



CERTIFIED MAIL – RETURN RECEIPT REQUESTED

August 18, 2023

Debra A. Guzman, Director of Environmental Affairs
Saputo Cheese USA
10700 Research Dr.
Wauwatosa, Wisconsin 53226

RE: Draft Discharge Permit Renewal and Modification, DP-1008, Saputo Cheese USA

Dear Debra Guzman:

The New Mexico Environment Department (NMED) hereby provides notice to you of the proposed approval of Ground Water Discharge Permit Renewal and Modification, DP-1008, (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, through the online portal accessible at <https://nmed.commentinput.com/comment/search> or via email to aracely.tellez@env.nm.gov , or acs.general@env.nm.gov . 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 Aracely.tellez@env.nm.gov or acs.general@env.nm.gov

Sincerely,

Aracely Tellez

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/

Water Resources Professional III

Enc: Draft Discharge Permit Renewal and Modification, DP-1008

cc: Jorge Lopez, Plant Manager, Jorge.lopez@saputo.com
Drew Corey, Regional Environmental Manager, drew.corey@saputo.com
ACS Reading File



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

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 18, 2023

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

Facility Name: Saputo Cheese USA
Discharge Permit No: DP-1008
Permittee Name: Saputo Cheese USA
Facility Owner/Operator: Debra Guzman, Director of Environmental Affairs
Mailing Address: 10700 Research Dr
Wauwatosa, WI 53226

Facility Location: 355 Crawford Blvd
Las Cruces, NM 88001
Section 2, 10, 35, Township 23S, 24S Range1W

County: Doña Ana

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

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

NMED Permit Contact: Aracely Tellez
Telephone Number/Email: (505) 629-8864/ Aracely.tellez@env.nm.gov or
Main Bureau/Section Contact (505) 827-2900/ acs.general@env.nm.gov

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

TABLE OF CONTENTS

Part A	GENERAL INFORMATION.....	1
A100	Introduction	1
A101	Terms of Permit Issuance	1
A102	Applicable Regulations	2
A103	Facility: Physical Description	2
A104	Facility: Documented Hydrogeologic Conditions	4
Part B	Discharge REQUIREMENTS.....	4
B100	Facility: Authorized Discharge	5
B101	Existing System Controls.....	7
B102	Conditions for Operation.....	7
B103	Facility: Conditions for Closure.....	18
B104	Facility: Contingency Plan.....	20
Part C	GENERAL Terms and CONDITIONS.....	22
C100	Legal.....	22
C101	General Inspection and Entry Requirements	23
C102	General Record Keeping and Reporting Requirements	24
C103	Modifications and/or Amendments	25
Part D	MISCELLANEOUS	25
D100	Acronyms	25

LIST OF TABLES

Table B1	General Discharge Permit Conditions:.....	7
Table B2	Impoundment(s)	9
Table B3	Land Application Area Management	11
Table B4	Solids Management	14
Table B5	Flow Meters	15
Table B6	Groundwater Monitoring Wells.....	16

PART A **GENERAL INFORMATION**

A100 **Introduction**

- A. The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal and Modification (Discharge Permit), **DP-1008**, to Saputo Cheese USA (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 Saputo Cheese USA (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 670,000 gallons per day (gpd) of effluent from Saputo Cheese USA. 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. Modification to an existing Discharge Permit does not change these terms.
- B. **Permit Modification** - Modification(s) to existing DP-1008 represented herein consist(s) of an increase in the maximum daily discharge volume from 440,000 to 670,000 gpd and an increase in active land application area from 160 acres to 392 acres.
- C. **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]

- D. **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.
- E. **Transfer of Ownership** - This Discharge Permit is being issued to Saputo Cheese USA 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 discharged to the sewer and treated by the Las Cruces wastewater treatment plant.
- 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 355 Crawford Blvd, in Las Cruces, Sections 2 and 10 Township 24S, Range 01W and Section 35 Township 23S Range 01W, Dona Ana County.
- B. This facility is comprised of the following wastewater system components as identified in the application dated March 10, 2023 and the administrative record which includes the original Discharge Permit issued on October 7, 1994 and subsequently renewed on February 2, 2001, renewed and modified on August 17, 2009, and renewed on March 11, 2016 as of the effective date of this Discharge Permit:
 - 1. Wastewater impoundments:

