



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

August 20, 2024

Cailyn Kilcup, Vice President
Special Waste Disposal, Inc.
5904 Florence Avenue NE
Albuquerque, New Mexico 87113

RE: Draft Discharge Permit Renewal, DP-1012, Special Waste Disposal, Inc.

Dear Cailyn Kilcup:

The New Mexico Environment Department (NMED) hereby provides notice to Special Waste Disposal, Inc. of the proposed approval of Ground Water Discharge Permit Renewal, DP-1012, (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.

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, via email to kambray.townsend@env.nm.gov or to pps.general@env.nm.gov, or directly into the NMED Public Comment Portal at <https://nmed.commentinput.com/comment/search>. 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 (505) 538-0497.

Sincerely,

Kambray Townsend, Water Resource Professional

Encl: Draft Discharge Permit Renewal, DP-1012

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/



NEW MEXICO
ENVIRONMENT DEPARTMENT
 Ground Water Quality Bureau
 1190 Saint Francis Drive / PO Box 5469
 Santa Fe, NM 87502-5469
 Phone (505) 827-2900 Fax (505) 827-2965
www.env.nm.gov



Draft: August 20, 2024

GROUND WATER QUALITY BUREAU
DISCHARGE PERMIT
Issued under 20.6.2 NMAC

Facility Name: Special Waste Disposal, Inc.
Discharge Permit Number: DP-1012
Facility Location: 91 Liberty Valley Road
 Mountainair, NM 87036

County: Torrance

Permittee: Special Waste Disposal, Inc.
Mailing Address: Cailyn Kilcup, Vice President
 5904 Florence Avenue NE
 Albuquerque, NM 87113

Facility Contact: Jennifer White, Account Administrator
Telephone Number/Email: 505-823-9006 / jwhite@keers.com

Permitting Action: Renewal

Permit Issuance Date: DATE
Permit Expiration Date: DATE

NMED Permit Contact: Kambray Townsend
Telephone Number/Email: 505-538-0497/ kambray.townsend@env.nm.gov or
pps.general@env.nm.gov

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

Date

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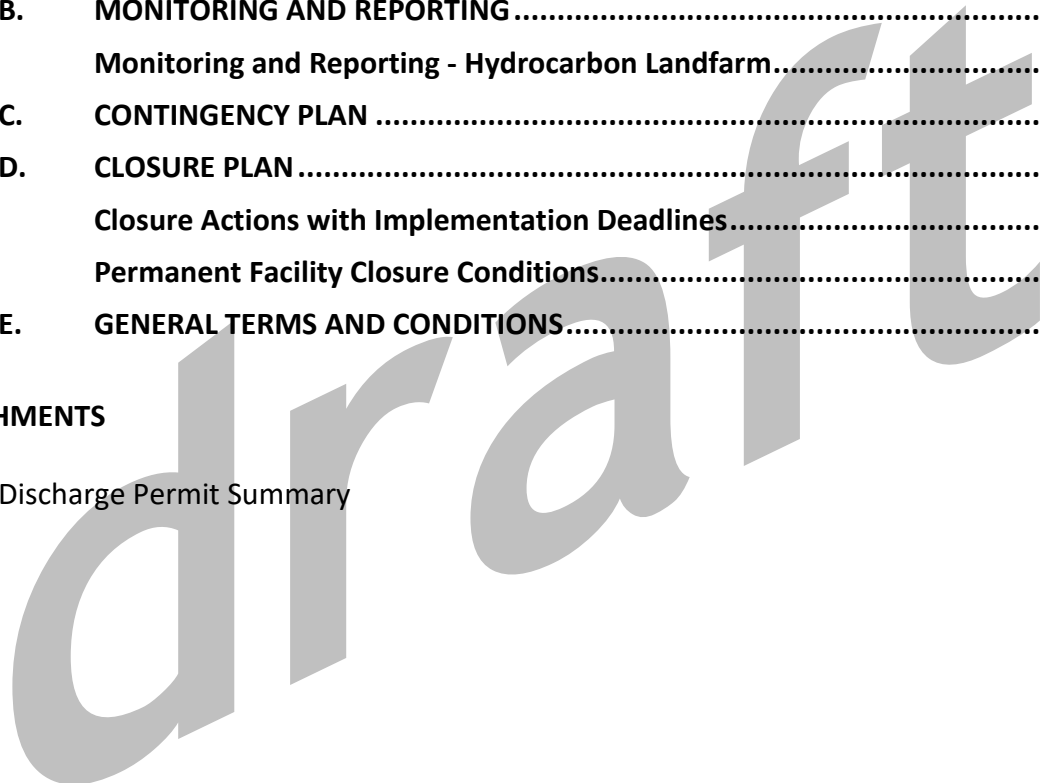
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Discharge Permit Summary



I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this groundwater discharge permit Renewal (Discharge Permit or DP-1012) to Special Waste Disposal, Inc. (Permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Ground and Surface Water Protection Regulations, 20.6.2 NMAC.

