



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

October 30, 2023

Steve Dyer, President
Rhino Environmental Services, Inc.
4717 Hondo Pass, 3-C
El Paso, Texas 79904

RE: Draft Discharge Permit Renewal, DP-1051, Rhino Environmental Services, Inc. – Otero-II Facility

Dear Steve Dyer:

The New Mexico Environment Department (NMED) hereby provides notice to Rhino Environmental Services, Inc., of the proposed approval of Ground Water Discharge Permit Renewal, DP-1051, (copy enclosed), pursuant to Subsection H of 20.6.2.3108 NMAC. NMED will publish notice of the availability of the draft Discharge Permit in the near future for public review and comment and will forward a copy of that notice to you.

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

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

Please submit written comments or a request for hearing to my attention at the address below, via email to Kambray.Townsend@env.nm.gov or to pps.general@env.nm.gov, or directly into the NMED Public Comment Portal at <https://nmed.commentinput.com/comment/search>. If NMED does not receive written comments or a request for hearing during the public comment period, the draft Discharge Permit will become final.

Thank you for your cooperation during the review process. Feel free to contact me with any questions at (505) 538-0497

Sincerely,

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/

Steve Dyer
October 30, 2023
Page 2 of 2

Kambray Townsend, Water Resources Professional

Encl: Draft Discharge Permit Renewal, DP-1051

cc: Shannon Mayes, General Manager, Rhino Environmental Services, Inc.,
slmayes6@gmail.com



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: October 30, 2023

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

Facility Name: Rhino Environmental Services, Inc. – Otero-II Facility
Discharge Permit Number: DP-1051
Facility Location: 174 Hwy 54
 Chaparral, NM 88081

County: Otero

Permittee: Rhino Environmental Services, Inc.
Mailing Address: Steve Dyer, President
 4717 Hondo Pass, 3-C
 El Paso, TX 79904

Facility Contact: Shannon Mayes, General Manager
Telephone Number/Email: 915-886-4355 / rhinoabq@gmail.com

Permitting Action: Renewal

Permit Issuance Date: DATE
Permit Expiration Date: DATE

NMED Permit Contact: Kambray Townsend
Telephone Number/Email: 505-538-0497 / kambray.townsend@env.nm.gov or
 505-827-2900 / pps.general@env.nm.gov

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

Date

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Discharge Permit Summary

draft

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this groundwater discharge permit Renewal (Discharge Permit or DP-1051) to the Rhino Environmental Services, 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 Rhino Environmental Services Inc. – Otero-II Facility (Facility) in order to protect groundwater and those segments of surface water gaining from groundwater inflow for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health. It is NMED's determination in issuing this Discharge Permit that the Permittee has met the requirements of Subsection C of 20.6.2.3109 NMAC. The Permittee is responsible for complying with the terms and conditions of this Discharge Permit pursuant to Section 20.6.2.3104 NMAC; failure to do so may result in enforcement action by NMED (20.6.2.1220 NMAC).

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

The Facility remediates up to 41,097 cubic yards (cy) of hydrocarbon-contaminated soil at any one time within a 130-acre landfarm. Additionally, the Permittee stores up to 120,000 gallons of hydrocarbon-contaminated water in tanks for evaporation or for use to enhance soil remediation.

Discharge Permit Location Information:

Physical Address	174 Highway 54
Nearest Town/City	Chaparral
Section, Township, Range	Section 22, Township 26 South, Range 06 East
County	Otero
Depth to Groundwater	342
Pre-Discharge TDS	1,000 mg/L

Discharge Permit Issuance History:

Original Permit Issuance	November 9, 1995
Permit Amendment	April 15, 1996
Permit Modification	July 21, 1997
Permit Renewal	March 1, 2001
Permit Renewal	March 28, 2012
Permit Renewal	December 10, 2018

The application (i.e., discharge plan) associated with this Discharge Permit consists of the materials submitted by the Permittee on behalf of the Permittee dated June 8, 2023, 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.

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

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

This Discharge Permit may use the following acronyms and abbreviations.

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

II. FINDINGS

In issuing this Discharge Permit, NMED finds the following.

