



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

October 10, 2024

Suzahn Horton, Owner
Mighty Vac Pumping Service
1319 N. Main
Clovis, NM 88101

RE: Draft Discharge Permit Renewal DP-1030, Mighty Vac Pumping Service

Dear Suzahn Horton:

The New Mexico Environment Department (NMED) hereby provides notice to you of the proposed approval of Ground Water Discharge Permit Renewal, DP-1030, (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 Lead

Encl: Draft Discharge Permit Renewal, DP-1030

SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

Ground Water Quality Bureau | 1190 Saint Francis Drive, PO Box 5469, Santa Fe, New Mexico 87502-5469
Telephone (505) 827-2900 | www.env.nm.gov/gwqb/



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



Draft: October 10, 2024

GROUND WATER QUALITY BUREAU
DISCHARGE PERMIT
Issued under 20.6.2 NMAC

Facility Name: Mighty Vac Pumping Service
Discharge Permit Number: DP-1030
Facility Location: 802 Curry Road L, Clovis, New Mexico 88101

County: Curry

Permittee: Mighty Vac Pumping Service
Mailing Address: PO Box 326
 Texico, NM 88135

Facility Contact: Suzahn Horton, Owner
Telephone Number/Email: 575-760-6000/mightyvac@gmail.com

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 or
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

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this groundwater discharge permit Renewal (Discharge Permit or DP-1030) to the Mighty Vac Pumping Service (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 Mighty Vac Pumping Service (Facility) in order to protect groundwater and those segments of surface water gaining from groundwater inflow for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health. It is NMED's determination in issuing this Discharge Permit that the Permittee has met the requirements of Subsection C of 20.6.2.3109 NMAC. The Permittee is responsible for complying with the terms and conditions of this Discharge Permit pursuant to Section 20.6.2.3104 NMAC; failure to do so may result in enforcement action by NMED (20.6.2.1220 NMAC).

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

The Permittee receives and processes up to 6,000 gallons per day (gpd) of domestic septage, grease trap/interceptor waste, vehicle equipment grit trap waste, and a minimal volume of wastewater from rinsing of waste hauling trucks at the Facility. Disposal is offsite and no surface disposal occurs onsite.

Discharge Permit Location Information:

Physical Address	802 Curry Road L
Nearest Town/City	Clovis
Section, Township, Range	Section 23, Township 02 North, Range 35 East
County	Curry
Depth to Groundwater	315'
Pre-Discharge TDS	450

The application (i.e., discharge plan) consists of the materials submitted by the Permittee dated August 3, 2023, and materials contained in the administrative record prior to issuance of this Discharge Permit. The Permittee shall manage this discharge in accordance with all conditions and requirements of this Discharge Permit.

Discharge Permit Issuance History:

Original Permit Issuance	April 23, 2001
Permit Renewal	October 16, 2006

DRAFT: October 10, 2024

Permit Renewal	November 18, 2011
Permit Renewal	September 27, 2018

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

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 temporarily store and process up to 6,000 gpd of domestic septage, grease trap/interceptor waste, vehicle equipment grit trap waste, and a minimal volume of wastewater from rinsing of waste hauling trucks as follows:

The Permittee processes domestic septage through a screen that discharges into a cold-tar, epoxy-lined concrete containment structure (CS-1). The Permittee removes septage and transports it offsite to an appropriate disposal facility. The Permittee stores screened solid waste on-site in a dumpster and disposes of it at an appropriate landfill in a timely manner. The containment structure is located adjacent to the screen and is used for evaporation of septage.

The Permittee processes grease trap/interceptor waste in a cold-tar, epoxy-lined concrete containment structure (CS-2). The Permittee transfers the solids portions of the grease waste from the containment structure CS-2 to a cold-tar, epoxy-lined concrete impoundment (CS-3) for drying prior to offsite disposal at the City of Clovis Landfill.

The Permittee processes vehicle/equipment grit trap waste in a cold-tar, epoxy-lined concrete containment structure (CS-4) for dewatering by evaporation. The Permittee dries solids and transfers the dewatered vehicle/equipment grit solids offsite at the City of Clovis Landfill.

The Permittee generates a minimal volume of wastewater from the infrequent rinsing of the inside of waste hauling trucks and processes the water in the concrete containment structure specific to the waste that is being rinsed from the truck.

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

IV. CONDITIONS

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

A. OPERATIONAL PLAN

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

Operational Actions with Implementation Deadlines

#	Terms and Conditions
3.	Within 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: <ul style="list-style-type: none">• a north arrow;• the issuance date of the diagram;• all components of the disposal facility; 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. [Subsection C of 20.6.2.3106 NMAC, Subsection A of 20.6.2.3107 NMAC]

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 the containment structures and impoundments that are a minimum of 24 inches above natural grade.</p> <p>In place of a berm across the Facility entrance, the Permittee shall construct and maintain shallow (minimum depth of six inches) stormwater diversion trenches parallel to and on each side of the Facility entrance gate. The Permittee shall maintain all berms and trenches until termination of this Discharge Permit and the Permittee has completed all closure actions required by 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 processing 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 at the boundary of each containment structure or impoundment to identify the containment structure or impoundment number and the waste type the Permittee is authorized to process in the containment structure or impoundment. <p>All signs shall be weatherproof and legible for the term of this Discharge Permit.</p>