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

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

The Permittee processes and discharges hydrocarbon-contaminated soil at the Facility at a volume up to 48,600 cubic yards (cy) per day and hydrocarbon-contaminated liquids at a volume of up to 2,500 gallons per day (gpd) to 54-acres of surface remediation cells for bioremediation.

Discharge Permit Location Information:

Physical Address	91 Liberty Valley Road
Nearest Town/City	Mountainair
Section, Township, Range	Section 19, Township 02 North, Range 08 East
County	Torrance
Depth to Groundwater	500 feet
Pre-Discharge TDS	1,830 milligrams per liter

Discharge Permit Issuance History:

Original Permit Issuance	December 1, 1994
Permit Modification	June 20, 1996
Permit Modification	May 7, 1997
Permit Renewal	June 23, 2000
Permit Renewal	November 2, 2005
Permit Renewal	November 25, 2011
Permit Renewal	July 10, 2019

The application (i.e., discharge plan) associated with this Discharge Permit consists of the materials submitted by the Permittee dated March 13, 2024, and materials contained in the administrative record prior to issuance of this Discharge Permit.

This Discharge Permit requires an associated Closure Plan, the intent of which it is to prevent the exceedance of the groundwater protection standards of 20.6.2.3103 NMAC after the Facility, or a portion of the Facility, ceases to operate. The Closure Plan shall include a detailed description of all closure and post-closure maintenance and inspection procedures. The Permittee's obligation to implement the Closure Plan and associated permit requirements survives the termination or expiration of this Discharge Permit. The Permittee may implement and complete portions of the Closure Plan prior to the cessation of the operation of the Facility.

This Discharge Permit required financial assurance requirements associated with the closure of the structures associated with the Permit, including a requirement to produce a closure cost estimate intended to sufficiently identify the cost of implementing all aspects of closure as described in the Closure Plan. The Discharge Permit required establishment of a financial assurance instrument intended to cover all closure costs as identified in the cost closure estimate. This Discharge Permit requires the maintenance of financial assurance during the term of this Discharge Permit and until the successful accomplishment of all closure activities.

The Permittee shall manage the discharge in accordance with all conditions and requirements of this Discharge Permit.

NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the Permittee is or may be violating, or is likely to violate in the future, the requirements of 20.6.2 NMAC or the standards of Section 20.6.2.3103 NMAC. NMED reserves this right pursuant to Section 20.6.2.3109 NMAC. An NMED requirement to modify the Discharge Permit may result from a determination by NMED that proposed disposal methods, structural controls or operations and management practices approved under this Discharge Permit are insufficiently protective of groundwater quality and human health. NMED reserves the right to require the Permittee to implement abatement of water pollution and remediate groundwater quality.

NMED issuance of this Discharge Permit does not relieve the Permittee of the responsibility to comply with the WQA, WQCC Regulations, and any other applicable federal, state and/or local laws and regulations, such as zoning requirements and nuisance ordinances.

This Discharge Permit may use the following acronyms and abbreviations.

Abbreviation	Explanation	Abbreviation	Explanation
CFR	Code of Federal Regulations	NMED	New Mexico Environment Department

Abbreviation	Explanation	Abbreviation	Explanation
CFU	colony forming unit	NMSA	New Mexico Statutes Annotated
Cl	chloride	NO ₃ -N	nitrate-nitrogen
EPA	United States Environmental Protection Agency	QA/QC	Quality Assurance/Quality Control
gpd	gallons per day	SDDS	Surface Disposal Data Sheet
LAA	land application area	TDS	total dissolved solids
LADS	Land Application Data Sheet(s)	TKN	total Kjeldahl nitrogen
lbs N/acre	pounds of nitrogen per acre	total nitrogen	= TKN + NO ₃ -N
mg/L	milligrams per liter	TS	total solids
mg/kg	milligram per kilogram	WQA	New Mexico Water Quality Act
mL	milliliters	WQCC	Water Quality Control Commission
NMAC	New Mexico Administrative Code	WWTF	Wastewater Treatment Facility

II. FINDINGS

In issuing this Discharge Permit, NMED finds the following.

1. The Permittee is discharging effluent or leachate from the Facility so that such effluent or leachate may move into groundwater of the State of New Mexico that has an existing concentration of 10,000 mg/L or less of TDS, within the meaning of Subsection A of 20.6.2.3101 NMAC, without exceeding standards of 20.6.2.3103 NMAC for any water contaminant.
2. The Permittee is discharging effluent or leachate from the Facility directly or indirectly into groundwater pursuant to this Discharge Permit and Sections 20.6.2.3000 through 20.6.2.3114 NMAC.
3. The discharge from this Facility has the potential to contain water contaminants or toxic pollutants elevated above the standards of Section 20.6.2.3103 NMAC and is not subject to the exemption at Subsection 20.6.2.3105 NMAC.