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

III. AUTHORIZATION TO DISCHARGE AND CLOSURE ACTIVITIES

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 remediate up to 41,097 cubic yards of non-hazardous hydrocarbon-contaminated soil at any one time to 13 surface remediation cells totaling 130 acres. This Discharge Permit authorizes the Permittee to receive and store up to 120,000 gallons of non-hazardous hydrocarbon-contaminated wastewater in twelve 10,000-gallon open-top tanks and use this wastewater to enhance bioremediation of hydrocarbon-contaminated soils by distributing the wastewater over the remediation cells. The soils and liquids received at the Facility may be contaminated with gasoline, diesel fuel, and/or waste oil from leaking underground storage tanks and/or spills/leaks/discharges of similar petroleum hydrocarbons from a variety of commercial and industrial sources.

[20.6.2.3104 NMAC, Subsection A of 20.6.2.3107 of NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection D of 20.6.2.3109 NMAC]

IV. CONDITIONS

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

A. OPERATIONAL PLAN

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

Operational Actions with Implementation Deadlines

#	Terms and Conditions
3.	<p>Within 180 days following the issuance date of this Discharge Permit (by DATE), the Permittee shall submit an up-to-date diagram of the layout of the entire Facility to NMED. The diagram shall include the following elements:</p> <ul style="list-style-type: none"> • a north arrow; • the issuance date of the diagram; • all components of the disposal facility and components; • all groundwater monitoring wells; and • all sampling locations. <p>The Permittee shall ensure that any element that cannot be directly shown due to its location inside of existing structures, or because it is buried without surface identification, shall be on the diagram in a schematic format and identified as such.</p> <p>[Subsection C of 20.6.2.3106 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>

Operational Actions – All Facility Types

#	Terms and Conditions
4.	<p>To prevent surface water run-on and run-off at the Facility, the Permittee shall maintain earthen berms surrounding the perimeter of the Facility and in between disposal cells that are a minimum of 24 inches above natural grade.</p> <p>In place of a berm across the Facility entrance, the Permittee shall construct and maintain shallow (minimum depth of six inches) stormwater diversion trenches parallel to and on</p>

#	Terms and Conditions
	<p>each side of the Facility entrance gate. The Permittee shall maintain all berms and trenches until termination of this Discharge Permit and the Permittee has completed all closure actions required by conditions.</p> <p>The Permittee shall inspect the berms on a regular basis and after any major rainfall event and repair as necessary.</p> <p>The Permittee shall keep a log of the inspection findings and repairs that includes a date of the inspection and the name of the person responsible for the inspection and shall make the log available to NMED upon request.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
5.	<p>The Permittee shall maintain fences around the entire disposal Facility to restrict access by the general public and animals. A minimum of a three-strand barbed wire fence including a locked gate shall surround the Facility. The Permittee shall maintain the fences to serve the stated purpose throughout the term of this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
6.	<p>The Permittee shall maintain the following signs at the following locations:</p> <ul style="list-style-type: none"> • Signs posted at the Facility entrance and every 500 feet along the Facility boundary that state: "Notice: Waste Disposal Area - KEEP OUT" and "Aviso: Área de Disposición - NO ENTRAR". • A sign posted at the entrance gate with the name of the Facility's contact person, office phone number of the contact person, emergency contact phone number for the Facility, and physical location of the Facility including township, range, and section. • A sign on each tank identifying its contents. Signs on tanks containing contaminated water shall indicate in English and Spanish that the water is not potable. • A sign at the boundary of each cell to identify the cell number and the waste type the Permittee is authorized to discharge in the cell. <p>All signs shall be weatherproof and legible for the term of this Discharge Permit.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>
7.	<p>The Permittee shall not accept hazardous waste at this Facility. The Permittee shall analyze any waste reasonably suspected of containing hazardous waste, due to its origin, characteristics, or other known factors, using EPA Method 1311, Toxicity Characteristics Leaching Procedure (TCLP) in accordance with 40 CFR §261.24. The Permittee shall reject any waste that does not pass the test and return it to the waste generator.</p>

#	Terms and Conditions
	[20.6.2.10 NMAC]
8.	<p>This Discharge Permit authorizes the Permittee to accept hydrocarbon-contaminated soil, and hydrocarbon-contaminated water. The Permittee may not receive or remediate any other waste types at the Facility.</p> <p>The Permittee shall not combine different waste types. The Permittee shall dispose of waste in separate cells that receive only a single designated waste type.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
9.	<p>The Permittee shall inspect the Facility weekly and collect any residual solid waste (trash) at the Facility. The Permittee shall dispose of the collected materials in a manner consistent with all local, state, and federal regulations.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections B and C of 20.6.2.3109 NMAC]</p>
10.	<p>The Permittee shall not discharge liquid wastes during periods of precipitation or when surface soils are frozen or saturated. The Permittee may store wastes on-site in tanker trucks during these periods.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>

