to store and treat wastewater.</p> <p>The Permittee shall operate and maintain the wastewater impoundment [system] for the purpose of storing and managing wastewater at the facility. In order to maintain the required capacity, solids shall be removed from the impoundment [system] as needed in a manner that is protective of the liner. Solids shall be stored, and transported off-site in accordance with the conditions of this Discharge Permit.</p> <p>c) Maintain impoundments to prevent conditions which could affect the structural integrity of the impoundments and associated liners. Such conditions include or may be characterized by the following:</p> <ul style="list-style-type: none"> <li>• Erosion damage</li> <li>• Animal burrows or other damage</li> <li>• The presence of large debris or large quantities of debris in the impoundment</li> <li>• Evidence of seepage</li> <li>• Evidence of berm subsidence</li> </ul>

**Table B2**  
**Impoundment(s)**

<ul style="list-style-type: none"><li>• 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. Vegetation growing around the impoundment shall be routinely controlled by mechanical removal in a manner that is protective of the impoundment liner.</li></ul> <p>d) The Permittee shall preserve a minimum of two feet of freeboard between the liquid level in the impoundment(s) and the elevation of the top of the impoundment liner. In the event that the Permittee determines that two feet of freeboard cannot be preserved in the impoundment, the Permittee shall enact the contingency plan set forth in this Discharge Permit. Repair or replace the faulty pipe(s) or fixture(s) within 72 hours of discovery of an unauthorized discharge.</p>
<b>Inspection and Monitoring All Impoundments</b>
<p>e) Visually inspect impoundments and surrounding berms on a monthly basis to ensure proper condition and control vegetation growing around the impoundments in a manner that is protective of the liners.</p> <p>f) Visually inspect pipes and fixtures on a weekly basis for evidence of leaks or failure. In areas where pipes and fixtures cannot be visually inspected because they are buried, visually inspect the area directly surrounding the features for evidence of leaks or failure (e.g., saturated surface soil, surfacing wastewater, etc.).</p> <p>g) The permittee shall conduct weekly inspections of the three leak detection manholes serving the treatment and final lagoons. Accumulated leachate shall be pumped back into the lagoon when the leachate level in the manhole is within six inches of the top of the sump. The permittee shall maintain an on-site log of the weekly inspection findings. [20.6.2.3107 NMAC]</p> <p>h) The permittee shall measure the monthly volume of leachate pumped from each of the leak detection systems back into the lagoon using totalizing flow meters. The monthly discharge volumes shall be submitted in the monitoring reports due May 1 and November 1. The flow meters shall be calibrated to within 10% of the actual flow and kept operational at all times.</p> <p>i) The Permittee shall continue to collect effluent samples on a quarterly basis from each lift station and/or irrigation system discharging to the land application areas [Kizer and PDP Fields]. The sample(s) shall be analyzed for TKN, NO<sub>3</sub>-N, TDS, specific conductance, alkalinity as bicarbonate and carbonate for total alkalinity, NH<sub>3</sub>, total phosphorus (as P), Cl and SO<sub>4</sub>. Samples shall be properly prepared, preserved, transported, and analyzed in accordance with the methods authorized in this Discharge Permit under Subsection B of 20.6.2.3107 NMAC. Analytical results shall be submitted to NMED in the <b>Quarterly Monitoring Report</b>.</p> <p>j) Upon initial discovery of leachate in any of the leak detection systems, the permittee shall sample and analyze the leachate for TKN, NO<sub>3</sub>-N, TDS and Cl. Analytical results shall be submitted to NMED with the next quarterly monitoring report. Should leachate continue to accumulate in either of the leak detection systems such that it is routinely pumped, a sample shall be collected semi-annually and analyzed for pH, TKN, NO<sub>3</sub>-N, TDS and Cl. Results shall be submitted in the monitoring reports due May 1 and November 1</p> <p>k) The Permittee shall sample treated wastewater, for the presence of perfluorinated chemicals (PFCs).</p>

**Table B2  
 Impoundment(s)**

<p>Within 2.5 years of the issuance date of this Discharge Permit (by DATE), the Permittee shall collect a single grab sample Large Lagoon RL-2. The Permittee shall analyze the sample for the following PFCs:</p> <ul style="list-style-type: none"> <li>• perfluorohexane sulfonic acid (PFHxS) (CAS 355-46-4)</li> <li>• perfluorooctane sulfonate (PFOS) (CAS 1763-23-1)</li> <li>• perfluorooctanoic acid (PFOA) (CAS 335-67-1)</li> </ul> <p>The Permittee shall properly collect, prepare, preserve, transport, and analyze the sample in accordance with ASTM D7979-17, or an equivalent method that uses liquid chromatography and tandem mass spectrometry (LC/MS/MS). The reporting limit shall be low enough to identify whether the combined concentration of the perfluorinated chemicals is less than the Tap Water Screening Level identified in the <i>NMED Risk Assessment Guidance for Site Assessments and Investigations</i>, Table A-1 available on the NMED Hazardous Waste Bureau’s website under Guidance Documents. The Permittee shall take appropriate measures to avoid cross contamination while collecting and transporting the sample. The selected laboratory should be able to provide guidance that ensures sample integrity. The Permittee shall submit a copy of the laboratory report, including analytical results, the QA/QC summary, and the Chain of Custody to NMED within 30 days of laboratory report receipt. [Subsection H of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>
<p><b>Recordkeeping and Reporting All Impoundments</b></p>
<p>l) Report any unauthorized discharges to NMED pursuant to 20.6.2.1203 NMAC.</p> <p>m) Unless otherwise specified in this Discharge Permit, submit all monitoring information in accordance with the general reporting schedule listed in Table B1 of this Discharge Permit.</p> <p>n) Notify NMED within 24 hours of discovery of any observed impoundment condition(s) that may impact the structural integrity of a berm or liner or that may result in an unauthorized discharge. [20.6.2.3107 NMAC]</p> <p>o) Maintain written records at the facility of all facility inspections including repairs and replacements.</p>

D. **Land Application Area Management** - The Permittee shall manage all land application areas at the facility in accordance with 20.6.2.3101 NMAC and the conditions summarized in **Table B3** below.