III. AUTHORIZATION TO DISCHARGE

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

- Hydrocarbon-Contaminated Soil and Water – This Discharge Permit authorizes the Permittee to receive and discharge up to 48,600 cubic yards per day of non-hazardous

hydrocarbon-contaminated soil to 32 surface remediation cells totaling 54 acres at any one time. This Discharge Permit authorizes the Permittee to discharge up to 2,500 gallons per day of non-hazardous hydrocarbon-contaminated liquid at any one time to enhance bioremediation of hydrocarbon-contaminated soils by distributing the wastewater over the remediation cells. The soils and liquids received at the Facility may be contaminated with gasoline, diesel fuel, and/or waste oil from leaking underground storage tanks and/or spills/leaks/discharges of similar petroleum hydrocarbons from a variety of commercial and industrial sources.

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

IV. CONDITIONS

NMED issues this Discharge Permit for the discharge of water contaminants subject to the following conditions.

A. OPERATIONAL PLAN

#	Terms and Conditions
1.	The Permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 2 and 4 NMAC. [Subsection C of 20.6.2.3109 NMAC]
2.	The Permittee shall operate in a manner that does not violate standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC. [20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]

Operational Actions with Implementation Deadlines

#	Terms and Conditions
3.	Within 90 days following the issuance date of this Discharge Permit (by DATE), the Permittee shall repair damaged fencing along the perimeter of the Facility to restrict access by the general public and animals. Documentation of fence repair shall consist of a narrative statement describing locations of fencing repair and date-stamped photographs. The Permittee shall submit the documentation to NMED within 30 days of repair. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, §74-6-5.D]

#	Terms and Conditions
4.	<p>Within 90 days following the issuance date of this Discharge Permit (by DATE), the Permittee shall install signs at the boundary of each cell to identify the cell number and the waste type the Permittee is authorized to discharge in the cell. All signs shall be weatherproof and legible for the term of this Discharge Permit.</p> <p>Documentation of sign installation shall consist of a narrative statement describing locations of sign installation and date-stamped photographs. The Permittee shall submit the documentation to NMED within 30 days of installation.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, §74-6-5.D]</p>
5.	<p>Within 90 days following the issuance of this Discharge Permit (by DATE), the Permittee shall repair eroded earthen berms surrounding the perimeter of the Facility and in between disposal cells to a minimum of 24 inches above natural grade.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

Operational Actions – All Facility Types

#	Terms and Conditions
6.	<p>To prevent surface water run-on and run-off at the Facility, the Permittee shall maintain earthen berms surrounding the perimeter of the Facility and in between disposal cells that are a minimum of 24 inches above natural grade.</p> <p>In place of a berm across the Facility entrance, the Permittee shall construct and maintain shallow (minimum depth of six inches) stormwater diversion trenches parallel to and on each side of the Facility entrance gate. The Permittee shall maintain all berms and trenches until termination of this Discharge Permit and the Permittee has completed all closure actions required by this Discharge Permit.</p> <p>The Permittee shall inspect the berms on a regular basis and after any major rainfall event and repair as necessary.</p> <p>The Permittee shall keep a log of the inspection findings and repairs that includes a date of the inspection and the name of the person responsible for the inspection and shall make the log available to NMED upon request.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

#	Terms and Conditions
7.	<p>The Permittee shall maintain fences around the entire disposal Facility to restrict access by the general public and animals. A minimum of a three-strand barbed wire fence including a locked gate shall surround the Facility. The Permittee shall maintain the fences to serve the stated purpose throughout the term of this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
8.	<p>The Permittee shall maintain the following signs at the following locations:</p> <ul style="list-style-type: none"> • Signs posted at the Facility entrance and every 500 feet along the Facility boundary that state: "Notice: Waste Disposal Area - KEEP OUT" and "Aviso: Área de Disposición - NO ENTRAR". • A sign posted at the entrance gate with the name of the Facility's contact person, office phone number of the contact person, emergency contact phone number for the Facility, and physical location of the Facility including township, range, and section(s). • A sign on each tank identifying its contents. Signs on tanks containing contaminated water shall indicate in English and Spanish that the water is not potable. • A sign at the boundary of each cell to identify the cell number and the waste type the Permittee is authorized to discharge in the cell. <p>All signs shall be weatherproof and legible for the term of this Discharge Permit.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>
9.	<p>The Permittee shall not accept hazardous substances or waste at the Facility that are either listed or characteristic through the Toxicity Characteristics Leaching Procedure (TCLP). The Permittee shall analyze any material reasonably suspected of containing hazardous waste, due to its origin, characteristics, or other known factors, using EPA Method 1311, TCLP in accordance with 40 CFR §261.24. The Permittee shall reject any waste that does not pass the test and return it to the waste generator.</p> <p>[20.6.2.10 NMAC]</p>
10.	<p>This Discharge Permit authorizes the Permittee to accept hydrocarbon-contaminated soil and hydrocarbon-contaminated liquids. The Permittee may not receive or remediate any other waste types at the Facility.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
11.	<p>The Permittee shall inspect the Facility weekly and collect any residual solid waste (trash) at the Facility. The Permittee shall dispose of the collected materials in a manner consistent with all local, state, and federal regulations.</p>

