



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

May 10, 2023

Barbara A. Walz, SVP, Policy & Compliance, CCO
Tri-State Generation and Transmission Association, Inc.
P.O. Box 33695
Denver, CO 80233-0695

RE: Draft Discharge Permit Renewal, DP-206, Escalante Generating Station

Dear Barbara Walz:

The New Mexico Environment Department (NMED) hereby provides notice to you of the proposed approval of Ground Water Discharge Permit Renewal, DP-206, (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 melanie.sandoval2@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) 660-7892.

Sincerely,

Melanie Sandoval, Industrial Waste Team Leader

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/

Barbara A. Walz
May 10, 2023
Page 2 of 2

Encl: Draft Discharge Permit Renewal, DP-206

cc: Davis Hassell, dhassell@tristategt.org (electronic copy)
Chantell Johnson, cjohnson@tristategt.org (electronic copy)



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: May 10, 2023

GROUND WATER QUALITY BUREAU
DISCHARGE PERMIT
Issued under 20.6.2 NMAC

Facility Name: Escalante Generating Station
Discharge Permit Number: DP-206
Facility Location: County Road 19
Prewitt, NM 87045

County: McKinley

Permittee: Tri-State Generation and Transmission Association, Inc.
Mailing Address: P.O. Box 33695
Denver, CO 80233-0695

Facility Contact: Barbara A. Walz
Telephone Number/Email: 303-452-6111/bwalz@tristategt.org

Permitting Action: Renewal

Permit Issuance Date: DATE
Permit Expiration Date: DATE

NMED Permit Contact: Melanie Sandoval
Telephone Number/Email: 505-660-7892/melanie.sandoval2@env.nm.gov

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

Date

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ATTACHMENTS

- Discharge Permit Summary
- Groundwater Discharge Permit Guidance for Synthetically Lined Lagoons – Liner Material and Site Preparation, Revision 0.0, May 2007
- New Mexico Environment Department Ground Water Quality Bureau Monitoring Well Construction and Abandonment Guidelines, Revision 1.1, March 2011 (Monitoring Well Guidance)

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this groundwater discharge permit Renewal (Discharge Permit or DP-206) to the Tri-State Generation and Transmission Association, 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 Escalante Generating Station (EGS or 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, and flow characteristics.

The Permittee manages domestic and industrial wastewater discharges of a total volume of approximately 201,000 gallons per day (gpd) to a series of clay-lined and synthetically lined impoundments. EGS last produced electrical power on August 31, 2020, however wastewater management is continuing at the Facility as the Permittee drains the systems and continues to operate the water treatment system. The Permittee generates numerous wastewater types at the Facility. Wastewater types include, but are not limited to, domestic wastewater (i.e., sanitary wastewater), alluvial water, demineralizer regeneration, scrubber system blowdown, reverse osmosis wastewater, scrubber seal water, cooling tower and circulating water system drain, bottom ash system drain (including overflow from the continuous water supply ponds), boiler/feedwater system drain, water treatment system drain (including multi-media and carbon filters backwash and floor drains), and service water and floor drains.

The industrial impoundments interconnect to allow recycling and reuse of the process water through impoundments, until the final wastewater discharges to the Evaporation Ponds, i.e., CWSP-N, CWSP-S, EVAP 1A/B, EVAP 2, EVAP 2A, EVAP 3, EVAP 3A, EVAP 4, EVAP 4A, and EVAP 5, for storage, evaporation, and disposal. The domestic wastewater from EGS discharges to two non-aerated impoundments (clay-lined), i.e., SL-E and SL-W.

The Facility dewateres coal-combustion residual wastes i.e., bottom ash, fly ash, sulfur dioxide absorber system (SDAS) sludge and water treatment plant sludge, that, after dewatering, transfers to the 97-acre scrubber sludge/fly ash landfill, i.e., Coal Combustion Residual (CCR)

Landfill, for disposal. Coal-combustion residual waste solids disposed of in the CCR Landfill are being managed in accordance with the self-implementing requirements of the U.S. Environmental Protection Agency's (EPA) Coal Combustion Residual April 2015 Final Rule. This Final Rule establishes minimum national criteria for CCR landfills, including liner design criteria, structural integrity requirements, closure and post-closure care requirements, and recordkeeping, notification, and internet posting requirements. The Rule does not affect state requirements that are more stringent. Multiple conditions in this Discharge Permit specific to the CCR Landfill are included to protect groundwater.

The Facility has transferred two domestic wastewater storage impoundments and two water treatment plant sludge impoundments to the McKinley Paper Company (MPC). These impoundments were utilized in the past by MPC and are now regulated under MPC's groundwater Discharge Permit, DP-1915.

Near surface geology below EGS consists of the Triassic age Chinle Formation, a predominately impermeable claystone demonstrating very low vertical hydraulic conductivity. Overlying the Chinle Formation claystone is a relative thin sequence of Quaternary age alluvial material of variable thickness consisting of unconsolidated fine-grained sands. The maximum thickness of the alluvium is approximately 35 feet. The Chinle Formation dips downward to the northeast and within the Formation claystones are the Correo Sandstone and the Sonsela Sandstone lithologic units, the former being relatively shallow below the Facility and the latter being approximately 500 feet below the former. Each sandstone unit is approximately 50 feet thick. Numerous well borings in the area document up to 100 feet of Chinle Formation claystone acting as a confining zone separating the shallow alluvial aquifer from the deeper Correo Sandstone aquifer. Well borings document the Quaternary alluvial sands at the Facility exist in a trough formed on the top of the Chinle Formation claystones, the trough is oriented west to east approximately in the center of the Facility, and the trough dips downward to the east influencing the alluvial aquifer groundwater flow pathway. The Quaternary alluvial sands contain intermittent groundwater, and the two sandstone strata contain groundwater under artesian pressure. NMED considers the shallow alluvial waters and the deeper Correo Sandstone and Sonsela Sandstone waters to be protectable groundwater resources.