**Table B3  
 Land Application Area Management**

<p><b>Engineering and Surveying</b></p>
<p>a) Provide NMED with documentation of the proposed infrastructure necessary to transfer, distribute and apply wastewater to Levacy Fields 1-4 if these fields are intended to be used. Documentation shall include:</p> <ul style="list-style-type: none"> <li>• A narrative statement and photographic documentation of the distribution system</li> <li>• Type(s) and location(s) of the system</li> <li>• Method(s) of backflow prevention to be employed</li> </ul>

**Table B3**  
**Land Application Area Management**

<p>b) Any irrigation or supply wells located within the land application area shall have a surface pad constructed in accordance with the recommendations of Subsection G of 19.27.4.29 NMAC and a permanent well cap or cover pursuant to Subsection I of 19.27.4.29 NMAC.</p>
<b>Operations and Maintenance All Land Application Areas</b>
<p>c) The Permittee shall maintain 18-inch to 24-inch berms around the land application area to prevent surface water run-on and run-off. The berms shall be inspected on a regular basis and after any major precipitation event and repaired as soon as possible following discovery of the damage.</p> <p>d) The Permittee shall apply wastewater to each field within the land application area containing a crop(s) under cultivation such that the amount of total nitrogen in the combined application of wastewater and fertilizer does not exceed by more than 25% the amount reasonably expected to be taken up by the crop(s) and removed by harvesting in any 12-month period. Nitrogen content shall not be adjusted to account for volatilization or mineralization processes. Wastewater shall be distributed evenly throughout the land application area. Excessive ponding shall be prevented.</p> <p>e) In the event solids are transported offsite for disposal the solids shall be contained, transported, and disposed of in accordance with all local, state, and federal regulations.</p> <p>a) Remove crops from fields within the land application area by mechanical harvest in a manner consistent with an approved <b>NMP</b> [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>
<b>Inspection and Monitoring All Land Application Areas</b>
<p>f) Perform annual soil sampling in each field within the land application area. Report analytical results and provide a map depicting the soil sampling locations within each field annually to NMED as part of the <b>Quarterly Monitoring Report</b> due <b>May 1</b>. Composite soil samples shall be collected in the five-month period between September 1 and January 31 for all fields regardless of whether the field is cropped, remains fallow, or has received wastewater. One surface composite soil sample (first foot) and two sub-surface composite soil samples (second foot and third foot) shall be collected from each field. Composite soil samples shall be collected and analyzed according to the following procedure:</p> <ul style="list-style-type: none"><li>i. Each surface and sub-surface soil sample shall consist of a single composite of 15 soil cores collected randomly throughout each field. Should a field consist of different soil textures (i.e., sandy and silty clay), a composite soil sample shall be collected from each soil texture within each field.<ul style="list-style-type: none"><li>• Surface soil samples (first foot) shall be collected from a depth of 0 to 12 inches.</li><li>• Each second foot sub-surface soil sample shall be collected from a depth of 12 to 24 inches.</li><li>• Each third foot sub-surface soil sample shall be collected from a depth of 24 to 36 inches.</li></ul></li><li>ii. Each surface and sub-surface composite sample shall be analyzed for pH, electrical conductivity (EC), TKN, NO<sub>3</sub>-N, Cl, organic matter (OM), potassium (K), phosphorus (P), sodium (Na), calcium (Ca), magnesium (Mg), sulfate (SO<sub>4</sub>), bicarbonate (HCO<sub>3</sub>), soil texture and determination of the sodium adsorption ratio (SAR).</li><li>iii. Soil samples shall be analyzed in accordance with the analytical methodology required by this Discharge Permit. Soil pH, EC, Na, Ca, Mg and SO<sub>4</sub> shall be analyzed using a saturated</li></ul>

**Table B3**  
**Land Application Area Management**

paste extract. Soil P shall be analyzed using the Olsen sodium bicarbonate method. Soil NO<sub>3</sub>-N shall be analyzed by a 2 molar KCl extract.

- g) For fields that have not received wastewater within the past 3 years, collect samples as described above, once prior to initial land application of wastewater and annual reporting thereafter. Soil Sampling may be suspended on any field that has not received wastewater within the past 3 years.
- h) In the event that a cross-connection with fresh water exists, the Permittee shall institute a backflow prevention method to protect wells and public water supply systems from contamination by wastewater prior to discharging to the land application area. Backflow prevention shall be achieved by a total disconnect (physical air gap separation between the discharge pipe and the liquid surface at least twice the diameter of the discharge pipe), or by a reduced pressure principal backflow prevention assembly (RP) installed on the line between the fresh water supply wells or public water supply and the wastewater delivery system. Backflow prevention shall be maintained at all times.
- i) RP devices shall be inspected and tested by a certified backflow prevention assembly tester at the time of installation, repair or relocation and at least on an annual basis thereafter. The backflow prevention assembly tester shall have successfully completed a 40-hour backflow prevention course based on the University of Southern California's Backflow Prevention Standards and Test Procedures and obtained certification demonstrating completion. A malfunctioning RP device shall be repaired or replaced within 30 days of discovery, and use of all supply lines associated with the RP device shall cease until repair or replacement has been completed. Copies of the inspection and maintenance records and test results for each RP device associated with the backflow prevention program shall be maintained at a location available for inspection by NMED.