#	Terms and Conditions
	[Subsection A of 20.6.2.3107 NMAC, Subsections B and C of 20.6.2.3109 NMAC]
12.	<p>The Permittee shall not discharge liquid wastes during periods of precipitation or when surface soils are frozen or saturated. The Permittee may store wastes on-site in tanker trucks during these periods.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>

Operational Actions - Hydrocarbon Landfarm

#	Terms and Conditions
13.	<p>The Permittee shall not accept free product for placement on the hydrocarbon landfarm. The Permittee shall analyze any soil suspected of containing free product, i.e., a hydrocarbon-based liquid not dissolved in water, using EPA Method 9095, Paint Filter Liquids Test. The Permittee shall reject any soil that does not pass the test and return it to the waste generator.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>
14.	<p>The Permittee shall not place wastes generated from oil and natural gas exploration and production activities into a cell authorized by this Discharge Permit. The Oil Conservation Division regulates such wastes as described by the <i>WQCC Delegation of Responsibility to the Environmental Improvement Division and the Oil Conservation Division</i>.</p> <p>[NMSA 1978, § 74-6-4.F]</p>
15.	<p>Within 72 hours of receipt, the Permittee shall land apply the hydrocarbon-contaminated soil in lifts of eight inches or less (approximately 1,000 cubic yards per acre) on a rotational basis and mix the contaminated soil by disking. The Permittee shall disk the contaminated soils at least once every 14 days until analytical results indicate that the Permittee has remediated the soils to the standards required by this Discharge Permit. The Permittee shall not add additional soil to a remediation cell until the Permittee can confirm the remediation of the existing layer by laboratory analysis.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>
16.	<p>The Permittee is authorized to apply water or hydrocarbon-contaminated water to moisten soil in the remediation cells in order to enhance remediation and reduce dust. The Permittee shall not apply water or hydrocarbon-contaminated water to saturated soil or in a manner which causes ponding in the soil remediation cells. The Permittee</p>

#	Terms and Conditions																																						
	<p>shall not apply hydrocarbon-contaminated water in areas outside of the remediation cells.</p> <p>[NMSA 1978, § 74-6-5. D, Subsections B and C of 20.6.2.3109 NMAC]</p>																																						
17.	<p>The Permittee shall remediate hydrocarbon-contaminated soil for the following constituents to the most stringent soil screening level identified in the most up to date <i>NMED Risk Assessment Guidance for Site Assessments and Investigations</i>, available on the NMED Hazardous Waste Bureau’s website under Guidance Documents:</p> <table border="1" data-bbox="430 688 1291 1455"> <thead> <tr> <th>Chemical Constituent</th> <th>CAS</th> </tr> </thead> <tbody> <tr> <td>Total Petroleum Hydrocarbons (TPH)</td> <td>n/a</td> </tr> <tr> <td colspan="2">BTEX</td> </tr> <tr> <td>Benzene</td> <td>71-43-2</td> </tr> <tr> <td>Toluene</td> <td>108-88-3</td> </tr> <tr> <td>Ethylbenzene</td> <td>100-41-4</td> </tr> <tr> <td>Xylenes</td> <td>1330-20-7</td> </tr> <tr> <td colspan="2">Polycyclic Aromatic Hydrocarbons (PAHs)</td> </tr> <tr> <td>Naphthalene</td> <td>91-20-3</td> </tr> <tr> <td>1-methyl naphthalene</td> <td>90-12-0</td> </tr> <tr> <td>2-methyl naphthalene</td> <td>91-57-6</td> </tr> <tr> <td>Benzo(a)pyrene</td> <td>50-32-8</td> </tr> <tr> <td>Dibenzo(a,h)anthracene</td> <td>53-70-3</td> </tr> <tr> <td>Benzo(a)anthracene</td> <td>56-55-3</td> </tr> <tr> <td>Benzo(b)fluoranthene</td> <td>205-99-2</td> </tr> <tr> <td>Benzo(k)fluoranthene</td> <td>207-08-9</td> </tr> <tr> <td>Methyl tertiary-butyl ether (MTBE)</td> <td>1634-04-4</td> </tr> <tr> <td>1,2-dichloroethane (EDC)</td> <td>107-06-2</td> </tr> <tr> <td>Ethylene dibromide (EDB)</td> <td>106-93-4</td> </tr> </tbody> </table> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>	Chemical Constituent	CAS	Total Petroleum Hydrocarbons (TPH)	n/a	BTEX		Benzene	71-43-2	Toluene	108-88-3	Ethylbenzene	100-41-4	Xylenes	1330-20-7	Polycyclic Aromatic Hydrocarbons (PAHs)		Naphthalene	91-20-3	1-methyl naphthalene	90-12-0	2-methyl naphthalene	91-57-6	Benzo(a)pyrene	50-32-8	Dibenzo(a,h)anthracene	53-70-3	Benzo(a)anthracene	56-55-3	Benzo(b)fluoranthene	205-99-2	Benzo(k)fluoranthene	207-08-9	Methyl tertiary-butyl ether (MTBE)	1634-04-4	1,2-dichloroethane (EDC)	107-06-2	Ethylene dibromide (EDB)	106-93-4
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18.	<p>The Permittee shall remediate accumulated solids removed from the hydrocarbon-contaminated water storage tanks in the landfarm in accordance with the requirements of this Discharge Permit or otherwise disposed of in accordance with all local, state, and federal regulations.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>																																						
19.	<p>The Permittee shall not add amendments to the contaminated soil, such as proprietary microorganisms or fertilizer, without prior written approval by NMED.</p>																																						