Groundwater contamination below the facility attributed to one or more sources is documented by data collected from on-site monitoring wells. Groundwater quality standard exceedances have been measured for nitrate as nitrogen, sulfate, total dissolved solids, and chloride in accordance with the criteria of Sections 20.6.2.3101 and 20.6.2.3103 NMAC. On October 17, 2001, NMED approved a groundwater Corrective Action Plan (CAP), which designates three groundwater monitoring wells as "trigger points" for the initiation of contaminant remediation within the Quaternary alluvial aquifer. The CAP is integrated into the Closure Plan in this Discharge Permit. The Permittee is subject to the requirements of the groundwater abatement CAP pursuant to 20.6.2.4104.A NMAC.

The Facility is located at County Road 19, approximately three miles northwest of Prewitt, in Sections 25, 26 and 27, Township 14N Range 12W, in McKinley County. A discharge at the Facility is most likely to affect groundwater at a depth of approximately 10-205 feet and having a total dissolved solids (TDS) concentration of approximately 665-7,090 milligrams per liter.

NMED issued the original Discharge Permit to the Permittee on April 3, 1984, and subsequently renewed and/or modified the Permit on May 14, 1985, June 28, 1988, December 9, 1993, July 15, 1994, December 30, 1998, November 30, 2000, September 2, 2008, and August 13, 2010. The Discharge Permit was last renewed and modified on February 10, 2015. The application (i.e., discharge plan) consists of the materials submitted by the Permittee dated August 14, 2019, and on July 27, 2020, and materials contained in the administrative record prior to issuance of this Discharge Permit. The Permittee shall manage the discharge in accordance with all conditions and requirements 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, cease to operate. The Permittee submitted a Closure Plan to NMED on February 8, 2022, which includes a description of all closure and post-closure maintenance and inspection procedures, and groundwater contamination abatement 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 requires financial assurance requirements associated with closure of the waste management 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. This Discharge Permit requires establishment and maintenance of a financial assurance instrument intended to cover all closure costs as identified in the closure cost estimate. This Discharge Permit requires the maintenance of financial assurance during the term of this Discharge Permit and until successful accomplishment of all closure activities.

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 the department that structural controls and/or management practices approved under this Discharge Permit are insufficiently protective of groundwater quality and need to be more stringent to protect groundwater quality. NMED reserves the right to require the Permittee implement abatement of water pollution and remediate groundwater quality.

The Permittee shall manage the discharges in accordance with all conditions and requirements of this Discharge Permit. NMED’s issuance of this 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
BOD ₅	biochemical oxygen demand (5-day)	NMSA	New Mexico Statutes Annotated
CFR	Code of Federal Regulations	NO ₃ -N	nitrate-nitrogen
CFU	colony forming unit	NTU	nephelometric turbidity units
Cl	chloride	QA/QC	Quality Assurance/Quality Control
EPA	United States Environmental Protection Agency	TDS	total dissolved solids
gpd	gallons per day	TKN	total Kjeldahl nitrogen
LAA	land application area	total nitrogen	= TKN + NO ₃ -N
LADS	Land Application Data Sheet(s)	TRC	total residual chlorine
mg/L	milligrams per liter	TSS	total suspended solids
mL	milliliters	WQA	New Mexico Water Quality Act
MPN	most probable number	WQCC	Water Quality Control Commission
NMAC	New Mexico Administrative Code	WWTF	Wastewater Treatment Facility
NMED	New Mexico Environment Department		

II. FINDINGS

In issuing this Discharge Permit, NMED finds the following.

1. The Permittee is discharging effluent or leachate from the Facility so that such effluent or leachate may move 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 the Facility is not subject to any of the exemptions of Section 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.

This Discharge Permit authorizes the Permittee to discharge up to 201,000 gpd of domestic and industrial wastewater to a series of clay-lined and synthetically lined impoundments for disposal by evaporation. The discharges include:

1. Up to 1,000 gpd of domestic wastewater discharges to two clay-lined impoundments (SL-E and SL-W).
2. Up to 200,000 gpd of plant process water and alluvial water discharges to a series of 10 impoundments (CWSP-N, CWSP-S, EVAP-1A/B, EVAP-2, EVAP-2A, EVAP-3, EVAP-3A, EVAP-4, EVAP-4A and EVAP-5). CWSP-N, CWSP-S, EVAP-1, EVAP-2 and EVAP-3 are clay-lined and EVAP-2A, EVAP-3A, EVAP-4, EVAP-4A and EVAP-5 are synthetically lined.
3. Plant drain discharges to the clay-lined oil-water emergency impoundment (PDO) when the design capacity of the oil-water separator is exceeded.
4. Storm water runoff from the coal yard area discharged to the unlined coal yard runoff retention impoundment (CYR), which is designed to retain 25 percent more than the runoff expected from inside the railroad loop during a 10-year/24-hour storm event.

This Discharge Permit authorizes the Permittee to discharge up to 906 cubic yards of dewatered coal-combustion waste residues (bottom ash, fly ash and SDAS sludge, and water treatment plant sludge) and water treatment plant sludge to the 97-acre CCR Landfill for disposal.

[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.