- a. **Effluent Storage Impoundment 1** – Lined impoundment used to store wastewater prior to land application. Impoundment is located in the northwest of the facility adjacent to equalization tanks. Constructed in 1995 with a storage capacity of 4,000,000 gallons. Will be decommissioned after WWTP upgrade is completed.
 - b. **Effluent Storage Impoundment 2** – 60 mil HDPE liner used to store wastewater prior to land application. Impoundment is located east of the Moving Bed Biofilm Reactors (MBBR). Constructed in 2023 with leak detection system and has a storage capacity of 4,840,000 gallons.
 - c. **Brine Evaporation Pit 1** – HDPE lined with leak detection system used to store high chloride and TDS wastewater (brine, brine RO cleaning, water softener) for disposal by evaporation. Salt solids may be periodically disposed in an off-site landfill by a third-party hauler. Evaporation pit is located south of the Effluent Storage Impoundment 1. Constructed in 2016 and has a storage capacity of 252,000 gallons. Liner replaced in 2021.
 - d. **Brine Evaporation Pit 2** – HDPE liner with leak detection system used to store high chloride and TDS wastewater (brine, brine RO cleaning, water softener) for disposal by evaporation. Salt solids may be periodically disposed in an off-site landfill by a third-party hauler. Evaporation pit is located south of the Effluent Storage Impoundment 1. Constructed in 2016 and has a storage capacity of 252,000 gallons. Liner replaced in 2021.
 - e. **Brine Evaporation Pit 3** – HDPE liner used to store high chloride and TDS wastewater (brine, brine RO cleaning, water softener) for disposal by evaporation. Salt solids may be periodically disposed in an off-site landfill by a third-party hauler. Evaporation pit is located south of the Effluent Storage Impoundment 1. Constructed in 2016 and has a storage capacity of 252,000 gallons.
 - f. **Brine Evaporation Pit 4** – HDPE liner used to store high chloride and TDS wastewater (brine, brine RO cleaning, water softener) for disposal by evaporation. Salt solids may be periodically disposed in an off-site landfill by a third-party hauler. Evaporation pit is located south of the Effluent Storage Impoundment 1. Constructed in 2016 and has a storage capacity of 252,000 gallons. Liner replaced in 2021.
2. Fields or tracts within the land application area:
- a. **Sprayfield A** –Field A covers 20 acres and is located south of the facility. Field A has been actively receiving wastewater discharge since 2008. Wastewater is applied by a sprinkler system.
 - b. **Sprayfield B** - Field B covers 20 acres and is located south of the facility. Field B has been actively receiving wastewater discharge since 2008. Wastewater is applied by a sprinkler system.
 - c. **Sprayfield C** - Field C covers 20 acres and is located south of the facility. Field C has been actively receiving wastewater discharge since 2008. Wastewater is applied by a sprinkler system.

- d. **Sprayfield D** – Field D covers 20 acres and is located south of the facility. Field D has been actively receiving wastewater discharge since 2008. Wastewater is applied by a sprinkler system.
- e. **Sprayfield E** - Field E covers 20 acres and is located south of the facility. Field E has been actively receiving wastewater discharge since 2008. Wastewater is applied by a sprinkler system.
- f. **Sprayfield F** – Field F covers 20 acres and is located south of the facility. Field F has been actively receiving wastewater discharge since 2008. Wastewater is applied by a sprinkler system.
- g. **Sprayfield G** - Field G covers 10 acres and is located south of the facility. Field G has been actively receiving wastewater discharge since 2008. Wastewater is applied by a sprinkler system.
- h. **Sprayfield H** - Field H covers 10 acres and is located south of the facility. Field H has been actively receiving wastewater discharge since 2008. Wastewater is applied by a sprinkler system.
- i. **Sprayfield I** – Field I covers 10 acres and is located south of the facility. Field I has been actively receiving wastewater discharge since 2008. Wastewater is applied by a sprinkler system.
- j. **Sprayfield J** - Field J covers 10 acres and is located south of the facility. Field J has been actively receiving wastewater discharge since 2008. Wastewater is applied by a sprinkler system.
- k. **Sprayfield K** – Field K covers 54 acres and is located south of the facility. Field K has not received wastewater discharge as of March 2023. Wastewater will be applied by a center pivot.
- l. **Sprayfield L** - Field L covers 59 acres and is located south of the facility. Field L has not received wastewater discharge as of March 2023. Wastewater will be applied by a center pivot.
- m. **Sprayfield M** – Field M covers 120 acres and is located south of the facility. Field M has not received wastewater discharge as of March 2023. Wastewater is applied by a center pivot.