**Recordkeeping and Reporting All Land Application Areas**

- j) Submit annual updates to the approved **NMP** to NMED as part of the **Quarterly Monitoring Report** due **May 1**. [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]
- k) If blending, maintain an accurate written record of the volume of fresh water added to the wastewater to properly calculate the overall volume of wastewater applied under an approved **NMP**.
- l) Maintain a log recording for all additional fertilizers applied to each field within the land application area that includes the following:
  - Date of fertilizer application
  - Type and form of fertilizer
  - Fertilizer analysis
  - Amount of fertilizer applied (pounds/acre) to each field
  - Amount of nutrients applied (pounds/acre) to each fieldSubmit a copy of the current log entries of the previous 6-month period to NMED as part of the **Quarterly Monitoring Reports due on May 28<sup>th</sup> and November 28<sup>th</sup> of each year**.
- m) The Permittee shall complete Surface Disposal Data Sheets (SDDS; copy enclosed) on a monthly basis that document the amount of nitrogen applied to the fields within the land application area during the most recent 12 months. The SDDS shall reflect the total nitrogen concentration from the most recent wastewater analysis and the measured discharge volumes to the land application area

**Table B3  
 Land Application Area Management**

<p>for each month. The SDDS shall be completed with information above or shall include a statement that wastewater disposal did not occur. The SDDS shall be submitted to NMED in the <b>Quarterly Monitoring Report</b>.</p> <p>n) The Permittee shall complete LADS (copy enclosed) on a monthly basis that document the amount of nitrogen applied to the land application area during the most recent 12 months. The LADS shall reflect the total nitrogen concentration from the most recent wastewater analysis and the measured discharge volumes to the land application area for each month. The Permittee shall also report on the LADS the amount of nitrogen (fertilizer, wastewater, etc.) applied, crops grown along with planting and harvest dates, crop yield (tons per acre) and nitrogen concentration of the harvested crop specific to the crops grown. The LADS shall be completed with information above or shall include a statement that application of wastewater did not occur. The LADS shall be submitted to NMED in the <b>Quarterly Monitoring Report</b>.</p>
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- E. **Solids Management** - The Permittee shall manage all solids at the facility in accordance with 20.6.2.3101 NMAC and the conditions summarized in **Table B4** below.

**Table B4  
 Solids Management**

<b>Engineering and Surveying</b>
a) None required.
<b>Operations and Maintenance</b>
b) The Permittee shall store and remove solids separated from the wastewater in a manner and frequency necessary to prevent the contamination of groundwater. Solids collected by the WWTP shall be contained, transported, and disposed of in accordance with all local, state, and federal regulations. <b>Disposal of solids on the surface disposal area is prohibited.</b> Prior to off-site disposal, any solids stored at the facility shall be managed to minimize the generation and infiltration of leachate by diverting stormwater run-on and run-off and by preventing the ponding of water within solids stockpiling.
<b>Inspection and Monitoring</b>
c) None Required.
<b>Recordkeeping and Reporting</b>
d) None Required

- F. **Flow Meters** – Pursuant to 20.6.2.3107 (A) and 20.6.2.3109 (C), the Permittee shall employ a flow metering system that uses flow measurement devices (flow meters) to measure the volume(s) of 1) wastewater discharged from the production area and 2) wastewater transferred and land applied at the facility. All flow meters employed at the facility shall be managed in accordance with the conditions listed in **Table B5** below.

**Table B5  
Flow Meters**

<b>Engineering and Surveying</b>
<p>a) Within 90 days of effective date of this Discharge Permit (by <b>DATE</b>), submit a <b>Flow Metering Plan</b> for the facility describing one or more flow meter devices the Permittee proposes to measure the following:</p> <ul style="list-style-type: none"><li>• The volume of leachate detected in the leak detection system for Large Lagoon RL-2 back into Large Lagoon RL-2.</li></ul> <p>A <b>Flow Metering Plan</b> shall include:</p> <ul style="list-style-type: none"><li>• Documentation used to support selection of each device</li><li>• Description of each proposed device location</li></ul> <p>b) Information on the planned installation or construction of each device</p>
<b>Operations and Maintenance</b>
<p>c) All flow meters shall be calibrated in accordance with the manufacturer's requirements prior to installation or reinstallation following repair.</p>
<b>Inspection and Monitoring</b>
<p>d) The Permittee shall measure the monthly volume of wastewater discharged from the impoundment [system] to each field in the land application area (LAA). The Permittee shall obtain readings from a totalizing flow meter (FE-SLS) located on the discharge line between the processing area and the impoundment system/WWTP on a monthly basis and calculate the monthly and average daily volume discharged to the impoundment system. The totalizing flow meters used to measure the treated wastewater applications to each field within the LAA are as follows: FE-900, FE-901, FE-902, AND FE-1600. The monthly meter readings calculated monthly and average daily discharge volumes shall be submitted to NMED in the <b>Quarterly Monitoring Report due by DATE</b>.</p> <p>f) Visually inspect flow meters on a weekly basis for evidence of malfunction. If a visual inspection indicates a flow meter is not functioning to measure flow, the Permittee shall initiate repair or replacement of the meter within 30 days of discovery.</p>
<b>Recordkeeping and Reporting</b>
<p>g) Within 30 days of meter installation, submit a <b>Confirmation of Installation</b> report to NMED that includes: a description of the device type, manufacturer, meter identification, location, record drawings, and a copy of the manufacturer's certificate of calibration and a copy of the manufacturer's recommended maintenance schedule.</p> <p>h) Maintain copies of the manufacturer's certificate of calibration and the manufacturer's recommended maintenance schedule at the facility.</p> <p>i) Record of meter readings at intervals not to exceed monthly. The average daily discharge volume for each recording interval shall be calculated by dividing the difference between the meter readings by the number of days between meter readings.</p> <p>j) Record meter readings (without adjustments or deductions) and submit in the <b>Quarterly Monitoring Report</b>. Include the date, time and units of each measurement, and calculations for the average daily volumes of wastewater discharged from the processing area, reported in gallons per day.</p>