#	Terms and Conditions
	[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 60 days following the issuance date of this Discharge Permit (by DATE), the Permittee shall measure the thickness of the settled solids in all impoundments. The Permittee shall report the results of the solids thickness measurements to NMED in the next required periodic monitoring report. The Permittee shall measure the thickness of settled solids in accordance with the following procedure. a) The division of the total surface area of the treatment impoundment into nine equal sub-areas. b) One measurement (to the nearest half foot) using a settled solids measurement device (e.g., core sampler) per sub-area. c) Calculation of the average of the nine measurements. In the event that the measured settled solids exceed one-third of the maximum liquid depth in the impoundment, the Permittee shall implement the Contingency Plan set forth in this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]

Operating Conditions

#	Terms and Conditions
4.	The Permittee shall maintain fences around the Facility to restrict access by the general public and animals. The fences shall consist of a minimum of six-foot chain link or field fencing and locking gates. The Permittee shall maintain the fences to serve the stated purpose throughout the term of this Discharge Permit. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]

#	Terms and Conditions
5.	<p>The Permittee shall maintain signs indicating that the wastewater in the impoundments is not potable. The Permittee shall post signs at the Facility entrance, on the Facility fence, and at other areas where there is potential for public contact with wastewater. The Permittee shall print the signs in English and Spanish and the signs shall remain visible and legible for the term of this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
6.	<p>The Permittee shall maintain the clay and synthetic liners associated with the impoundments to avoid conditions that could affect the liner or the structural integrity of the impoundments. Characterization of such conditions may include the following:</p> <ul style="list-style-type: none">• erosion damage;• animal burrows or other damage;• 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;• the presence of large debris or large quantities of debris in the impoundment;• evidence of seepage; or• evidence of berm subsidence. <p>The Permittee shall routinely control vegetation growing around the impoundments by mechanical removal that is protective of the associated liner.</p> <p>The Permittee shall visually inspect the impoundments and surrounding berms on a monthly basis to ensure proper maintenance. In the event that inspection reveals any evidence of damage that threatens the structural integrity of an impoundment berm or liner, or that may result in an unauthorized discharge, the Permittee shall implement the applicable requirement in the Contingency Plan set forth in this Discharge Permit.</p> <p>The Permittee shall create and maintain a log of all impoundment inspections which describes the date of the inspection, any findings and repairs and the name of the person responsible for the inspection. The Permittee 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>
7.	<p>The Permittee shall preserve a minimum of two feet of freeboard in the impoundments, i.e., distance between the liquid level in the impoundments and the elevation of the lowest-most top of the impoundment liner.</p>

#	Terms and Conditions
	<p>In the event that the Permittee determines that they cannot preserve two feet of freeboard in an impoundment, the Permittee shall implement the applicable requirement in the Contingency Plan set forth in this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
8.	<p>The Permittee shall maintain a minimum of 36-inch earthen cap on the CCR Landfill consisting of excavated non-acid generating native top-soil capable of supporting plant growth and approved by NMED. The Permittee shall ensure the cover design as a water store and release cover with top surfaces constructed to a final grade of approximately two percent. The slopes to interbench slopes shall be no steeper than a 3:1 ratio unless otherwise approved by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C and H of 20.6.2.3109 NMAC]</p>
9.	<p>The Permittee shall re-vegetate the CCR Landfill earthen cap to meet the following criteria:</p> <ol style="list-style-type: none"> 1) optimize the effectiveness of the water storage and release cover to reduce infiltration into underlying materials, 2) promote evapotranspiration from the cover system, and 3) provide cover stability and protection from wind and water erosion. <p>Re-vegetation activities shall be performed in conjunction with the growing season to provide the best opportunity for successful re-vegetation.</p> <p>The Permittee shall maintain a record of re-vegetation activities following the final cover placement. The Permittee shall make the record available to NMED upon request.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
10.	<p>The Permittee shall inspect and clean the wastewater lift station(s) as needed to prevent pump failure.</p> <p>The Permittee shall maintain a record of lift station inspections, repairs and cleanings. The Permittee shall make the record available to NMED upon request.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
11.	<p>The Permittee shall utilize operators, certified by the State of New Mexico at the appropriate level pursuant to 20.7.4 NMAC, to operate the wastewater collection, treatment and disposal systems. A certified operator or a direct supervisee of a certified</p>

#	Terms and Conditions
	<p>operator shall perform the operations and maintenance of all or any part of the wastewater system.</p> <p>The Permittee shall notify the NMED within 24 hours if at any time the Permittee no longer has a certified operator maintaining the system.</p> <p>[Subsection C of 20.6.2.3109 NMAC, 20.7.4 NMAC]</p>

B. MONITORING AND REPORTING

#	Terms and Conditions
12.	<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>
13.	<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>
14.	<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>

Groundwater Monitoring Conditions

#	Terms and Conditions
15.	<p>The Permittee shall perform semi-annual groundwater sampling in the following 41 groundwater monitoring wells and analyze the samples for the following contaminants:</p> <ul style="list-style-type: none"> • aluminum • lead • arsenic • magnesium • barium • manganese • bicarbonate • molybdenum

#	Terms and Conditions																												
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	<p>The Permittee shall perform groundwater sample collection, preservation, transport and analysis according to the following procedures.</p>																												