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 369 feet and had a total dissolved solids concentration of 1061 milligrams per liter.

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 670,000 gpd of wastewater from the production area. Wastewater flows to a wastewater lift station to a drum screen for removal of debris which then feed to two open top equalization tanks (EQ). The equalized process water is then pumped to a Dissolved Air Flotation #1 (DAF1) for a partial removal of solids. Pretreated effluent is pumped to one of the biological closed top Moving Bed Biofilm Reactors (MBBR) for biological treatment. MMBR effluent gravity feeds to DAF2 for removal of biomass that is generated during MMBR process. Treated effluent from DAF2 gravity flows to onsite impoundment for storage. Wastewater is land applied by sprinkler and center pivot irrigation to up to 1,560 acres, of which only 392 acres of cropland under cultivation are currently receiving wastewater. Up to 10,000 gpd of brine is pumped to 4 onsite brine evaporation pits for disposal by evaporation. Solids removed from the wastewater treatment plant are disposed of at an off-site landfill using a third-party hauler.
 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. **Effluent Storage Impoundment 1** – authorized to receive wastewater for storage prior to disposal by land application. This impoundment *exists* as of the effective date of this Discharge Permit. Impoundment will stop operation and close after construction of Effluent Storage Impoundment 2 is completed.
 - b. **Effluent Storage Impoundment 2** – authorized to receive wastewater for collection prior to disposal by land application. This impoundment is *proposed for construction*.
 - c. **Brine Evaporation Pit 1** – authorized to receive wastewater for collection and disposal by evaporation. This impoundment exists as of the effective date of this Discharge Permit.
 - d. **Brine Evaporation Pit 2** – authorized to receive wastewater for collection and disposal by evaporation. This impoundment exists as of the effective date of this Discharge Permit.
 - e. **Brine Evaporation Pit 3** – authorized to receive wastewater for collection and disposal by evaporation. This impoundment exists as of the effective date of this Discharge Permit.
 - f. **Brine Evaporation Pit 4** – authorized to receive wastewater for collection and 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 392 acres.

- a. **Sprayfield A** –This field was authorized by the last Discharge Permit (March 11, 2016) to receive wastewater and *has* received wastewater as of the effective date of this Discharge Permit.
 - b. **Sprayfield B** –This field was authorized by the last Discharge Permit (March 11, 2016) to receive wastewater and *has* received wastewater as of the effective date of this Discharge Permit.
 - c. **Sprayfield C** –This field was authorized by the last Discharge Permit (March 11, 2016) to receive wastewater and *has* received wastewater as of the effective date of this Discharge Permit.
 - d. **Sprayfield D** –This field was authorized by the last Discharge Permit (March 11, 2016) to receive wastewater and *has* received wastewater as of the effective date of this Discharge Permit.
 - e. **Sprayfield E** –This field was authorized by the last Discharge Permit (March 11, 2016) to receive wastewater and *has* received wastewater as of the effective date of this Discharge Permit.
 - f. **Sprayfield F** –This field was authorized by the last Discharge Permit (March 11, 2016) to receive wastewater and *has* received wastewater as of the effective date of this Discharge Permit.
 - g. **Sprayfield G** –This field was authorized by the last Discharge Permit (March 11, 2016) to receive wastewater and *has* received wastewater as of the effective date of this Discharge Permit.
 - h. **Sprayfield H** –This field was authorized by the last Discharge Permit (March 11, 2016) to receive wastewater and *has* received wastewater as of the effective date of this Discharge Permit.
 - i. **Sprayfield I** –This field was authorized by the last Discharge Permit (March 11, 2016) to receive wastewater and *has* received wastewater as of the effective date of this Discharge Permit.
 - j. **Sprayfield J** –This field was authorized by the last Discharge Permit (March 11, 2016) to receive wastewater and *has* received wastewater as of the effective date of this Discharge Permit.
 - k. **Sprayfield K** –This field is authorized to receive wastewater and *has not* received wastewater as of the date of the Discharge Permit application.
 - l. **Sprayfield L** –This field is authorized to receive wastewater and *has not* received wastewater as of the date of the Discharge Permit application.
 - m. **Sprayfield M** –This field is authorized to receive wastewater and *has not* received wastewater as of the date of the Discharge Permit Application.
- 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. **Impoundment(s)** - The Permittee shall maintain operations of the existing impoundment(s) and their associated leak detection systems 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 Meter(s)** - The facility measures the volume of (1) wastewater discharged from the production area and (2) wastewater and stormwater discharged to the land application area using the following flow meters:
 - a. **DAF Influent Flow Meter** - located at DAF #1 to measure the volume of wastewater discharged from the production area to MBBR. [Subsection A of 20.6.2.3107 NMAC]
 - b. **Sprayfield Flow Meter** - located adjacent to the storage lagoons to measure the volume of wastewater discharged to each field in the land application area.
 - c. **Brine Flume Totalizing Meter** – located northeast of the facility to measure the volume of brine wastewater discharged to the Salt Brine Pits.
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]:
 - a. **MW-1** - hydrologically downgradient of the land application; specifically in the southwest corner of Field F.
 - b. **MW-2** - hydrologically upgradient of the land application; specifically north of field A.
 - c. **MW-3** - hydrologically downgradient of land application; specifically in the southwest corner of field
 - d. **MW-4** – hydrologically upgradient of all land application areas; specifically north of Sprayfield K.