#	Terms and Conditions
	[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]

B. MONITORING AND REPORTING

#	Terms and Conditions
20.	<p>The Permittee shall conduct the monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
21.	<p>METHODOLOGY – Unless otherwise specified by this Discharge Permit, or approved in writing by NMED, the Permittee shall use sampling and analytical techniques that conform with the references listed in Subsection B of 20.6.2.3107 NMAC.</p> <p>[Subsection B of 20.6.2.3107 NMAC]</p>
22.	<p>Semi-annual monitoring - The Permittee shall perform monitoring and other Permit required actions during the following periods and shall submit semi-annual reports to NMED by the following due dates:</p> <ul style="list-style-type: none"> • January 1st through June 30th – due by August 1st; and • July 1st through December 31st – due by February 1st. <p>[Subsection A of 20.6.2.3107 NMAC]</p>
23.	<p>The Permittee shall retain on-site a manifest for each load of waste received. The manifest shall record the following information:</p> <ul style="list-style-type: none"> • date of receipt; • name of the hauling company; • name and address of the waste origin; • type of waste or description of contamination (differentiate between soil and water); • volume of waste; • confirmation of inspection for acceptable waste type; • signature of person conducting the inspection; and • cell identification and location within the cell where the Permittee discharged the waste. <p>The Permittee shall make the manifests available for inspection by NMED upon request. The Permittee shall submit a summary listing the information from each manifest for</p>

#	Terms and Conditions
	<p>wastes received during the reporting period to NMED in the semi-annual monitoring reports.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection A 20.6.2.3107 NMAC]</p>

Monitoring and Reporting - Hydrocarbon Landfarm

#	Terms and Conditions
24.	<p>Prior to adding additional eight-inch lifts, the Permittee shall demonstrate that the soil is remediated for the constituents listed in this Discharge Permit to the most stringent soil screening level identified in the most up-to-date <i>NMED Risk Assessment Guidance for Site Assessments and Investigations</i>, available on the NMED Hazardous Waste Bureau’s website under Guidance Documents. For every two acres of cell area, the Permittee shall collect a composite soil sample consisting of four soil core samples at a depth of 6 to 12 inches and analyze each composite sample for the following constituents using the identified methods or equivalent ASTM methodology approved by NMED:</p> <ul style="list-style-type: none"> • TPH using EPA SW-846 method 8015; • BTEX using EPA SW-846 methods 8021 or 8260; • PAHs using EPA SW-846 methods 8270 or 8310; • MTBE using EPA SW-846 method 5035; • EDC using EPA SW-846 method 5035; and • EDB using EPA SW-846 method 8011. <p>The Permittee shall submit the laboratory analytical data results, including the QA/QC summary report and Chain of Custody, and a map outlining the sampling locations to NMED in the semi-annual monitoring reports.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection A 20.6.2.3107 NMAC, Subsection H of 20.6.2.3109]</p>

C. CONTINGENCY PLAN

#	Terms and Conditions
25.	<p>In the event that groundwater exceeds a groundwater protection standard identified in Section 20.6.2.3103 NMAC as a result of this discharge, the Permittee shall submit to NMED a Corrective Action Plan (CAP) that proposes, at a minimum, contaminant source control measures and an implementation schedule. The Permittee shall implement the CAP following approval by NMED.</p>

#	Terms and Conditions
	<p>The NMED may require the Permittee to abate water pollution consistent with the requirements and provisions of Section 20.6.2.4101, Section 20.6.2.4103, Subsections C and E of 20.6.2.4106, Section 20.6.2.4107, Section 20.6.2.4108 and Section 20.6.2.4112 NMAC.</p> <p>[20.6.2.31303 NMAC, Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>
26.	<p>If the remediation standards for the hydrocarbon landfarm portion of the Facility set forth in this Discharge Permit cannot be met within five years of ceasing to add contaminated soil to a cell, the Permittee shall submit a CAP to NMED within 45 days of receipt of the fifth year's analytical results.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B and C of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>
27.	<p>In the event that a release occurs that is not authorized under this Discharge Permit (commonly known as a "spill"), the Permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below. A release is defined as such quantity as may with reasonable probability injure or be detrimental to human health, animal or plant life, or property, or unreasonably interfere with the public welfare or the use of property.</p> <p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the Permittee shall verbally notify NMED and provide the following information.</p> <ul style="list-style-type: none">a) The name, address, and telephone number of the person or persons in charge of the Facility, as well as of the owner and/or operator of the Facility.b) The name and address of the Facility.c) The date, time, location, and duration of the unauthorized discharge.d) The source and cause of unauthorized discharge.e) A description of the unauthorized discharge, including its estimated chemical composition.f) The estimated volume of the unauthorized discharge.g) Any actions taken to mitigate immediate damage from the unauthorized discharge. <p>Within <u>one week</u> following discovery of the unauthorized discharge, the Permittee shall submit written notification to NMED providing the information listed above and any pertinent updates.</p>