#	Terms and Conditions
	<p>a) Measure the depth-to-most-shallow groundwater from the top of the well casing to the nearest one-hundredth of a foot.</p> <p>b) Purge three well volumes of water from the well prior to sample collection.</p> <p>c) Obtain samples from the well for analysis.</p> <p>d) Properly prepare, preserve and transport samples.</p> <p>e) Analyze samples in accordance with the methods authorized in this Discharge Permit.</p> <p>The Permittee shall submit a groundwater monitoring report to NMED in the semi-annual monitoring reports that includes the depth-to-most-shallow groundwater measurements and the laboratory analytical data results including the laboratory QA/QC summary report for each well, and a Facility layout map showing the potentiometric surface in relation to each well. Laboratory analytical data results shall be presented showing the associated New Mexico groundwater protection standard, any results exceeding standards shall be highlighted, and any results demonstrating an increase contaminant concentration greater than 1.5 times the result from the previous semi-annual result shall be highlighted.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
16.	<p>The Permittee shall perform semi-annual groundwater sampling in the QAL-7 groundwater monitoring well and analyze the sample for petroleum hydrocarbons.</p> <p>The Permittee shall perform groundwater sample collection, preservation, transport and analysis according to the following procedures.</p> <p>a) Measure the depth-to-most-shallow groundwater from the top of the well casing to the nearest one-hundredth of a foot.</p> <p>b) Purge three well volumes of water from the well prior to sample collection.</p> <p>c) Obtain samples from the well for analysis.</p> <p>d) Properly prepare, preserve and transport samples.</p> <p>e) Analyze samples in accordance with the methods authorized in this Discharge Permit.</p> <p>The Permittee shall submit the depth-to-most-shallow groundwater measurements and the laboratory analytical data results including the laboratory QA/QC summary report for the well to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
17.	<p>NMED shall have the option to perform downhole inspections of all groundwater monitoring wells identified in this Discharge Permit. NMED shall establish the inspection date and provide at least a 60-day notice to the Permittee by certified mail. The</p>

#	Terms and Conditions
	<p>Permittee shall remove any existing dedicated pumps at least 48 hours prior to NMED inspection to allow adequate settling time of sediment agitated from pump removal.</p> <p>Should the Permittee decide to install a pump in a monitoring well without a dedicated pump, the Permittee shall notify NMED at least 90 days prior to pump installation so that NMED can schedule a downhole well inspection(s) prior to pump placement.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>
18.	<p>On April 20, 2022, NMED approved a CAP for the abatement of groundwater contamination within the Quaternary alluvial aquifer, which designated monitoring wells (QAL-4, QAL-24, QAL-31 and QAL-32) as "trigger points" for the initiation of the CAP. The CAP for the remediation of groundwater contamination within the Quaternary alluvial aquifer will remain in effect until the Permittee can demonstrate to NMED's satisfaction that contaminated groundwater will not migrate off Facility property and/or that the on-site contamination has naturally attenuated to concentrations below New Mexico groundwater protection standards.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC; 20.6.2.4101 through 20.6.2.4111]</p>

Facility Monitoring Conditions

#	Terms and Conditions
19.	<p>The Permittee shall on a monthly basis estimate the volume of domestic wastewater discharged to the two clay-lined evaporative impoundments (SL-E and SL-W) by recording meter readings for the Facility's water supply to sinks, toilets, and showers on a monthly basis and calculating the average daily usage volumes.</p> <p>To determine the discharge volume, the Permittee shall use the estimated monthly influent volume* (based upon meter readings) to calculate the average daily volume by the formula below.</p> <p style="text-align: center;">estimated monthly volume ÷ number of days in the month = average daily volume</p> <p>The Permittee shall submit the monthly meter readings and estimated average monthly and daily influent volumes to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>

#	Terms and Conditions
20.	<p>The Permittee shall on a monthly basis measure the volume of industrial wastewater discharged to the evaporative impoundments during the period.</p> <p>To determine the discharge volume, the Permittee shall obtain readings from a totalizing flow meter located at the lift station prior to the evaporative impoundments on a monthly basis and calculate the monthly and average daily volume discharged to the impoundments. The Permittee shall submit monthly meter readings and calculated monthly discharge volumes and average daily discharge volumes to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
21.	<p>The permittee shall determine the annual volume (in cubic yards) of each solid waste stream (bottom ash, fly ash, SDAS sludge, and water treatment plant sludge) disposed of in the CRR Landfill and submit volumes to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
22.	<p>All flow meters shall be capable of having their accuracy verified under working (i.e., real-time in-the-field) conditions. The Permittee shall develop a field verification method for each flow meter and shall utilize that method to check the accuracy of each respective meter. The Permittee shall perform field calibrations upon repair or replacement of a flow measurement device and, at a minimum, once within 90 days of the issuance date of this Discharge Permit (by DATE).</p> <p>The Permittee shall ensure each flow meter is calibrated to its manufacturer’s recommended specification which shall be no less accurate than plus or minus 10 percent of actual flow, as measured under field conditions. An individual knowledgeable in flow measurement shall perform field calibration and the installation/operation of the device in use. The Permittee shall prepare a flow meter calibration report for each flow measurement device calibration event. The flow meter calibration report shall include the following information.</p> <ol style="list-style-type: none"> a) The location and meter identification. b) The method of flow meter field calibration employed. c) The measured accuracy of each flow meter prior to adjustment indicating the positive or negative offset as a percentage of actual flow as determined by an in-field calibration check. d) The measured accuracy of each flow meter following adjustment, if necessary, indicating the positive or negative offset as a percentage of actual flow of the meter. e) Any flow meter repairs made during the previous year or during field calibration. f) The name of the individual performing the calibration and the date of the calibration.