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 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.

Table B1
General Discharge Permit Conditions:

Table B1
General Discharge Permit Conditions:

<p>a) Within 30 days of the effective date of this Discharge Permit (by Date), the Permittee shall post signage in both English and Spanish at the facility entrance and other areas where there is potential for public contact with wastewater (i.e. land application area) in accordance with the following:</p> <ul style="list-style-type: none"> • The signage shall state: "Notice: wastewater at the facility is not potable" and "Aviso: el agua residual de la fabrica no es potable"-OR- "Notice: waste disposal area, keep out" and "Aviso: area de disposicion, no entrar." posted at the land application area and every 500 feet along the land application boundary. <p>The Permittee shall submit photographic evidence of installation the next scheduled Quarterly Monitoring Report.</p>
Operations and Maintenance
<p>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.</p> <p>c) Maintain all fencing around the facility to control access by the general public and animals.</p> <p>d) 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.</p> <p>e) Repair or replace compromised pipe(s) or fixture(s) within 72 hours of discovery.</p>
Inspection and Monitoring
<p>f) Visually inspect all facility pipes and fixtures on a weekly basis for evidence of leaks or failure. [20.6.2.3107 NMAC]</p>
Recordkeeping and Reporting

**Table B1
 General Discharge Permit Conditions:**

<p>g) Maintain written records at the facility of any inspection(s), repairs and maintenance conducted on facility infrastructure as related the wastewater management system.</p> <p>h) 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]</p> <p>i) 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>j) 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]</p> <ul style="list-style-type: none"> • January 1 through March 31 (first quarter) – report due by May 1 • April 1 through June 30 (second quarter) – report due by August 1 • July 1 through September 30 (third quarter) – report due by November 1 • October 1 through December 31 (fourth quarter) – report due by February 1 <p>k) 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.</p>
--

B. **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)**

Engineering, Surveying and Construction and/or Improvements
a) None required.
Operations and Maintenance of All Impoundments
<p>b) Prior to discharging complete construction/improvements to the following new/existing impoundment(s) with the approved construction plans and specifications and supporting design calculations: Impoundment 2.</p> <p>c) The wastewater impoundment(s) shall be designed to contain the maximum daily discharge volume authorized by the Discharge Permit and two feet of freeboard. Design calculations may consider seasonal discharge patterns.</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>

Table B2
Impoundment(s)

d) 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 intended to store wastewater.

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 land applied or transported off-site in accordance with the conditions of this Discharge Permit.

e) 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:

- Erosion damage
- Animal burrows or other damage
- The presence of large debris or large quantities of debris in the impoundment
- Evidence of seepage
- Evidence of berm subsidence
- 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.

f) 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.