**Table B5  
 Flow Meters**

<p>k) For meters requiring repair, submit a report to NMED with the subsequent monitoring report following the repair that includes a description of the malfunction, a statement verifying the repair, and a copy of the manufacturer’s or repairer’s certificate of calibration.</p> <p>l) For meters requiring replacement, submit a report to NMED with the subsequent monitoring report following the replacement that includes plans for the device, a copy of the manufacturer’s certificate of calibration, and a copy of the manufacturer’s recommended maintenance schedule.</p> <p>m) The Permittee shall maintain a log of repairs. The log shall be available, at all times, for NMED inspection.</p>
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**Monitoring Well(s)** - Pursuant to 20.6.2.3107 (A) and 20.6.2.3109 (C), the Permittee is required to install monitoring wells at appropriate depths and locations to monitor groundwater quality. The approved groundwater monitoring well system at the facility is detailed in **Table B6** below.

**Table B6  
 Groundwater Monitoring Wells**

<b>Engineering and Surveying</b>
a) None required.
<b>Operations and Maintenance</b>
b) None required.
<b>Inspection and Monitoring</b>
<p>c) Perform quarterly groundwater sampling for all facility monitoring wells as identified in Section B101 A.3 and analyze the samples for dissolved TKN, NO<sub>3</sub>-N, TDS, Cl, SO<sub>4</sub>, F, As, B, and Mo for</p> <ul style="list-style-type: none"> <li>• MW-2, MW-3, MW-4s/d, MW-6s/d, MW-8s/d, MW-9s/d, MW-15, and MW-16.</li> </ul> <p>Analyze the samples for dissolved TKN, NO<sub>3</sub>-N, TDS, Cl, and SO<sub>4</sub> for</p> <ul style="list-style-type: none"> <li>• MW-1, MW-7, MW-10, MW-11, MW-12, MW-13, and MW-14.</li> </ul> <p>The permittee shall perform annual groundwater sampling for the following monitoring wells and analyze the samples for dissolved Uranium. Results shall be included in the groundwater monitoring report due to NMED by <b>May 28<sup>th</sup></b> of each year.</p> <ul style="list-style-type: none"> <li>• MW-3, MW-4s/d, MW-8s/d, MW-9s/d, MW-15, and MW-16</li> </ul> <p>Groundwater sample collection, preservation, transport, and analysis shall be performed according to the following procedure:</p> <ul style="list-style-type: none"> <li>• Measure the depth-to-most-shallow groundwater from the top of the well casing to the nearest hundredth of a foot.</li> <li>• Purge three well volumes of water from the well prior to sample collection.</li> <li>• Obtain samples from the well for analysis.</li> <li>• Properly prepare, preserve, and transport samples.</li> <li>• Analyze samples in accordance with the methods authorized in this Discharge Permit.</li> </ul>

**Table B6**  
**Groundwater Monitoring Wells**

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 **Quarterly Monitoring Report**.

- d) The Permittee shall develop a groundwater elevation contour map on a semi-annual basis using the top of casing elevation data from the monitoring well survey and quarterly depth-to-most-shallow groundwater measurements obtained from the groundwater monitoring wells required by this Discharge Permit.

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 in no case shall the interval 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 **Quarterly Monitoring Report**.

- e) Prior to the expiration date of this Discharge Permit, NMED shall have the option to perform one downhole inspection of each monitoring well identified in this Discharge Permit. NMED shall establish the inspection date and provide at least 60 days' notice to the Permittee by certified mail. The Permittee shall have any existing dedicated pumps removed at least 48 hours prior to NMED inspection to allow adequate settling time of any sediment agitated as a result of pump removal.

**Recordkeeping and Reporting**

- f) A **Quarterly Monitoring Report** shall be filed with NMED in accordance with the general reporting schedule listed in **Table B1**. Each **Quarterly Monitoring Report** shall contain, at a minimum, the following information:

- Facility map with location and number of each well in relation to the contamination source it is intended to monitor
- Depth-to-shallowest groundwater measurements
- Field parameter measurements and parameter stabilization log
- Analytical results (including the laboratory quality assurance and quality control summary report)
- Groundwater elevation contour maps utilizing elevation contours of 2 ft or less submitted semi-annually

**B103 Facility: Conditions for Closure**

- A. Upon closure of the facility, the Permittee shall perform the following closure measures:

B. Within (90) days of the effective date of this Discharge Permit (by **DATE**), the Permittee shall properly plug and abandon the following existing monitoring well(s) MW-5 in accordance with Sections 20.6.2.3109 NMAC and 20.6.2.3107 NMAC.

1. **MW-5**, hydrologically upgradient the facility and land application areas, located between Levacy Field 3 and PDP Field 2.

Well[s] shall be plugged and abandoned in pursuant to 19.27.4 NMAC and in accordance with NMED's *Monitoring Well Construction and Abandonment Guidelines* and any other applicable local, state, and federal regulations. Documentation describing the plug and abandonment procedures, including photographic documentation, shall be presented in a **Well Abandonment Report**. The **Well Abandonment Report** shall be submitted to NMED within 180 days of the effective date of this Discharge Permit (by **DATE**).

C. Within nine (9) months of the issuance date of this Discharge Permit (by **DATE**), the Permittee shall submit a detailed closure plan for NMED's approval to prevent the exceedance of standards of 20.6.2.3103 NMAC in groundwater after the cessation of operation. The closure plan shall include at least a 30% level of design, a description of closure measures, maintenance and monitoring plans, post-closure maintenance and monitoring plans, and other measures necessary to prevent or abate such contamination, e.g., a corrective action plan.