#	Terms and Conditions
	<p>The Permittee shall maintain records of flow meter calibration(s) at a location accessible for review by NMED during Facility inspections.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
23.	<p>The Permittee shall visually inspect flow meters on a monthly basis for evidence of malfunction. The Permittee shall maintain a log of the inspections that includes a date of the inspection, findings and repairs, and the name of the inspector. The Permittee shall make the log available to NMED upon request.</p> <p>If a visual inspection indicates a flow meter is not functioning as required by this Discharge Permit, the Permittee shall repair or replace the meter within 30 days of discovery. For <i>repaired</i> meters, the Permittee shall submit a report to NMED with the next monitoring report following the repair that includes a description of the malfunction; a statement verifying the repair; and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit. For <i>replacement</i> meters, the Permittee shall submit a report to NMED with the next monitoring report following the replacement that includes a design schematic for the device and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
24.	<p>The Permittee shall collect a composite sample of domestic wastewater from representative locations within SL-E and SL-W effluent on a semi-annual basis and analyze the samples for:</p> <ul style="list-style-type: none"> • SO₄ • TKN; • NO₃-N; • TDS; and • Cl. <p>The composite sample shall consist of a minimum of six equal aliquots collected equidistantly around the entire perimeter of the impoundments and thoroughly mixed.</p> <p>The Permittee shall ensure the sample is properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. The Permittee shall submit the laboratory analytical data results, including the QA/QC summary and Chain of Custody, to NMED in the semi-annual monitoring reports.</p>

#	Terms and Conditions
	[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
25.	<p>The Permittee shall collect a composite sample of industrial wastewater from representative locations within each of the following evaporative impoundments on a semi-annual basis:</p> <ul style="list-style-type: none"> • EVAP 1A/B • EVAP 2 • EVAP 2A • EVAP 3 • EVAP 3A • EVAP 4 • EVAP 4A • EVAP 5 • BA-N • BA-S • PDO • ESP • CYR <p>The composite sample shall consist of a minimum of six equal aliquots collected equidistantly around the entire perimeter of the impoundment and thoroughly mixed. The Permittee shall collect a composite sample and analyze for the following constituents:</p> <ul style="list-style-type: none"> • aluminum • arsenic • barium • bicarbonate • boron • cadmium • calcium • carbonate • chloride • chromium • cobalt • conductivity • copper • cyanide • fluoride • iron • lead • magnesium • manganese • molybdenum • mercury • Nitrate-Nitrogen • pH (instantaneous) • Phenols (CAS 108-95-2) • potassium • nickel • selenium • sodium • sulfate • Total Dissolved Solids • Total Kjeldahl Nitrogen • zinc <p>The Permittee shall ensure the sample is properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. The Permittee shall submit the laboratory analytical data results, including the QA/QC summary and Chain of Custody, to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>

#	Terms and Conditions
26.	<p>The Permittee shall perform annual sampling, using approved methodologies, for wastes disposed of in the CCR Landfill area. Prior to landfill disposal, the Permittee shall collect and analyze one representative sample of each solid waste stream (bottom ash, fly ash and SDAS sludge and water treatment plant sludge) for the following constituents (dissolved fraction (as applicable), except as noted):</p> <ul style="list-style-type: none"> • aluminum (CAS 7429-90-5) • arsenic (CAS 7440-38-2) • bicarbonate (CAS 144-55-8) • boron (CAS 7440-42-8) • cadmium (CAS 7440-43-9) • calcium (CAS 7440-70-2) • carbonate (CAS 3812-32-6) • chloride (CAS 16887-00-6) • chromium (CAS 7440-47-3) • cobalt (CAS 7440-48-4) • conductivity (CAS 7732-18-5) • copper (CAS 7440-50-8) • cyanide (CAS 7440-90-8) • fluoride (CAS 16984-48-8) • iron (CAS 7439-89-6) • lead (CAS 7439-92-1) • manganese (CAS 7439-96-5) • molybdenum (CAS 7439-98-7) • total mercury (nonfiltered) (CAS 7439-97-6) • Nitrate-Nitrogen (CAS 14797-55-8) • pH (instantaneous) • Phenols (CAS 108-95-2) • potassium (CAS 7440-09-7) • nickel (CAS 7440-02-0) • selenium (CAS 7782-49-2) • sodium (CAS 7440-23-5) • sulfate (CAS 14808-79-8) • Total Dissolved Solids • Total Kjeldahl Nitrogen (CAS 7727-37-9) • zinc (CAS 7440-66-6) <p>The Permittee shall properly collect, prepare, preserve, transport and analyze the samples in accordance with the methods authorized in this Discharge Permit. The Permittee shall analyze the sample using the Toxicity Characteristic Leaching Potential (TCLP) sample preparation method and totals characterization analytical methods with reporting limits that are less than the corresponding numerical groundwater standards identified in 20.6.2.3103 NMAC.</p> <p>The Permittee shall submit a summary of measured concentrations compared with the corresponding groundwater standards with any results exceeding standards highlighted, a copy of the laboratory report including the laboratory analytical data results, the QA/QC summary and the Chain of Custody, to NMED in the monitoring reports due August 1st each year.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>

C. CONTINGENCY PLAN

#	Terms and Conditions
27.	<p>In the event that groundwater monitoring indicates that groundwater exceeds a standard identified in Section 20.6.2.3103 NMAC in a monitoring well with no previous exceedances of the chemical constituent at the date of issuance of this Discharge Permit, the Permittee shall collect a confirmatory sample from the monitoring well within 15 days of receipt of the initial sampling results to confirm the initial sampling results.</p> <p>Within 60 days of confirmation of groundwater contamination, the Permittee shall amend the existing CAP for groundwater remediation that proposes, at a minimum, contaminant source control measures and an implementation schedule. The Permittee shall submit the proposed amended CAP as approved by NMED.</p> <p>Once this groundwater exceedance response condition is 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 eight (8) consecutive quarterly samples that groundwater does not exceed the standards of Section 20.6.2.3103 NMAC.</p> <p>Violation of the groundwater standard beyond 180 days after the confirmation of groundwater contamination may cause NMED to 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, including the requirement to submit a financial assurance plan which covers the estimated costs to conduct the actions required by an associated groundwater abatement plan pursuant to Subsection C of 20.6.2.4104 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>
28.	<p>In the event that information available to NMED indicates that a well is not constructed in a manner consistent with the attached Monitoring Well Guidance; contains insufficient water to effectively monitor groundwater quality; or is otherwise not completed in a manner that is protective of groundwater quality, the Permittee shall install a replacement well(s) within 120 days following notification from NMED. The Permittee shall survey the replacement monitoring well(s) within 30 days following well completion.</p> <p>The Permittee shall install replacement wells at locations approved by NMED prior to installation and shall complete replacement wells in accordance with the Monitoring</p>