Operational Actions - Hydrocarbon Landfarm

#	Terms and Conditions
11.	<p>The Permittee shall not accept free product for placement on the hydrocarbon landfarm. The Permittee shall analyze any soil suspected of containing free product, i.e., a hydrocarbon-based liquid not dissolved in water, using EPA Method 9095, Paint Filter Liquids Test. The Permittee shall reject any soil that does not pass the test and return it to the waste generator.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>
12.	<p>The Permittee shall not place wastes generated from oil and natural gas exploration and production activities into a cell authorized by this Discharge Permit. The Oil Conservation Division regulates such wastes as described by the <i>WQCC Delegation of Responsibility to the Environmental Improvement Division and the Oil Conservation Division</i>.</p> <p>[NMSA 1978, § 74-6-4.F]</p>
13.	<p>Within 72 hours of receipt, the Permittee shall land apply the hydrocarbon-contaminated soil in lifts of eight inches or less (approximately 1,000 cubic yards per acre) on a</p>

#	Terms and Conditions																																		
	<p>rotational basis and mix the contaminated soil by disking. The Permittee shall disk the contaminated soils at least once every 14 days until analytical results indicate that the Permittee has remediated the soils to the standards required by this Discharge Permit. The Permittee shall not add additional soil to a remediation cell until the Permittee can confirm the remediation of the existing layer by laboratory analysis.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>																																		
14.	<p>The Permittee is authorized to apply water or hydrocarbon-contaminated water to moisten soil in the remediation cells in order to enhance remediation and reduce dust. The Permittee shall not apply water or hydrocarbon-contaminated water to saturated soil or in a manner which causes ponding in the soil remediation cells. The Permittee shall not apply hydrocarbon contaminated water in areas outside of the remediation cells.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>																																		
15.	<p>The Permittee shall remediate hydrocarbon-contaminated soil for the following constituents to the most stringent soil screening level identified in the most up to date <i>NMED Risk Assessment Guidance for Site Assessments and Investigations</i>, available on the NMED Hazardous Waste Bureau’s website under Guidance Documents:</p> <table border="1" data-bbox="418 1094 1279 1776"> <thead> <tr> <th data-bbox="418 1094 954 1129">Chemical Constituent</th> <th data-bbox="954 1094 1279 1129">CAS</th> </tr> </thead> <tbody> <tr> <td data-bbox="418 1129 954 1165">Total Petroleum Hydrocarbons (TPH)</td> <td data-bbox="954 1129 1279 1165">n/a</td> </tr> <tr> <td colspan="2" data-bbox="418 1165 1279 1201">BTEX</td> </tr> <tr> <td data-bbox="418 1201 954 1236">Benzene</td> <td data-bbox="954 1201 1279 1236">71-43-2</td> </tr> <tr> <td data-bbox="418 1236 954 1272">Toluene</td> <td data-bbox="954 1236 1279 1272">108-88-3</td> </tr> <tr> <td data-bbox="418 1272 954 1308">Ethylbenzene</td> <td data-bbox="954 1272 1279 1308">100-41-4</td> </tr> <tr> <td data-bbox="418 1308 954 1344">Xylenes</td> <td data-bbox="954 1308 1279 1344">1330-20-7</td> </tr> <tr> <td colspan="2" data-bbox="418 1344 1279 1379">Polycyclic Aromatic Hydrocarbons (PAHs)</td> </tr> <tr> <td data-bbox="418 1379 954 1415">Naphthalene</td> <td data-bbox="954 1379 1279 1415">91-20-3</td> </tr> <tr> <td data-bbox="418 1415 954 1451">1-methyl naphthalene</td> <td data-bbox="954 1415 1279 1451">90-12-0</td> </tr> <tr> <td data-bbox="418 1451 954 1486">2-methyl naphthalene</td> <td data-bbox="954 1451 1279 1486">91-57-6</td> </tr> <tr> <td data-bbox="418 1486 954 1522">Benzo(a)pyrene</td> <td data-bbox="954 1486 1279 1522">50-32-8</td> </tr> <tr> <td data-bbox="418 1522 954 1558">Dibenzo(a,h)anthracene</td> <td data-bbox="954 1522 1279 1558">53-70-3</td> </tr> <tr> <td data-bbox="418 1558 954 1593">Benzo(a)anthracene</td> <td data-bbox="954 1558 1279 1593">56-55-3</td> </tr> <tr> <td data-bbox="418 1593 954 1629">Benzo(b)fluoranthene</td> <td data-bbox="954 1593 1279 1629">205-99-2</td> </tr> <tr> <td data-bbox="418 1629 954 1665">Benzo(k)fluoranthene</td> <td data-bbox="954 1629 1279 1665">207-08-9</td> </tr> <tr> <td data-bbox="418 1665 954 1701">Methyl tertiary-butyl ether (MTBE)</td> <td data-bbox="954 1665 1279 1701">1634-04-4</td> </tr> </tbody> </table> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>	Chemical Constituent	CAS	Total Petroleum Hydrocarbons (TPH)	n/a	BTEX		Benzene	71-43-2	Toluene	108-88-3	Ethylbenzene	100-41-4	Xylenes	1330-20-7	Polycyclic Aromatic Hydrocarbons (PAHs)		Naphthalene	91-20-3	1-methyl naphthalene	90-12-0	2-methyl naphthalene	91-57-6	Benzo(a)pyrene	50-32-8	Dibenzo(a,h)anthracene	53-70-3	Benzo(a)anthracene	56-55-3	Benzo(b)fluoranthene	205-99-2	Benzo(k)fluoranthene	207-08-9	Methyl tertiary-butyl ether (MTBE)	1634-04-4
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#	Terms and Conditions
16.	<p>The Permittee shall remediate accumulated solids removed from the hydrocarbon-contaminated water storage tanks in the landfarm in accordance with the requirements of this Discharge Permit or otherwise disposed of in accordance with all local, state, and federal regulations.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>
17.	<p>The Permittee shall not add amendments to the contaminated soil, such as proprietary microorganisms or fertilizer, without prior written approval by NMED.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>