1. The Permittee shall ensure that the closure plan is sufficiently detailed to address the steps necessary to close the milk processing facility, associated impoundments, irrigation infrastructure, and any other wastewater related infrastructure. Further, the detailed closure plan shall address all the closure actions covered in B103.G of this permit which include wastewater removal from impoundments, submittal of a sludge removal plan, sludge removal, characterization of wastes to be disposed on-site and off-site, the plugging and abandonment of monitoring wells, all post-closure monitoring activities, and ongoing maintenance for all impoundments, irrigation infrastructure, and any other wastewater related infrastructure until closure is completed.
2. The Permittee shall ensure, as necessary, that the closure plan addresses all necessary corrective actions, that at a minimum addresses actions to delineate the nature and extent of any groundwater contamination, contaminant source control measures, and any actions to abate water pollution consistent with the requirements and provisions of Section 20.6.2.4101 as approved by NMED.
3. The Permittee shall ensure that the closure plan addresses post-closure care, including the continued groundwater monitoring required under the Discharge Permit. NMED considers all closure and post-closure activities to constitute "complete closure."
4. The Permittee shall ensure the closure plan has sufficient detail to estimate the cost of complete closure of all wastewater related infrastructure, post-closure monitoring, and all necessary corrective actions for the purpose of establishing and maintaining financial assurance. The detailed closure plan shall provide sufficient detail to estimate the cost of operation and maintenance of the groundwater monitoring system. Inherent in this

detail is an estimate of the time (after the cessation of Facility operation) that the groundwater monitoring system will have to remain in place and in operation, i.e., until WQCC groundwater standards have been met for at least eight consecutive quarters.

- D. Within 90 days from the date of NMED's approval of the closure plan, the Permittee shall submit a detailed cost estimate (Estimate) for NMED's approval based on the detailed closure plan for complete closure required by Condition B103.C. The Estimate shall be based on the cost of hiring a third party to conduct complete closure. The Estimate shall include direct costs associated with third-party implementation of the closure plan, contingency costs in the amount of 15 percent of the direct costs, the cost of an independent project manager and contract administration, and NMED oversight and administration costs, including indirect costs. The Estimate shall forecast the worst-case scenario for complete closure over the five-year period of this Discharge Permit; if a new permit is not issued after five years, the Estimate for the worst-case scenario shall be updated annually each year after five years and any financial assurance shall be adjusted accordingly.
1. The Permittee shall adjust the Estimate for inflation over the five-year period for complete closure and shall project the amount needed for each of the five years for the worst-case scenario for all activities included in complete closure.
- E. Within 90 days from the date of NMED's approval of the closure cost estimate (Estimate), the Permittee shall submit to NMED for approval its proposed financial assurance instrument(s) that meets the requirements below.
1. The amount of financial assurance shall be sufficient to cover the cost of implementing complete closure as described in the closure plan and the Estimate required by Conditions B103.C and D of this Discharge Permit. The Permittee shall not propose any form of self-guarantee. The financial assurance instrument(s) shall ensure that funds will be available to implement complete closure if at any time the Permittee is unable, unwilling, or otherwise fails to implement any portion of the closure plan as required by this Discharge Permit. If the financial assurance instrument(s) entails incremental costs of maintaining the instrument(s), i.e., costs for a trustee, the Permittee shall increase the amount of the financial assurance to include all such costs.
  2. The Permittee shall name NMED as the sole beneficiary in each financial assurance instrument(s).
  3. The financial assurance instrument(s) shall include a method for adjustments due to changes in inflation, new technologies, and NMED approved revisions to the closure plan based on continued investigations or other information and shall be adjusted no less frequently than every five years such that, at all times, the amount of financial assurance provided by the Permittee shall be sufficient to perform complete closure at any time during the following five years from the update.
  4. Within 30 days after NMED approves the draft financial assurance instrument(s) the Permittee shall execute the financial assurance instrument and submit it to NMED for final acceptance.

5. Within 30 days of the implementation of the financial assurance instrument(s), the Permittee shall establish a trust to receive and disburse funds, which may arise as the result of forfeiture of financial assurance. The trust shall name NMED as the beneficiary. The trust agreement shall be in a form satisfactory to the State Board of Finance and shall be subject to approval by the Governor pursuant to NMSA 1978, § 46-4-1 through 9. The Permittee shall maintain the trust until complete closure has occurred and NMED terminates any existing discharge permit in effect at the time. Upon forfeiture of financial assurance, the forfeited amount shall transfer from the financial assurance instrument into the trust for use by NMED or a third-party for any activities or costs related to complete closure.
6. The Permittee may propose alternative financial assurance instrument(s) from time to time subject to NMED's written approval and acceptance. The Permittee shall not replace any approved financial assurance instrument(s) without NMED's written approval.
7. Unless released by NMED in writing, the financial assurance instrument(s) shall remain in effect until complete closure and final termination of this Discharge Permit and shall remain in place at all times, including lapses in Discharge Permit coverage, late Discharge Permit renewal, or temporary shutdown of facilities covered under this Discharge Permit.
8. Should circumstances warrant more frequent adjustments than provided for in the approved financial assurance instrument(s), NMED may require them in writing and the Permittee shall make the adjustment within 180 days.
9. No more frequently than once every 12 months, the Permittee may request that NMED review remaining activities required for complete closure, including alternate closure activities that NMED has approved. The Permittee's request for review shall describe the activities that have been completed and shall contain an updated Estimate for all remaining complete closure activities.

If NMED approves the Permittee's description of activities that have been completed, the remaining activities of complete closure, and the Estimate for remaining complete closure activities, NMED will notify the Permittee of appropriate adjustments that the Permittee may make to the amount of financial assurance.

When the WQCC revises the financial assurance regulations and those regulations become effective, the Permittee shall evaluate and, if necessary, revise the financial assurance instrument to comply with the revised WQCC regulations.