#	Terms and Conditions
	<p>Well Guidance. The Permittee shall submit well construction and lithologic logs survey data and a groundwater elevation contour map to NMED within 60 days following well completion.</p> <p>The Permittee shall properly plug and abandon a monitoring well requiring replacement upon completion of the replacement monitoring well. The Permittee shall complete the well plugging and abandonment, and shall document the abandonment procedures, in accordance with the Monitoring Well Guidance and all applicable local, state, and federal regulations. The Permittee shall submit a copy of the well abandonment documentation to NMED within 60 days following the replacement well completion.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
29.	<p>In the event that groundwater flow information obtained pursuant to this Discharge Permit indicates that a monitoring well is not appropriately located, e.g., not hydrologically downgradient of the discharge location it is intended to monitor, the Permittee shall install a replacement well within 120 days following notification from NMED. The Permittee shall survey the replacement monitoring well within 30 days following well completion.</p> <p>The Permittee shall install replacement wells at locations approved by NMED prior to installation and shall complete replacement wells in accordance with the attachment Monitoring Well Guidance. The Permittee shall submit construction and lithologic logs, survey data and a groundwater elevation contour map within 60 days following well completion.</p> <p>The Permittee shall properly plug and abandon a monitoring well requiring replacement upon completion of the replacement monitoring well. The Permittee shall complete the well plugging and abandonment, and shall document the abandonment procedures, in accordance with the Monitoring Well Guidance and all applicable local, state, and federal regulations. The Permittee shall submit a copy of the well abandonment documentation to NMED within 60 days following the replacement well completion.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
30.	<p>In the event that an inspection reveals significant damage has occurred or is likely to affect the structural integrity of an impoundment or liner or their ability to contain contaminants, the Permittee shall propose the repair or replacement by submitting a CAP to NMED for approval. The Permittee shall submit the CAP to NMED within 30 days after discovery of the damage or following notification from NMED that significant damage is evident. The Permittee shall ensure the CAP includes a schedule for</p>

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	<p>completion of corrective actions. The Permittee shall initiate implementation of the CAP following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
31.	<p>In the event that an impoundment cannot preserve a minimum of two feet of freeboard, the Permittee shall take actions to restore the required freeboard as authorized by this Discharge Permit and all applicable local, state, and federal regulations.</p> <p>In the event that two feet of freeboard cannot be restored within a period of 72 hours following discovery, the Permittee shall propose actions to restore two feet of freeboard by submitting a short-term CAP to NMED for approval. Examples of short-term corrective actions include the pumping and hauling of excess wastewater from the impoundment or reducing the volume of wastewater discharged to the impoundment. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions. The Permittee shall submit the CAP within 15 days following the date the Permittee or the NMED discover the exceedance. The Permittee shall implement the CAP following NMED approval.</p> <p>In the event that the short-term corrective actions fail to restore two feet of freeboard, the Permittee shall submit to NMED a proposal for permanent corrective actions in a long-term CAP. The Permittee shall submit the long-term CAP within 90 days following failure of the short-term CAP. Examples of corrective actions include the installation of an additional storage impoundment or a significant and permanent reduction in the volume of wastewater discharged to the impoundment. The Permittee shall ensure the long-term CAP includes a schedule for completion of corrective actions. The Permittee shall implement the CAP following NMED approval.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
	<p>In the event the average solids accumulation exceeds one-third of the maximum liquid depth in the impoundments, the Permittee shall propose a plan for the removal and disposal of the solids. The Permittee shall submit the solids removal and disposal plan to NMED for approval within 120 days following discovery and includes the following information.</p> <ol style="list-style-type: none"> a) A method for removal of the solids to a depth of less than six inches throughout the treatment impoundment in a manner that is protective of the impoundment liner. b) A description of how the Permittee will contain, transport, and dispose of the solids in accordance with all local, state, and federal regulations, including 40 CFR Part 503. c) A schedule for completion of the solids removal and disposal project.

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	<p>The Permittee shall initiate implementation of the plan following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
32.	<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.</p> <p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the Permittee shall verbally notify NMED and provide the following information.</p> <ol style="list-style-type: none"> a) The name, address, and telephone number of the person or persons in charge of the Facility, as well as of the owner and/or operator of the Facility. b) The name and address of the Facility. c) The date, time, location, and duration of the unauthorized discharge. d) The source and cause of unauthorized discharge. e) A description of the unauthorized discharge, including its estimated chemical composition. f) The estimated volume of the unauthorized discharge. g) Any actions taken to mitigate immediate damage from the unauthorized discharge. <p>Within <u>one week</u> following discovery of the unauthorized discharge, the Permittee shall submit written notification to NMED providing the information listed above and any pertinent updates.</p> <p>Within <u>15 days</u> following discovery of the unauthorized discharge, the Permittee shall submit a Corrective Action Plan (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> <ol style="list-style-type: none"> a) A description of proposed actions to mitigate damage from the unauthorized discharge. b) A description of proposed actions to prevent future unauthorized discharges of this nature. c) A schedule for completion of proposed actions. <p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, NMED may require the Permittee to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC, including the requirement to submit a financial assurance plan which</p>

#	Terms and Conditions
	<p>covers the estimated costs to conduct the actions required by an associated groundwater abatement plan pursuant to Subsection C of 20.6.2.4104 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>
33.	<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 Corrective Action Plan and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a discharge permit modification to achieve compliance with 20.6.2 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>