#	Terms and Conditions
	<p>Within <u>15 days</u> following discovery of the unauthorized discharge, the Permittee shall submit a CAP to NMED describing any corrective actions previously taken and corrective actions to be taken relative to the unauthorized discharge. The CAP shall include the following information.</p> <ul style="list-style-type: none"> a) A description of proposed actions to mitigate damage from the unauthorized discharge. b) A description of proposed actions to prevent future unauthorized discharges of this nature. c) A schedule for completion of proposed actions. <p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, NMED may require the Permittee to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p> <p>The Permittee shall not construe anything in this condition as relieving them of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC.</p> <p>[20.6.2.1203 NMAC]</p>
28.	<p>In the event that NMED or the Permittee identifies any failures of the discharge plan, i.e., the application, or this Discharge Permit not specifically noted herein, NMED may require the Permittee to submit a CAP and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a discharge permit modification to achieve compliance with 20.6.2 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>

D. CLOSURE PLAN

Closure Actions with Implementation Deadlines

#	Terms and Conditions
29.	<p>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</p>

#	Terms and Conditions
	<p>monitoring plans, and other measures necessary to prevent or abate such contamination, e.g., a corrective action plan.</p> <p>The Permittee shall ensure that the closure plan is sufficiently detailed to address the steps necessary to close the remediation cells, contaminated water storage tanks, and any other hydrocarbon contamination-related infrastructure. Further, the detailed closure plan shall address sludge de-watering (as necessary), characterization of wastes to be disposed of on-site and off-site, restoration of vegetation, the plugging and abandonment of monitoring wells, and all post-closure activities. =</p> <p>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.</p> <p>The Permittee shall ensure that the closure plan addresses post-closure care. NMED considers all closure and post-closure activities to constitute “complete closure.”</p> <p>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.</p> <p>[Subsection A of 20.6.2.3107]</p>
30.	<p>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 29. 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</p>

#	Terms and Conditions
	<p>be updated annually each year after five years and any financial assurance shall be adjusted accordingly.</p> <p>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.</p> <p>[Subsection A of 20.6.2.3107]</p>
31.	<p>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.</p> <ul style="list-style-type: none">a) 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 29 and 30 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.b) The Permittee shall name NMED as the sole beneficiary in each financial assurance instrument(s).c) 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.d) 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.e) 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

#	Terms and Conditions
	<p>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.</p> <p>f) 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.</p> <p>g) 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.</p> <p>h) 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.</p> <p>i) 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.</p> <p>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.</p> <p>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.</p> <p>[Subsection A of 20.6.2.3107]</p>
32.	<p>The Permittee shall adhere to the following stipulations for cancellation, non-renewal, forfeiture, or release of the financial assurance instrument(s).</p> <p>a) Cancellation or Non-renewal: Each financial assurance instrument shall require the financial assurance provider to give at least 120 day written notice to NMED and the Permittee prior to cancellation or non-renewal of the financial</p>

#	Terms and Conditions
	<p>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.</p> <p>b) 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.</p> <p>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.</p> <p>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.</p> <p>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.</p>

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	<p>c) 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.</p> <p>[Subsection A of 20.6.2.3107]</p>