- F. The Permittee shall adhere to the following stipulations for cancellation, non-renewal, forfeiture, or release of the financial assurance instrument(s).
  1. Cancellation or Non-renewal: Each financial assurance instrument shall require the financial assurance provider to give at least 120 days written notice to NMED and the Permittee prior to cancellation or non-renewal of the financial assurance instrument. If

NMED receives notice of cancellation or non-renewal from a financial assurance provider, the Permittee shall propose an alternate financial assurance mechanism to NMED within 30 days of the notice. If NMED approves the alternate financial assurance mechanism, the Permittee shall execute it and submit it to NMED for final acceptance within 30 days of NMED approval. If the Permittee fails to obtain alternate financial assurance acceptable to NMED within 30 days of NMED approval, the current financial assurance shall be subject to forfeiture.

2. Forfeiture: If NMED determines that implementation of all or any part of complete closure is required and that the Permittee is unable or unwilling or will otherwise fail to conduct all or any part of complete closure as required by this Discharge Permit, then NMED may proceed with forfeiture of all or part of the financial assurance.

Prior to beginning a forfeiture proceeding, NMED will provide written notice by certified mail to the Permittee and to all financial assurance providers, if applicable. NMED's notice will inform the parties of the determination to forfeit all or a portion of the financial assurance. If NMED's access to the financial assurance is threatened due to time constraints, NMED may begin a forfeiture proceeding and provide written notice contemporaneously with that proceeding. NMED's written notice will state the reasons for the forfeiture and the amount to be forfeited.

The forfeited amount shall be based on the total cost of performing complete closure in accordance with this Discharge Permit and all applicable laws and regulations. NMED will also advise the Permittee and all financial assurance providers, if applicable, of the conditions under which forfeiture may be avoided. Such conditions may include an agreement that the Permittee, a financial assurance provider, or an NMED-approved third party, will perform complete closure in accordance with this Discharge Permit and all applicable laws and regulations, and the entity has demonstrated it has the financial ability and technical qualifications to do so.

All financial assurance forfeited shall become immediately payable to the trust or as otherwise provided in the NMED-approved instrument. NMED or a third-party will utilize forfeited funds to perform complete closure. If the forfeited amount is insufficient, the Permittee shall be liable for the remaining costs. If the amount forfeited is more than necessary to complete closure, NMED will refund the excess amount to the entity from whom it was collected.

3. Release: NMED will release or modify the financial assurance instrument when NMED determines that all activities of complete closure have been performed according to the closure plan requirements of this Discharge Permit and the Discharge Permit has been terminated.
- G. For permanent closure, the following closure actions shall be completed upon permanent cessation of wastewater discharge:
1. Within 60 days of ceasing discharging to the impoundment(s), the line leading to the impoundment(s) shall be plugged so that a discharge can no longer occur.

2. Within 60 days of ceasing discharging to the impoundment(s), wastewater shall be evaporated or drained from the impoundment and any other wastewater system components and disposed of in accordance with all local, state, and federal regulations. OR discharged from the impoundment and any other wastewater system components to the land application area, as authorized by this Discharge Permit. The discharge of accumulated solids (sludge) from the impoundment to the land application is prohibited.
3. Within 90 days of ceasing discharging to the impoundment(s), the Permittee shall submit a sludge removal and disposal plan to NMED for approval. The Permittee shall initiate implementation of the plan within 30 days following approval by NMED. The sludge removal and disposal plan shall include the following information.
  - a) The estimated volume and dry weight of sludge to be removed and disposed, including measurements and calculations.
  - b) Analytical results for samples of the sludge taken from the impoundment for TKN, NO<sub>3</sub>-N, percent total solids, and any other parameters tested (reported in mg/kg, dry weight basis).
  - c) The method(s) of sludge removal from the impoundment(s).
  - d) The method(s) of disposal for all of the sludge (and its contents) removed from the impoundment(s). The method(s) shall comply with all local, state and federal regulations, including 40 CFR Part 503. *Note: A proposal that includes the surface disposal of sludge may be subject to Ground Water Discharge Permitting requirements pursuant to 20.6.2.3104 NMAC that are separate from the requirements of this Discharge Permit.*
  - e) A schedule for completion of sludge removal and disposal not to exceed two years from the date discharge to the impoundment(s) ceased.
4. Within one year following completion of the sludge removal and disposal, the Permittee shall complete the following closure measures.
  - a) Remove all lines leading to and from the impoundment(s), or permanently plug and abandon them in place.
  - b) Remove or demolish any other wastewater system components and re-grade area with suitable fill to blend with surface topography, promote positive drainage and prevent ponding.
  - c) Perforate or remove the impoundment liner(s).
  - d) Fill the impoundment(s) with suitable fill.
  - e) Re-grade the impoundment site to blend with surface topography, promote positive drainage and prevent ponding.
5. The Permittee shall continue groundwater monitoring until the requirements of this condition have been met and groundwater monitoring confirms for a minimum of eight (8) consecutive quarterly groundwater sampling events that the standards of Section 20.6.2.3103 NMAC are not exceeded and toxic pollutants are not present in groundwater.  
If monitoring results show that a groundwater quality standard in Section 20.6.2.3103

NMAC is exceeded, the total nitrogen concentration in groundwater exceeds 10 mg/L, or a toxic pollutant as defined in Section of 20.6.2.7 NMAC is present in groundwater, the Permittee shall implement the contingency plan required by this Discharge Permit.

6. Following notification from NMED that post-closure monitoring may cease, the Permittee shall plug and abandon the monitoring well(s) in accordance with the attachment titled *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions*, Revision 1.1, March 2011.
7. When all closure and post-closure requirements have been met, the Permittee may request to terminate the Discharge Permit [20.6.2.3109 NMAC, 20.6.2.3107. NMAC].