D. CLOSURE PLAN

Closure Actions with Implementation Deadlines

#	Terms and Conditions
34.	<p>Within 90 days from the date of this Discharge Permit (by DATE), the Permittee shall submit a detailed cost estimate (Estimate) for NMED’s approval based on the detailed closure plan for complete closure required by this Discharge Permit. The Estimate shall be based on the cost of hiring a third party to conduct complete closure. The Estimate shall include direct costs associated with third-party implementation of the closure plan, contingency costs in the amount of 15 percent of the direct costs, the cost of an independent project manager and contract administration, and NMED oversight and administration costs, including indirect costs. The Estimate shall forecast the worst-case scenario for complete closure over the five-year period of this Discharge Permit; if a new permit is not issued after five years, the Estimate for the worst-case scenario shall be updated annually each year after five years and any financial assurance shall be adjusted accordingly.</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>

#	Terms and Conditions
35.	<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 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 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.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.

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	<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>
36.	<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 days written notice to NMED and the Permittee prior to cancellation or non-renewal of the financial assurance instrument. If NMED receives notice of cancellation or non-renewal from a financial assurance provider, the Permittee shall propose an alternate financial assurance mechanism to NMED within 30 days of the notice. If NMED approves the alternate financial assurance mechanism, the Permittee shall execute it and submit it to NMED for final acceptance within 30 days of NMED approval. If the Permittee fails to obtain alternate financial assurance acceptable to NMED within 30 days of NMED approval, the current financial assurance shall be subject to forfeiture.</p> <p>b) Forfeiture: If NMED determines that implementation of all or any part of</p>

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	<p>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> <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
37.	<p>The Permittee shall perform the following closure measures in the event the Facility, or a component thereof, is proposed to be permanently closed.</p> <p>Within <u>60 days</u> of ceasing to discharge to the impoundment(s), the Permittee shall plug the impoundment influent lines so that a discharge can no longer occur.</p> <p>Within <u>60 days</u> of ceasing to discharge to the impoundment(s), the Permittee shall evaporate or drain all wastewater from each impoundment and any other wastewater system component and dispose of it in accordance with all local, state, and federal regulations.</p> <p>Within <u>90 days</u> of ceasing to discharge to the impoundment(s), the Permittee shall submit a sludge removal and disposal plan to NMED for approval. The Permittee shall implement the plan within 30 days following approval by NMED. The sludge removal and disposal plan shall include the following information.</p> <ol style="list-style-type: none">a) The estimated volume and dry weight of sludge planned for removal and disposal, 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 of sludge <i>removal</i> from the impoundment(s).d) The method of <i>disposal</i> for all the sludge (and its contents) removed from the impoundment(s). The method shall comply with all local, state, and federal regulations, including 40 CFR Part 503. <i>Note: A proposal that includes the surface disposal of sludge may be subject to Groundwater Discharge Permitting requirements pursuant to 20.6.2.3104 NMAC that are separate from the requirements of this Discharge Permit.</i>e) A schedule for completion of sludge removal and disposal not to exceed two years from the date discharge to the impoundment(s) ceased. <p>Within <u>one year</u> following completion of the sludge removal and disposal, the Permittee shall complete the following closure measures.</p> <ol style="list-style-type: none">a) Remove all lines leading to and from the impoundment(s), or permanently plug and abandon the lines 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) Characterize, remove, and dispose of all solids from the impoundments in accordance with local, state, and federal regulations, and maintain a record of solids transported for off-site disposal, including the volume of solids transported and the

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	<p>disposal location.</p> <p>d) Remove and dispose of the impoundment liners at a solid waste facility. If there is evidence of contaminated soil below the liners, assess the impact, report that assessment to NMED, and mitigate the impacts following NMED approval.</p> <p>e) Fill the impoundment(s) with suitable fill.</p> <p>f) Re-grade the impoundment site and the locations of ancillary equipment, e.g., influent piping, to blend with surface topography, promote positive drainage and prevent ponding.</p> <p>The Permittee shall continue groundwater monitoring until the Permittee meets the requirements of this condition are met and groundwater monitoring confirms for a minimum of eight consecutive quarterly groundwater sampling events that groundwater does not exceed the standards of Section 20.6.2.3103 NMAC. NMED refers to this period as “post-closure.”</p> <p>If at any time monitoring results show an exceedance of a groundwater quality standard in Section 20.6.2.3103 NMAC, the Permittee shall implement the Contingency Plan required by this Discharge Permit.</p> <p>Following notification from NMED that the Permittee may cease post-closure monitoring, the Permittee shall plug and abandon the monitoring well(s) in accordance with the attached Monitoring Well Guidance.</p> <p>When the Permittee has met all closure and post-closure requirements and verified appropriate actions with date stamped photographic evidence or an associated NMED inspection, the Permittee may submit to NMED a written request, including photographic evidence, for termination of the Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]</p>

E. GENERAL TERMS AND CONDITIONS

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38.	<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;

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	<ul style="list-style-type: none"> • 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; • 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"> ○ the dates, location and times of sampling or field measurements; ○ the name and job title of the individuals who performed each sample collection or field measurement; ○ the sample analysis date of each sample; ○ the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis; ○ the analytical technique or method used to analyze each sample or collect each field measurement; ○ the results of each analysis or field measurement, including raw data; ○ the results of any split, spiked, duplicate or repeat sample; and ○ a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. <p>The Permittee shall maintain the written record at a location accessible to NMED during a Facility inspection for the lifetime of the Discharge Permit. The Permittee shall make the record available to the department upon request.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>
39.	<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>

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	[Subsection A of 20.6.2.3107 NMAC]
40.	<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> <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>
41.	<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>
42.	<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>
43.	<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</p>

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	<p>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>
44.	<p>CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the Permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the Permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]</p>
45.	<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</p>