B. MONITORING AND REPORTING

#	Terms and Conditions
18.	<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>
19.	<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>
20.	<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>
21.	<p>The Permittee shall retain on-site a manifest for each load of waste received. The manifest shall record the following information:</p> <ul style="list-style-type: none"> • date of receipt; • name of the hauling company; • name and address of the waste origin; • type of waste or description of contamination (differentiate between soil and water); • volume of waste;

#	Terms and Conditions
	<ul style="list-style-type: none"> • confirmation of inspection for acceptable waste type; • signature of person conducting the inspection; and • cell identification and location within the cell where the Permittee discharged the waste. <p>The Permittee shall make the manifests available for inspection by NMED upon request. The Permittee shall submit a summary listing the information from each manifest for wastes received during the reporting period to NMED in the semi-annual monitoring reports.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection A 20.6.2.3107 NMAC]</p>

Monitoring and Reporting - Hydrocarbon Landfarm

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

C. CONTINGENCY PLAN

#	Terms and Conditions
23.	<p>In the event that groundwater exceeds a groundwater protection standard identified in Section 20.6.2.3103 NMAC as a result of this discharge, the Permittee shall submit to NMED a Corrective Action Plan (CAP) that proposes, at a minimum, contaminant source control measures and an implementation schedule. The Permittee shall implement the CAP following approval by NMED.</p> <p>The NMED may require the Permittee to abate water pollution consistent with the requirements and provisions of Section 20.6.2.4101, Section 20.6.2.4103, Subsections C and E of 20.6.2.4106, Section 20.6.2.4107, Section 20.6.2.4108 and Section 20.6.2.4112 NMAC.</p> <p>[20.6.2.3103 NMAC, Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>
24.	<p>If the remediation standards for the hydrocarbon landfarm portion of the Facility set forth in this Discharge Permit cannot be met within five years of ceasing to add contaminated soil to a cell, the Permittee shall submit a CAP to NMED within 45 days of receipt of the fifth year's analytical results.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B and C of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>
25.	<p>In the event that a release occurs that is not authorized under this Discharge Permit (commonly known as a "spill"), the Permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below. A release is defined as such quantity as may with reasonable probability injure or be detrimental to human health, animal or plant life, or property, or unreasonably interfere with the public welfare or the use of property.</p> <p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the Permittee shall verbally notify NMED and provide the following information.</p> <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.