Inspection and Monitoring All Impoundments

g) 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.

h) 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.).

i) The Permittee shall collect composite wastewater samples from the concrete sump on a quarterly (as applicable to seasonal production facilities) basis. The wastewater sampling shall be performed according to the following procedure:

**Table B2
 Impoundment(s)**

<ul style="list-style-type: none"> • Wastewater samples shall be collected from the concrete sump one hour after the start of production, three hours after the start of production, and five hours after the start of production; • A single composite sample shall be created by combining equal volumes of the three grab samples; and • The composite sample shall be analyzed for NO₃-N, TKN, TDS, Cl and pH. The Permittee shall record the sampling date, time production started, time of the first grab sample, time of second grab sample, time of third grab sample, and time production ended on a Wastewater Sampling Log (copy enclosed). <p>The Wastewater Sampling Log, analytical results and laboratory reports shall be submitted to NMED in the Quarterly Monitoring Report.</p> <p>j) The Permittee shall collect a composite wastewater sample on a quarterly basis from each impoundment. The composite sample(s) shall consist of a minimum of six equal sub-samples collected around the entire perimeter of the impoundment and thoroughly mixed. The composite sample(s) shall be analyzed for TKN, NO₃-N, TDS and Cl. Samples shall be properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results shall be submitted to NMED in the Quarterly Monitoring Report.</p>
<p>Recordkeeping and Reporting All Impoundments</p>
<p>k) Report any unauthorized discharges to NMED pursuant to 20.6.2.1203 NMAC.</p> <p>l) 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>m) 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>n) Maintain written records at the facility of all facility inspections including repairs and replacements.</p>

- C. **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>Engineering and Surveying</p>
<p>a) Prior to discharging to the land application area, the Permittee shall submit documentation of irrigation water rights from the Office of the State Engineer for all fields within the land application area. The Permittee shall demonstrate adequate irrigation water rights are held for irrigation for the term of this Discharge Permit, to produce and harvest crops necessary for the removal of nitrogen.</p> <p>b) Within 90 days following the effective date of this Discharge Permit (by DATE), the Permittee shall install 18-inch to 24-inch berms around the fields within the land application area to prevent surface</p>

Table B3
Land Application Area Management

<p>water run-on and run-off. Within 30 days of berm completion, the Permittee shall submit documentation to NMED of berm installation consisting of a written description of the berm locations.</p> <p>c) Within 180 days following the effective date of this Discharge Permit (by DATE), the Permittee shall install concrete-lined ditches or PVC piping to distribute wastewater to the fields within the land application, and submit photographic documentation and a written statement confirming the date(s) of installation.</p> <p>d) 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>
<p>Operations and Maintenance All Land Application Areas</p> <p>e) Apply wastewater uniformly to all fields within the land application area as authorized in Section B100 and a planned rate consistent with an approved NMP.</p> <p>f) 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>g) Remove crops from fields within the land application area by mechanical harvest or grazing in a manner consistent with an approved NMP [20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>
<p>Inspection and Monitoring All Land Application Areas</p> <p>h) The Permittee shall visually inspect the concrete-lined ditch system or PVC piping on a monthly basis to ensure proper maintenance. Any damage to a lined ditch or PVC piping shall be repaired within 30 days of discovery. The Permittee shall document all inspection findings and repairs made in a log kept on-site that is available to NMED upon request.</p> <p>i) 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>j) Perform routine 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 Quarterly Monitoring Report due May 1. 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> <p>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.</p>

Table B3
Land Application Area Management

<ul style="list-style-type: none">• Surface soil samples (first-foot) shall be collected from a depth of 0 to 12 inches.• Each second-foot sub-surface soil sample shall be collected from a depth of 12 to 24 inches.• Each third-foot sub-surface soil sample shall be collected from a depth of 24 to 36 inches. <p>ii. Each surface and sub-surface composite sample shall be analyzed for pH, electrical conductivity (EC), TKN, NO₃-N, Cl, organic matter (OM), potassium (K), phosphorus (P), sodium (Na), calcium (Ca), magnesium (Mg), sulfate (SO₄), soil texture and determination of the sodium adsorption ratio (SAR).</p> <p>iii. Soil samples shall be analyzed in accordance with the analytical methodology required by this Discharge Permit. Soil pH, EC, Na, Ca, Mg and SO₄ shall be analyzed using a saturated paste extract. Soil P shall be analyzed using the Olsen sodium bicarbonate method. Soil NO₃-N shall be analyzed by a 2 molar KCl extract.</p> <p>k) 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.</p> <p>l) 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.</p>
Recordkeeping and Reporting All Land Application Areas
<p>m) 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]</p> <p>n) The Permittee shall collect fresh irrigation water samples from irrigation wells used to supply fresh water to fields within the land application area to account for potential nitrogen supplied to the land application area from fresh irrigation water sources. Each irrigation well shall be identified in association with the field(s) to which it supplies fresh water. A sample shall be collected from each irrigation well annually and analyzed for NO₃-N and TKN. Analytical results shall be submitted to NMED in the Quarterly Monitoring Report due by May 1.</p> <p>o) The Permittee shall determine the total nitrogen concentration of each harvested crop grown to verify plant nitrogen removal levels. A composite sample consisting of 15 sub-samples of plant material shall be taken from each field during the final harvest of each crop grown per year. Samples</p>