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	<p>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>
46.	<p>COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the Permittee of the obligation to comply with any other applicable federal, state, and/or local laws, regulations, zoning requirements, nuisance ordinances, permits or orders.</p> <p>[NMSA 1978, § 74-6-5.L]</p>
47.	<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>
48.	<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>
49.	<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</p>

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	<p>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> <p>[Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]</p>



New Mexico Environment Department Ground Water Quality Bureau Discharge Permit Summary

Facility Information

Facility Name	Escalante Generating Station
Discharge Permit Number	DP-206
Legally Responsible Party	Barbara A. Walz, SVP, Policy & Compliance, CCO Tri-State Generation and Transmission Association, Inc. P.O. Box 33695 Denver, CO 80233-0695 (303) 254-6007

Treatment, Disposal and Site Information

Primary Waste Type	Plant Generated Residual Wastes
Facility Type	Energy Utility – Power Plant

Discharge Locations

Type	Designation	Description & Comments
Impoundment	Evap Pond 1	Clay lined, claymax lined on north portion (modified in 1991); capacity: 12 ac-ft
Impoundment	Evap Pond 2	Clay lined; capacity: 12 ac-ft
Impoundment	Evap Pond 2A	Synthetically lined, 60 mil HDPE; capacity: 19 ac-ft
Impoundment	Evap Pond 3	Clay lined; capacity: 12 ac-ft
Impoundment	Evap Pond 3A	Synthetically lined, 60 mil HDPE; capacity: 13 ac-ft
Impoundment	Evap Pond 4	Composite lined with synthetic liner, 60 mil HDPE (2007); capacity: 131 ac-ft
Impoundment	Evap Pond 4A	Synthetically lined, 60 mil HDPE; capacity: 13 ac-ft
Impoundment	Evap Pond 5	Composite lined with synthetic liner, 60 mil HDPE (2004); capacity: 151 ac-ft
Impoundment	ESP Wastewater Pond	Claymax lined (modified in 1991); capacity: 3 ac-ft
Impoundment	Continuous Water Supply Pond – South (CWSP-S)	Clay lined; combined capacity of CWSP-N and CWSP-S: 96 ac-ft
Impoundment	Continuous Water Supply Pond – North (CWSP-N)	Clay lined; combined capacity of CWSP-N and CWSP-S: 96 ac-ft
Impoundment	Oil/Water Emergency Pond (Plant Drain Oil system or	Clay-lined, capacity: 1 ac-ft



New Mexico Environment Department Ground Water Quality Bureau Discharge Permit Summary

	PDO)	
Impoundment	Coal Yard Runoff Retention Pond (CYR)	Clay-lined, capacity: 36 ac-ft
Impoundment	Escalante (SL) Sewage Lagoons (East and West cells) (SL-E and SL-W)	Clay-lined, capacity: 1 ac-ft
Landfill	Scrubber Sludge / Ash Landfill	Existing Chinle claystone geology, area: 97 acres

Flow Metering Locations

Type	Description & Comments
Totalizing Flow Meter	One inlet line meter Upstream of Evap Ponds

Ground Water Monitoring Wells

Monitoring Well Qal-1	Monitoring Well Qal-16R	Monitoring Well Qal-32
Monitoring Well Qal-2	Monitoring Well Qal-17R	Monitoring Well Trcpc-1
Monitoring Well Qal-4	Monitoring Well Qal-21R	Monitoring Well Trcpc-2
Monitoring Well Qal-5	Monitoring Well Qal-22	Monitoring Well Trcpc-3
Monitoring Well Qal-6	Monitoring Well Qal-23R	Monitoring Well Trcpc-5
Monitoring Well Qal-7	Monitoring Well Qal-24	Monitoring Well Trcpc-6
Monitoring Well Qal-8	Monitoring Well Qal-25	Monitoring Well Trcpc-7
Monitoring Well Qal-9	Monitoring Well Qal-26	Monitoring Well Trcpc-8
Monitoring Well Qal-10	Monitoring Well Qal-27	Monitoring Well Trcpc-9
Monitoring Well Qal-11	Monitoring Well Qal-28	Monitoring Well Trcpc-10
Monitoring Well Qal-12-97	Monitoring Well Qal-29	Monitoring Well Trcpc-11
Monitoring Well Qal-13	Monitoring Well Qal-30	Monitoring Well Trcpc-12
Monitoring Well Qal-14	Monitoring Well Qal-16R	Monitoring Well Trcpc-13R
Monitoring Well Qal-15	Monitoring Well Qal-31	

Depth-to-Ground Water 10-205 feet
Total Dissolved Solids (TDS) 665-7,090 mg/L

Permit Information

Original Permit Issued	April 3, 1984
Permit Modification	May 14, 1985
Permit Renewal	June 28, 1988
Permit Renewal	December 9, 1993
Permit Modification	July 15, 1994
Permit Renewal	December 30, 1998
Permit Modification	November 30, 2000



New Mexico Environment Department Ground Water Quality Bureau Discharge Permit Summary

Permit Renewal	September 2, 2008
Permit Modification	August 13, 2010
Permit Renewal and Modification	February 10, 2015
Current Action	Renewal
Application Received	August 14, 2019 and on July 27, 2020
Public Notice Published	[not yet published]
Permit Issued (Issuance Date)	[issuance date]
Permitted Discharge Volume	201,000 gallons per day

NMED Contact Information

Mailing Address	Ground Water Quality Bureau P.O. Box 5469 Santa Fe, New Mexico 87502-5469
GWQB Telephone Number	(505) 827-2900
NMED Lead Staff	Melanie Sandoval
Lead Staff Telephone Number	(505) 660-7892
Lead Staff Email	melanie.sandoval2@env.nm.gov