Permanent Facility Closure Conditions

#	Terms and Conditions																		
33.	<p>The Permittee shall perform the following closure measures in the event that the hydrocarbon landfarm portion of the Facility permanently closes:</p> <ul style="list-style-type: none"> a) Notify NMED that hydrocarbon-contaminated soil and water will no longer be accepted. b) Submit a schedule for closure actions. c) Empty and remove the evaporation tanks from the Facility. Hydrocarbon-contaminated water shall be evaporated from the tanks or distributed on the disposal cells as authorized by this Discharge Permit. Solids shall be removed from the tanks and remediated in the landfarm in accordance with the requirements of this Discharge Permit or otherwise disposed of in accordance with all local, state, and federal regulations. d) Demonstrate that all soils in the remediation cells and the soils in the berms do not exceed the most stringent soil screening level identified in the most up-to-date <i>NMED Risk Assessment Guidance for Site Assessments and Investigations</i>, available on the NMED Hazardous Waste Bureau’s website under Guidance Documents, for the following metals: <table border="1" data-bbox="440 1451 1279 1814"> <thead> <tr> <th data-bbox="446 1457 857 1493">Inorganic Constituents</th> <th data-bbox="857 1457 1273 1493">CAS</th> </tr> </thead> <tbody> <tr> <td data-bbox="446 1493 857 1535">Arsenic</td> <td data-bbox="857 1493 1273 1535">7440-36-0</td> </tr> <tr> <td data-bbox="446 1535 857 1577">Barium</td> <td data-bbox="857 1535 1273 1577">7440-39-3</td> </tr> <tr> <td data-bbox="446 1577 857 1619">Cadmium</td> <td data-bbox="857 1577 1273 1619">7440-43-9</td> </tr> <tr> <td data-bbox="446 1619 857 1661">Chromium III</td> <td data-bbox="857 1619 1273 1661">16065-83-1</td> </tr> <tr> <td data-bbox="446 1661 857 1703">Lead (tetraethyl-)</td> <td data-bbox="857 1661 1273 1703">78-00-2</td> </tr> <tr> <td data-bbox="446 1703 857 1745">Mercury (elemental)</td> <td data-bbox="857 1703 1273 1745">7439-97-6</td> </tr> <tr> <td data-bbox="446 1745 857 1787">Selenium</td> <td data-bbox="857 1745 1273 1787">7782-49-2</td> </tr> <tr> <td data-bbox="446 1787 857 1814">Silver</td> <td data-bbox="857 1787 1273 1814">7440-22-4</td> </tr> </tbody> </table> <p>The permittee shall use the sampling protocol described in Condition 24 for the</p>	Inorganic Constituents	CAS	Arsenic	7440-36-0	Barium	7440-39-3	Cadmium	7440-43-9	Chromium III	16065-83-1	Lead (tetraethyl-)	78-00-2	Mercury (elemental)	7439-97-6	Selenium	7782-49-2	Silver	7440-22-4
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#	Terms and Conditions
	<p>remediation cells, and a representative protocol for the berms. A copy of the laboratory analytical results and a map outlining the sampling locations shall be submitted to NMED. If the soil exceeds an inorganic constituent screening level the permittee shall propose a corrective action for NMED's approval.</p> <p>e) Continue operating and monitoring until all soils are remediated to the organic constituent standards required by this Discharge Permit.</p> <p>f) Upon determination by NMED that remediation of all soils is complete, backfill the cells with clean fill (as necessary) and re-grade to allow for positive stormwater drainage. The permittee shall re-vegetate the cells at the Facility by establishing a vegetation cover equal to 70% of the native perennial vegetative cover consisting of at least three native plant species including at least one grass, but not including noxious weeds. The permittee shall maintain the vegetative cover through two consecutive growing seasons.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC, Subsection A 20.6.2.3107 NMAC]</p>

E. GENERAL TERMS AND CONDITIONS

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34.	<p>RECORD KEEPING - The Permittee shall maintain a written record of the following:</p> <ul style="list-style-type: none"> • Information and data used to complete the application for this Discharge Permit; • Information, data, and documents demonstrating completion of closure activities; • Any releases (commonly known as "spills") not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC; • The operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater; • Facility record drawings (plans and specifications) showing the actual construction of the Facility and bear the seal and signature of a licensed New Mexico professional engineer; • Copies of logs, inspection reports, and monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit; • The volume of wastewater or other wastes discharged pursuant to this Discharge Permit; • Groundwater quality and wastewater quality data collected pursuant to this Discharge Permit; • Copies of construction records (well log) for all sampled groundwater monitoring wells pursuant to this Discharge Permit;

#	Terms and Conditions
	<ul style="list-style-type: none">• The maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and• Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including:<ul style="list-style-type: none">a. the dates, location and times of sampling or field measurements;b. the name and job title of the individuals who performed each sample collection or field measurement;c. the sample analysis date of each sample;d. the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis;e. the analytical technique or method used to analyze each sample or collect each field measurement;f. the results of each analysis or field measurement, including raw data;g. the results of any split, spiked, duplicate or repeat sample; andh. a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. <p>The Permittee shall maintain the written record at a location accessible to NMED during a Facility inspection for a minimum of five years. The Permittee shall make the record available to NMED upon request.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>
35.	<p>SUBMITTALS – The Permittee shall submit both a paper copy and an electronic copy of all notification and reporting documents required by this Discharge Permit, e.g., monitoring reports. The paper and electronic documents shall be submitted to the NMED Permit Contact identified on the Permit cover page.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
36.	<p>INSPECTION and ENTRY – The Permittee shall allow NMED to inspect the Facility and its operations that are subject to this Discharge Permit and the WQCC regulations. NMED may upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which any maintained records required by this Discharge Permit, the regulations of the federal government, or the WQCC are located.</p> <p>The Permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling or monitoring during an inspection for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations.</p>

#	Terms and Conditions
	<p>No person shall construe anything in this Discharge Permit as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state or federal regulations.</p> <p>[Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>
37.	<p>DUTY to PROVIDE INFORMATION - The Permittee shall, upon NMED's request, allow for NMED's inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.</p> <p>[Subsection D of 20.6.2.3107 NMAC]</p>
38.	<p>MODIFICATIONS and/or AMENDMENTS – In the event the Permittee proposes a change to the Facility or the Facility's discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated or discharged by the Facility, the Permittee shall notify NMED prior to implementing such changes. The Permittee shall obtain NMED's approval (which may require modification of this Discharge Permit) prior to implementing such changes.</p> <p>[Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]</p>
39.	<p>PLANS and SPECIFICATIONS – In the event the Permittee proposes to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the Permittee shall submit construction plans and specifications of the proposed system or process unit to NMED for approval prior to the commencement of construction.</p> <p>In the event the Permittee implements changes to the wastewater system authorized by this Discharge Permit that result in only a minor effect on the character of the discharge, the Permittee shall report such changes (including the submission of record drawings where applicable) to NMED prior to implementation.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
40.	<p>CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the Permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time,</p>