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

D. CLOSURE PLAN

Closure Actions with Implementation Deadlines

#	Terms and Conditions
27.	<p>The Permittee shall perform the following closure activities:</p> <ul style="list-style-type: none"> • Prior to December 31, 2023, the Permittee ceased accepting hydrocarbon-contaminated soils into cells A, C, D, E, N, and R • Prior to December 31, 2025, the Permittee shall further decrease the area utilized for soil remediation at the landfarm from 130 acres to 80 acres. • After January 1, 2026, the Permittee shall not accept any hydrocarbon-contaminated soil. • After January 1, 2026, the Permittee shall only accept light hydrocarbon chain contaminated water and shall not accept waters greater than 5,000 parts per million (ppm) in the C28 through C35 carbon chain range of contaminants. • Prior to December 31, 2027, closure and/or final remediation of all soil remediation cells shall have commenced or have been completed. • Closure and final remediation of the facility shall continue until all State, local, and federal requirements have been met. The Permittee shall complete closure in accordance with condition 28 of this permit. • Ownership of this permit shall be maintained by the current responsible party and under no circumstances transferred, sold, or conveyed to another entity for the purpose of hydrocarbon soil remediation, hydrocarbon-contaminated water disposal, or other similar activities. <p>[Subsection A of 20.6.2.3107 NMAC]</p>

Permanent Facility Closure Conditions

#	Terms and Conditions
28.	<p>The Permittee shall perform the following closure measures in the event that the hydrocarbon landfarm portion of the Facility permanently closes:</p> <ol style="list-style-type: none"> a) Notify NMED that hydrocarbon-contaminated soil and water will no longer be accepted. b) Submit a schedule for closure actions. c) Empty and remove the evaporation tanks from the Facility. Hydrocarbon-contaminated water shall be evaporated from the tanks or distributed on the disposal cells as authorized by this Discharge Permit. Solids shall be removed from the tanks and remediated in the landfarm in accordance with the requirements of this Discharge Permit or otherwise disposed of in accordance with all local, state, and federal regulations. d) Demonstrate that all soils in the remediation cells and the soils in the berms do not

#	Terms and Conditions																		
	<p>exceed the most stringent soil screening level identified in the most up to date <i>NMED Risk Assessment Guidance for Site Assessments and Investigations</i>, available on the NMED Hazardous Waste Bureau’s website under Guidance Documents, for the following metals:</p> <table border="1" data-bbox="440 457 1279 814"> <thead> <tr> <th data-bbox="446 466 857 499">Inorganic Constituents</th> <th data-bbox="857 466 1273 499">CAS</th> </tr> </thead> <tbody> <tr> <td data-bbox="446 499 857 533">Arsenic</td> <td data-bbox="857 499 1273 533">7440-36-0</td> </tr> <tr> <td data-bbox="446 533 857 567">Barium</td> <td data-bbox="857 533 1273 567">7440-39-3</td> </tr> <tr> <td data-bbox="446 567 857 600">Cadmium</td> <td data-bbox="857 567 1273 600">7440-43-9</td> </tr> <tr> <td data-bbox="446 600 857 634">Chromium III</td> <td data-bbox="857 600 1273 634">16065-83-1</td> </tr> <tr> <td data-bbox="446 634 857 667">Lead (tetraethyl-)</td> <td data-bbox="857 634 1273 667">78-00-2</td> </tr> <tr> <td data-bbox="446 667 857 701">Mercury (elemental)</td> <td data-bbox="857 667 1273 701">7439-97-6</td> </tr> <tr> <td data-bbox="446 701 857 735">Selenium</td> <td data-bbox="857 701 1273 735">7782-49-2</td> </tr> <tr> <td data-bbox="446 735 857 768">Silver</td> <td data-bbox="857 735 1273 768">7440-22-4</td> </tr> </tbody> </table> <p>The permittee shall use the sampling protocol described in Condition 45 for the remediation cells, and a representative protocol for the berms. A copy of the laboratory analytical results and a map outlining the sampling locations shall be submitted to NMED. If the soil exceeds an inorganic constituent screening level the permittee shall propose a corrective action for NMED’s approval.</p> <p>e) Continue operating and monitoring until all soils are remediated to the organic constituent standards required by this Discharge Permit.</p> <p>f) Upon determination by NMED that remediation of all soils is complete, backfill the cells with clean fill (as necessary) and re-grade to allow for positive stormwater drainage. The permittee shall re-vegetate the cells at the Facility by establishing a vegetation cover equal to 70% of the native perennial vegetative cover consisting of at least three native plant species including at least one grass, but not including noxious weeds. The permittee shall maintain the vegetative cover through two consecutive growing seasons.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC, Subsection A 20.6.2.3107 NMAC]</p>	Inorganic Constituents	CAS	Arsenic	7440-36-0	Barium	7440-39-3	Cadmium	7440-43-9	Chromium III	16065-83-1	Lead (tetraethyl-)	78-00-2	Mercury (elemental)	7439-97-6	Selenium	7782-49-2	Silver	7440-22-4
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Silver	7440-22-4																		