**Table B3
 Land Application Area Management**

<p>shall be analyzed for percent total nitrogen and percent dry matter. Analytical reports shall be submitted to NMED in the Quarterly Monitoring Report.</p> <p>p) Yield documentation and plant and harvest dates of each crop grown shall be submitted to NMED in the Quarterly Monitoring Report. Yield documentation shall consist of scale-weight tickets or harvest summaries based on scale-weights.</p> <p>q) Maintain a log recording for all additional fertilizers applied to each field within the land application area that includes the following:</p> <ul style="list-style-type: none"> • 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 field <p>Submit a copy of the current log to NMED as part of each Quarterly Monitoring Report.</p> <p>r) The Permittee shall complete LADS (copy enclosed) on a monthly basis that document the amount of nitrogen applied to each field within 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 each field within 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 Quarterly Monitoring Report.</p>
--

D. **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**

Engineering and Surveying
a) None required.
Operations and Maintenance
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 drum screen separator, equalization tanks (EQ), and dissolved air flotation (DAF) shall be contained, transported, and disposed of in accordance with all local, state, and federal regulations. Solids shall be contained in holding tank prior to being hauled offsite for final disposal.
Inspection and Monitoring

**Table B4
 Solids Management**

c) The Permittee shall inspect the lift station on a quarterly basis and clean as needed to prevent pump failure. The Permittee shall maintain a record of sump inspections, repairs and cleanings. Solids generated in the processing area shall be stored and transported off-site in accordance with the conditions of this Discharge Permit.
Recordkeeping and Reporting
d) The Permittee shall, at all times, have the log of sump inspections, repairs, and cleanings available for NMED review.

E. **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**

Engineering and Surveying
a) None required.
Operations and Maintenance
b) All flow meters shall be calibrated in accordance with the manufacturer’s requirements prior to installation or reinstallation following repair.
Inspection and Monitoring
f) The Permittee shall measure the monthly volume of wastewater discharged to DAF 1. The Permittee shall obtain readings from a totalizing flow meter (DAF Meter) located on the discharge line between the equalization tanks (EQ) and DAF1 on a monthly basis and calculate the monthly and average daily volume discharged to the DAF1. The monthly meter readings and calculated monthly and average daily discharge volumes shall be submitted to NMED in the Quarterly Monitoring Report due by DATE.
g) The Permittee shall measure the monthly volume of wastewater discharged to Salt Brine Pits. The Permittee shall obtain readings from a totalizing flow meter (Brine Totalizing Meter) located on the discharge line between the processing area and the brine pits on a monthly basis and calculate the monthly and average daily volume discharged to the impoundment brine pits. The monthly meter readings, and calculated monthly and average daily discharge volumes shall be submitted to NMED in the Quarterly Monitoring Report due by DATE.
h) The Permittee shall measure the monthly volume discharged from the impoundment to each field within the land application area using a totalizing flow meter. The meter (Sprayfield meter) shall be located on the discharge line between the impoundment and the land application area. The Permittee shall maintain a log that records the date that discharges occur to each field, monthly totalizing meter readings and units of measurement. The log shall be used to calculate the total monthly volume of wastewater discharged to each field. The monthly volume discharged to each