#	Terms and Conditions
	<p>assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the Permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]</p>
41.	<p>CRIMINAL PENALTIES – No person shall:</p> <ul style="list-style-type: none"> • Make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or maintained under the WQA; • Falsify, tamper with or render inaccurate any monitoring device, method or record maintained under the WQA; or • Fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation. <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
42.	<p>COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the Permittee of the obligation to comply with any other applicable</p>

#	Terms and Conditions
	<p>federal, state, and/or local laws, regulations, zoning requirements, nuisance ordinances, permits or orders.</p> <p>[NMSA 1978, § 74-6-5.L]</p>
43.	<p>RIGHT to APPEAL - The Permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues raised and the relief sought. Unless the Permittee files a timely petition for review, the decision of NMED shall be final and not subject to judicial review.</p> <p>[20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]</p>
44.	<p>TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this Facility or any portion thereof, the Permittee shall:</p> <ul style="list-style-type: none">• Notify the proposed transferee in writing of the existence of this Discharge Permit;• Include a copy of this Discharge Permit with the notice; and• Deliver or send by certified mail to NMED a copy of the notification and proof that the proposed transferee has received such notification. <p>The Permittee shall continue to be responsible for any discharge from the Facility, until both ownership and possession of the Facility have been transferred to the transferee.</p> <p>[20.6.2.3111 NMAC]</p>
45.	<p>PERMIT FEES – The Permittee shall be aware that the payment of permit fees is due at the time of Discharge Permit approval. The Permittee may pay the permit fees in a single payment or they may pay the fee in equal installments on a yearly basis over the term of the Discharge Permit. The Permittee shall remit single payments to NMED no later than 30 days after the Discharge Permit issuance date. The Permittee shall remit initial installment payments to NMED no later than 30 days after the Discharge Permit issuance date; with subsequent installment payments remitted to NMED no later than the anniversary of the Discharge Permit issuance date.</p> <p>Permit fees are associated with <u>issuance</u> of this Discharge Permit. No person shall construe anything in this Discharge Permit as relieving the Permittee of the obligation to pay all permit fees assessed by NMED. A Permittee that ceases discharging or does not commence discharging from the Facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. NMED shall suspend or terminate an approved Discharge Permit if the Permittee fails to remit an installment payment by its due date.</p>

#	Terms and Conditions
	[Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]

draft



**New Mexico Environment Department Ground Water Quality Bureau
Discharge Permit Summary**

Facility Information

Facility Name Special Waste Disposal, Inc.
Discharge Permit Number DP-1012
Legally Responsible Party Cailyn Kilcup, Vice President
 Special Waste Disposal, Inc.
 5904 Florence Avenue NE
 Albuquerque, NM 87113
 (505) 823-9006

Treatment, Disposal, and Site Information

Primary Waste Type Industrial
Facility Type Hydrocarbon Remediation Landfarm

Discharge Locations

Type	Designation	Description & Comments
Treatment Area	Active Area – 1	30,000 square yards of treatment area consisting of five unlined 6,000 square yard cells numbered 1-5.
Treatment Area	Active Area – 2	30,000 square yards of treatment area consisting of five unlined 6,000 square yard cells numbered 1-5.
Treatment Area	Active Area – 3	30,000 square yards of treatment area consisting of five unlined 6,000 square yard cells numbered 1-5.
Treatment Area	Active Area – 4	30,000 square yards of treatment area consisting of five unlined 6,000 square yard cells numbered 1-5.
Treatment Area	Active Area – 5	30,000 square yards of treatment area consisting of five unlined 6,000 square yard cells numbered 1-6.
Treatment Area	Active Area – 6	30,000 square yards of treatment area consisting of five unlined 6,000 square yard cells numbered 1-6.

Depth-to-Ground Water 500 feet
Total Dissolved Solids (TDS) 1,830 mg/L

Permit Information

Original Permit Issued December 1, 1994
 Permit Modification June 20, 1996
 Permit Modification May 7, 1997
 Permit Renewal June 23, 2000
 Permit Renewal November 2, 2005
 Permit Renewal November 25, 2011
 Permit Renewal July 10, 2019

Current Action Renewal
 Application Received March 13, 2024
 Public Notice Published [not yet published]



New Mexico Environment Department Ground Water Quality Bureau Discharge Permit Summary

Permit Issued (Issuance Date)
Permitted Discharge Volume

[issuance date]
48,600 cubic yards per day of hydrocarbon-contaminated soil
2,500 gallons per day of hydrocarbon-contaminated liquid

NMED Contact Information

Mailing Address

Ground Water Quality Bureau
P.O. Box 5469
Santa Fe, New Mexico 87502-5469

GWQB Telephone Number

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