**B104 Facility: Contingency Plan**

- A. In the event NMED or the Permittee identifies any failures of the Discharge Permit or system not specifically noted herein, NMED may require the Permittee to develop for NMED approval a contingency or corrective action plan and schedule to cope with the failure(s) [20.6.2.3107.A(10) NMAC].
- B. Facility conditions that will invariably require Permittee action under one or more contingency plans include:

1. **Exceedance of groundwater quality standards** – In the event that groundwater monitoring indicates that a groundwater quality standard identified in Section 20.6.2.3103 NMAC is exceeded; the total nitrogen concentration in groundwater is greater than 10 mg/L; or a toxic pollutant (defined in Subsection WW of 20.6.2.7 NMAC) is present in a groundwater sample and in any subsequent groundwater sample collected from a monitoring well required by this Discharge Permit, the Permittee shall enact the following contingency plan:

Within 60 days of the subsequent sample analysis date, the Permittee shall propose measures to ensure that the exceedance of the standard or the presence of a toxic pollutant will be mitigated by submitting a corrective action plan to NMED for approval. The corrective action plan shall include a description of the proposed actions to control the source and an associated completion schedule. The plan shall be enacted as approved by NMED.

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 are not exceeded and toxic pollutants are not present in groundwater.

2. **Ineffective groundwater monitoring well(s)** – In the event that information available to NMED indicates that a well(s) is not constructed in a manner consistent with the attachment titled *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions, Revision 1.1, March 2011*; contains insufficient water to effectively monitor groundwater quality; or is improperly located the Permittee shall

install a replacement well(s) and shall survey the replacement monitoring well(s) within 120 days following notification from NMED.

Replacement well location(s) shall be approved by NMED prior to installation and completed in accordance with the attachment titled Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions, Revision 1.1, March 2011. The Permittee shall submit construction and lithologic logs, survey data and a groundwater elevation contour map to NMED within 60 days following well completion.

Upon completion of the replacement monitoring well(s), the monitoring well(s) requiring replacement shall be properly plugged and abandoned. Well plugging, abandonment and documentation of the abandonment procedures shall be completed in accordance with the attachment titled Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions, Revision 1.1, March 2011, and all applicable local, state, and federal regulations. The well abandonment documentation shall be submitted to NMED within 60 days of completion of well plugging activities.

3. **Exceedance(s) of permitted maximum daily discharge volume** - The maximum daily discharge volume authorized by this Discharge Permit is exceeded by more than ten percent for any four average daily discharge volumes within any 12-week period the Permittee shall submit a corrective action plan to reduce the discharge volume for NMED approval.
4. **Exceedance(s) of Nitrogen Loading Limits** - In the event that the SDDS show that the amount of nitrogen in wastewater applied to [any zone within] the surface disposal area in any 12-month period exceeds 200 pounds per acre, the Permittee shall propose the reduction of nitrogen loading to the surface disposal area by submitting a corrective action plan to NMED for approval. The plan shall include a schedule for completion of corrective actions and shall be submitted within 90 days following the end of the monitoring period in which the exceedance occurred. The Permittee shall initiate implementation of the plan following approval by NMED.
5. **Insufficient impoundment capacity** – In the event a survey, capacity calculations, or settled solids thickness measurements indicate an existing impoundment is not capable of meeting the capacity the Permittee shall submit a corrective action plan for NMED approval.

The plan may include, but is not limited to, proposals for constructing an additional impoundment, reducing the discharge volume, removing accumulated solids, changing wastewater management practices, or installing an advanced treatment system. The corrective action plan shall include a schedule for implementation through completion of corrective actions. The corrective action plan schedule shall propose completion not to exceed one year from the submittal date of the initial corrective action plan. The Permittee shall initiate implementation of the plan following approval by NMED. Should the corrective action plan include removal of accumulated solids, solids shall be removed from the impoundment in a manner that is protective of the impoundment liner. The plan shall include the method of removal, and locations and methods for storage and disposal (or land application, if authorized) of the solids.

6. **Inability to maintain required freeboard** - A minimum of two feet of freeboard cannot be preserved in one or more wastewater impoundment(s).

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.

7. **Impoundment(s) structural integrity compromised** - Any damage to the berms or the liner of an impoundment or any condition that exists that may compromise the structural integrity of the impoundment.

The Permittee shall propose the repair or replacement of the impoundment liner(s) 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.

8. **Spills, leaks, unauthorized discharge** – Any spill or release that is not authorized under this Discharge Permit. the Permittee shall comply with the requirements of Sections 20.6.2.1203 NMAC, and shall submit to NMED all information or documentation required by the applicable portions of Sections 20.6.2.1203 NMAC.

- C. 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 confirmation of groundwater contamination.

## **PART C GENERAL TERMS AND CONDITIONS**

### **C100 Legal**

- A. Nothing in this Discharge Permit in any way, relieves the Permittee of the obligation to comply with all applicable federal, state, and local laws, regulations, permits or orders [20.6.2 NMAC].
- B. 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 NMED may require more stringent actions to protect groundwater quality. NMED may

require the Permittee to implement abatement of water pollution and remediate groundwater quality.