E. GENERAL TERMS AND CONDITIONS

#	Terms and Conditions
29.	<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;

#	Terms and Conditions
	<ul style="list-style-type: none"> • Any releases (commonly known as “spills”) not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC; • The operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater; • Facility record drawings (plans and specifications) showing the actual construction of the Facility and bear the seal and signature of a licensed New Mexico professional engineer; • Copies of logs, inspection reports, and monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit; • The volume of wastewater or other wastes discharged pursuant to this Discharge Permit; • Groundwater quality and wastewater quality data collected pursuant to this Discharge Permit; • Copies of construction records (well log) for all sampled groundwater monitoring wells pursuant to this Discharge Permit; • The maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and • Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including: <ul style="list-style-type: none"> a. the dates, location and times of sampling or field measurements; b. the name and job title of the individuals who performed each sample collection or field measurement; c. the sample analysis date of each sample; d. the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis; e. the analytical technique or method used to analyze each sample or collect each field measurement; f. the results of each analysis or field measurement, including raw data; g. the results of any split, spiked, duplicate or repeat sample; and h. a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. <p>The Permittee shall maintain the written record at a location accessible to NMED during a Facility inspection for a minimum of five years. The Permittee shall make the record available to NMED upon request.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>
30.	<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>

#	Terms and Conditions
	[Subsection A of 20.6.2.3107 NMAC]
31.	<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>
32.	<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>
33.	<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>
34.	<p>PLANS and SPECIFICATIONS – In the event the Permittee proposes to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the Permittee shall submit construction plans and specifications of the proposed system or process unit to NMED for approval prior to the commencement of construction.</p>

#	Terms and Conditions
	<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>
35.	<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>
36.	<p>CRIMINAL PENALTIES – No person shall:</p> <ul style="list-style-type: none"> • Make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or maintained under the WQA; • Falsify, tamper with or render inaccurate any monitoring device, method or record maintained under the WQA; or • Fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation. <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a</p>

#	Terms and Conditions
	<p>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>
37.	<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>
38.	<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>
39.	<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>
40.	<p>PERMIT FEES – The Permittee shall be aware that the payment of permit fees is due at the time of Discharge Permit approval. The Permittee may pay the permit fees in a single payment or they may pay the fee in equal installments on a yearly basis over the term of the Discharge Permit. The Permittee shall remit single payments to NMED no later than 30 days after the Discharge Permit issuance date. The Permittee shall remit initial installment payments to NMED no later than 30 days after the Discharge Permit issuance</p>

#	Terms and Conditions
	<p>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>

draft



New Mexico Environment Department Ground Water Quality Bureau Discharge Permit Summary

Facility Information

Facility Name	Rhino Environmental Services, Inc. – Otero-II Facility
Discharge Permit Number	DP-1051
Legally Responsible Party	Steve Dyer, President Rhino Environmental Services, Inc. 4717 Hondo Pass, 3-C El Paso, Texas 77904 (915) 886-4355

Treatment, Disposal, and Site Information

Primary Waste Type	Industrial - Hydrocarbon Contaminated Soil and Water
Facility Type	Remediation Landfarm

Treatment Methods

Type	Designation	Description & Comments
Landfarm Remediation	Hydrocarbon- contaminated soil	Landfarm Area: 130 acres; currently divided into 13 cells. Current capacities of cells: Cell B: 3,539 yd ³ diesel Cell F: 3,178 yd ³ diesel Cell G: 4,281 yd ³ diesel Cell H: 2,192 yd ³ diesel Cell I: 2,168 yd ³ gasoline Cell J: 3,733 yd ³ diesel Cell K: 4,212 yd ³ diesel Cell L: 3,822 yd ³ diesel Cell M: 8,860 yd ³ diesel Cell O: 6,600 yd ³ diesel Cell P: 370 drums-waste oil (temporary staging held until waste is characterized) Cell Q: 925 drums-waste oil (temporary staging held until waste is characterized) Cell S: 2,250 yd ³ diesel (Upon successful soil remediation approved by NMED for respective cell(s), future cell sizing and capacity may change as the facility accepts variable volumes of hydrocarbon-contaminated soil)

Discharge Locations

Type	Designation	Description & Comments
Tank	Hydrocarbon- contaminated water tank	Hydrocarbon-contaminated water is stored in 12 10,000-gallon open-top tanks for disposal by evaporation or may be applied to cells to enhance bioremediation