**Table B5
 Flow Meters**

<p>field shall be used on the LADS to calculate nitrogen loading. A copy of the log shall be submitted to NMED in the Quarterly Monitoring Report due by DATE.</p> <p>i) 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>
<p>Recordkeeping and Reporting</p>
<p>j) 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>k) Record meter readings (without adjustments or deductions) and submit in the Quarterly Monitoring Report due by DATE. 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> <p>l) 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>m) 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>n) The Permittee shall maintain a log of repairs. The log shall be available, at all times, for NMED inspection.</p>

F. **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**

<p>Engineering and Surveying</p>
<p>a) Within 90 days following the effective date of this Discharge Permit (by DATE), the Permittee shall construct a surface pad and provide a permanent well cap cover for each supply well located within the land application area. The surface pad shall be constructed in accordance with the recommendations of Subsection G of 19.27.4.29 NMAC and the well cap installed pursuant to Subsection I of 19.27.4.29 NMAC. Written confirmation of installation of these supply well protection measures, including photographic documentation, shall be submitted to NMED within 180 days following the effective date of this Discharge Permit (by DATE).</p>
<p>Operations and Maintenance</p>
<p>b) Construction and lithologic logs of MW-4 shall be submitted to NMED within 30 days of the effective date of this Discharge Permit (by DATE).</p>

Table B6
Groundwater Monitoring Wells

Inspection and Monitoring
<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, NO₃-N, TDS and Cl. Groundwater sample collection, preservation, transport and analysis shall be performed according to the following procedure:</p> <ul style="list-style-type: none">• Measure the depth-to-most-shallow groundwater from the top of the well casing to the nearest hundredth of a foot.• Purge three well volumes of water from the well prior to sample collection.• Obtain samples from the well for analysis.• Properly prepare, preserve and transport samples.• Analyze samples in accordance with the methods authorized in this Discharge Permit. <p>Depth-to-most-shallow groundwater measurements, analytical results, including the laboratory QA/QC summary report, and a facility layout map showing the location and number of each well shall be submitted to NMED in the Quarterly Monitoring Report.</p> <p>d) The Permittee shall develop a groundwater elevation contour map on a quarterly basis using the top of casing elevation data from the monitoring well survey and quarterly depth-to-most-shallow groundwater measurements obtained from the groundwater monitoring wells required by this Discharge Permit.</p> <p>The groundwater elevation contour map shall depict the groundwater flow direction based on the groundwater elevation contours. Groundwater elevations between monitoring well locations shall be estimated using common interpolation methods. A contour interval appropriate to the data shall be used, but 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.</p> <p>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.</p>
Recordkeeping and Reporting
<p>f) Within 150 days following the effective date of this Discharge Permit (by DATE), the Permittee shall survey all wells approved by NMED for Discharge Permit monitoring purposes to a U.S. Geological Survey (USGS) or other permanent benchmark. Survey data shall include northing, easting and elevation to the nearest hundredth of a foot or shall be in accordance with the "Minimum Standards for Surveying in New Mexico" (12.8.2 NMAC). A survey elevation shall be established at the top-of-casing, with a permanent marking indicating the point of survey. The survey shall bear the seal and signature of a licensed New Mexico professional surveyor (pursuant</p>

Table B6
Groundwater Monitoring Wells

to the New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority).

Depth-to-most-shallow groundwater shall be measured to the nearest hundredth of a foot in all surveyed wells, and the data shall be used to develop a groundwater elevation contour map showing the location of all monitoring wells and the direction and gradient of groundwater flow at the facility. The data and groundwater elevation contour map shall be submitted to NMED within 30 days of survey completion.

g) 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

B103 Facility: Conditions for Closure

- A. Upon closure of the facility, the Permittee shall perform the following closure measures:
- B. Within two (2) years of the effective date of the Discharge Permit (by **DATE**), the Permittee shall complete closure of the following impoundment(s):
1. **Effluent Storage Impoundment 1** - Lined impoundment used to store wastewater prior to land application. Impoundment is located in the northwest of the facility adjacent to equalization tanks. Constructed in 1995 with a storage capacity of 4,000,000 gallons.
- C. 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, NO₃-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 LADS show that the amount of nitrogen in wastewater and additional fertilizer applied to [any field within] land application area in any 12-month period exceeds by more than 25% the amount reasonably expected to be taken up by the crop(s) and removed by harvesting, the Permittee shall propose the reduction of nitrogen loading to the land application 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 ₃ -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

DRAFT