- C. 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 20.6.2 NMAC, 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. [74-6-10 WQA, 74-6-10.1 WQA]
- D. Pursuant to WQA 74-6-10.2(A-F), NMED may assess criminal penalties for any person who knowingly violates or knowingly causes or allows another person to:
1. Make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or required to be maintained under the WQA;
  2. Falsify, tamper with or render inaccurate any monitoring device, method or record required to be maintained under the WQA; or
  3. Fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation, is subject to felony charges and shall be sentenced in accordance with the provisions of Section 31-18-15 NMSA 1978.
- E. The Permittee shall notify the proposed transferee in writing of the existence of this Discharge Permit and include a copy of this Discharge Permit with the notice in accordance with 20.6.2.3111 NMAC, prior to the transfer of any ownership, control, or possession of this permitted facility or any portion thereof. The transferee(s) shall notify NMED, in writing, of the date of transfer of ownership and provide contact information for the new owner(s) pursuant to Subsection B of 20.6.2.3111 NMAC. Submit to NMED notification of the transfer within 30 days of the ownership transfer date. [20.6.2.3111 NMAC]
- F. Pursuant to WQA 74-6-5(o), the Permittee has a right to appeal the conditions and requirements as outlined in this Discharge Permit through filing a petition for review before the WQCC. Such petition shall be in writing to the WQCC within thirty (30) days of the receipt of this Discharge Permit. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review.

**C101 General Inspection and Entry Requirements**

- A. Nothing in this Discharge Permit limits in any way, the inspection and entry authority of NMED under the WQA, 20.6.2 NMAC, or any other applicable law or regulation. [20.6.2.3107 NMAC, 74-6-9(B) & (E) WQA]
- B. The Permittee shall allow the Secretary or an authorized representative, upon the presentation of credentials, to [20.6.2.3107.D NMAC, 74-6-9(B) & (E) WQA]:
  - 1. Enter at regular business hours or at other reasonable times upon the Permittee's premises or other location where records must be kept under the conditions of this Discharge Permit, 20.6.2 NMAC, or any other applicable law or regulation.
  - 2. Inspect and copy, during regular business hours or at other reasonable times, any records required to be kept under the conditions of this Discharge Permit, 20.6.2 NMAC, or any other applicable law or regulation.
  - 3. Inspect, at regular business hours or at other reasonable times, any facility, equipment (including monitoring and control equipment or treatment works), practices or operations regulated or required under this Discharge Permit, 20.6.2 NMAC, or any other applicable law or regulation.
  - 4. Sample or monitor, at reasonable times for the purpose of assuring compliance with this Discharge Permit or as otherwise authorized by the WQA, any effluent, water contaminant, or receiving water at any location before or after discharge.

**C102 General Record Keeping and Reporting Requirements**

- A. The Permittee shall maintain a written record of the following:
  - 1. Amount of wastewater, effluent, leachate or other wastes discharged pursuant to this Discharge Permit. [20.6.2.3107.A NMAC]
  - 2. Operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater; to measure flow rates, to monitor water quality, or to collect other data required by this Discharge Permit. Per Section A of 20.6.2.3107 NMAC, this record shall include:
    - a. Repair, replacement or calibration of any monitoring equipment
    - b. Repair or replacement of any equipment used in the Permittee's waste or wastewater treatment and disposal system.
  - 3. Any spills, seeps, and/or leaks of effluent, and of leachate and/or process fluids not authorized by this Discharge Permit. [20.6.2.3107.A NMAC]
- B. The Permittee shall maintain at its facility a written record of all data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit. The following information shall be recorded and shall be made available to NMED upon request:
  - 1. The dates, exact place and times of sampling or field measurements;

2. The name and job title of the individuals who performed each sample collection or field measurement;
  3. The date of the analysis of each sample;
  4. The name and address of the laboratory and the name and job title of the person that performed the analysis of each sample;
  5. The analytical technique or method used to analyze each sample or take each field measurement;
  6. The results of each analysis or field measurement, including raw data;
  7. The results of any split sampling, spikes or repeat sampling; and
  8. A description of the quality assurance (QA) and quality control (QC) procedures used.
- C. The Permittee shall furnish to NMED, within a reasonable time, any documents or other information which it may request to determine whether cause exists for modifying, terminating and/or renewing this Discharge Permit or to determine compliance with this Discharge Permit. The Permittee shall also furnish to NMED, upon request, copies of documents required to be kept by this Discharge Permit. [20.6.2.3107.D NMAC, 74-6-9(B) & (E) WQA]

**C103 Modifications and/or Amendments**

- A. The Permittee shall notify NMED of any changes to the Permittee's wastewater treatment and disposal system, including any changes in the wastewater flow rate or the volume of wastewater storage, or of any other changes to operations or processes that would result in any significant change in the discharge of water contaminants. The Permittee shall obtain NMED's approval, as a modification to this Discharge Permit pursuant to Subsections E, F, or G of 20.6.2.3109 NMAC, prior to any increase in the quantity discharged, or any increase in the concentration of water contaminants discharged, above those levels approved in this Discharge Permit [20.6.2.3107.C NMAC].
- B. The Permittee shall file plans and specifications with NMED for the construction of a wastewater system and for proposed changes that will change substantially the quantity or quality of the discharge from the system. The Permittee shall file plans and specifications prior to the commencement of construction. Changes to the wastewater system having a minor effect on the character of the discharge shall be reported as of January 1 and June 30 of each year to NMED. [20.6.2.1202 NMAC]

**Part D MISCELLANEOUS**

**D100 Acronyms**

CL.....chloride  
CQA .....construction quality assurance  
CQC.....construction quality control

DP .....	discharge permit
FEMA .....	Federal Emergency Management Administration
FIRM .....	flood insurance rate map
gpd .....	gallon per day
LADS .....	land application data sheet(s)
mg/L .....	milligram per liter
mL.....	milliliters
NMAC.....	New Mexico Administrative Code
NMED .....	New Mexico Environment Department
NMP .....	Nutrient Management Plan
NMSA .....	New Mexico Statutes Annotated
NO <sub>3</sub> -N .....	nitrate as nitrogen
SDDS.....	surface disposal data sheet(s)
TDS .....	total dissolved solids
TKN.....	total Kjeldahl nitrogen
WQA .....	New Mexico Water Quality Act
WQCC.....	Water Quality Control Commission

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