#	Terms and Conditions
	[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]
7.	<p>This Discharge Permit authorizes the Permittee to temporarily store and process domestic septage, grease trap/interceptor waste, and vehicle equipment grit trap waste. 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 not dispose of any wastes onsite and shall only use the Facility for processing and temporary storage of wastes.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
8.	<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>
9.	<p>The Permittee shall not process 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 - Domestic Septage

#	Terms and Conditions
10.	<p>The Permittee may temporarily store domestic septage at the Facility prior to offsite disposal. While in temporary storage, the Permittee shall contain the waste within the separator. The Permittee shall dispose of the domestic septage at an off-site location in accordance with all local, state, and federal regulations.</p> <p>[20.6.2.3107 NMAC Subsection C of 20.6.2.3109 NMAC]</p>
11.	<p>The Permittee shall visually inspect containment structure CS-1 on a monthly basis to ensure proper containment. The Permittee shall correct any conditions that could affect the impermeability or structural integrity of CS-1. Such conditions include but are not limited to erosion damage, cracks, animal activity/damage or evidence of seepage/overflows. The Permittee shall keep a log of the inspection findings and repairs made and shall make the log available to NMED upon request.</p>

#	Terms and Conditions
	[20.6.2.3107 NMAC]

Operational Actions – Grease Trap/Interceptor Waste

#	Terms and Conditions
12.	<p>The Permittee may temporarily store the separated non-aqueous portion of grease trap/interceptor waste at the Facility prior to disposal. While in temporary storage, the Permittee shall contain the waste within the separator. The Permittee shall dispose of the separated non-aqueous portion of the grease trap/interceptor waste at an off-site location in accordance with all local, state, and federal regulations.</p> <p>[20.6.2.3107 NMAC]</p>
13.	<p>The Permittee shall visually inspect the grease processing containment structure (CS-2) and containment structure (CS-3) on a monthly basis to ensure proper containment. The Permittee shall correct any conditions that could affect the impermeability or structural integrity of CS-2 and CS-3. Such conditions include but are not limited to erosion damage, cracks, animal activity/damage or evidence of seepage/overflows. The Permittee shall keep a log of the inspection findings and repairs made and shall make the log available to NMED upon request.</p> <p>[20.6.2.3107 NMAC]</p>

Operational Actions - Vehicle/Equipment Grit Trap Waste

#	Terms and Conditions
14.	<p>The Permittee shall contain leachate generated from the temporary storage of vehicle/equipment grit trap waste. The Permittee shall temporarily store the separated solid portion of vehicle/equipment grit trap waste on the impervious containment structure prior to offsite disposal. The Permittee shall dispose of the separated solid portion of the waste at a minimum when the waste has accumulated to 50% of the storage capacity of the structure. The Permittee shall dispose of the separated solid portion of vehicle/equipment grit trap waste at an off-site location in a manner consistent with all local, state, and federal regulations.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
15.	<p>The Permittee shall visually inspect the impervious containment structure (CS-4) on a monthly basis to ensure proper containment of the vehicle/equipment grit trap waste.</p>

#	Terms and Conditions
	<p>The Permittee shall correct any conditions that could affect the impermeability or structural integrity of the containment structure. Such conditions include but are not limited to erosion damage, cracks, animal activity/damage, or evidence of seepage.</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>[20.6.2.3107 NMAC]</p>
16.	<p>The Permittee shall preserve a minimum of two feet of freeboard between the liquid level in the containment structure and the elevation of the top of the cold tar epoxy liner.</p> <p>In the event that the Permittee determines that two feet of freeboard cannot be preserved in the containment structures, the Permittee shall implement 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>

B. MONITORING AND REPORTING

#	Terms and Conditions
17.	<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>
18.	<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>
19.	<p>Annual monitoring - The Permittee shall perform monitoring and other Permit required actions during the following periods and shall submit annual reports to NMED by the following due dates:</p> <ul style="list-style-type: none"> • January 1st through December 31st – due by February 1st. <p>[Subsection A of 20.6.2.3107 NMAC]</p>

#	Terms and Conditions
20.	<p>The Permittee shall retain on-site a manifest for each load of waste received. The manifest shall record the following information:</p> <ul style="list-style-type: none"> • date of receipt; • name of the hauling company; • name and address of the waste origin; • type of waste or description of contamination (differentiate between soil and water); • volume of waste; • confirmation of inspection for acceptable waste type; • signature of person conducting the inspection; and • containment structure or impoundment identification. <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 annual monitoring reports.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection A 20.6.2.3107 NMAC]</p>

Monitoring and Reporting - Domestic Septage

#	Terms and Conditions
21.	<p>The Permittee shall submit all records of the removal and offsite disposal of domestic septage to NMED in the annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

Monitoring and Reporting - Grease Trap/Interceptor Waste

#	Terms and Conditions
22.	<p>The Permittee shall submit all records of the removal and offsite disposal of the non-aqueous portion of grease to NMED in the annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

Monitoring and Reporting - Vehicle/Equipment Grit Trap Waste

#	Terms and Conditions
23.	<p>The Permittee shall estimate the volume of liquid vehicle/equipment grit trap waste processed in the concrete containment structure on a monthly basis by tracking the volume of the loads received.</p> <p>The Permittee shall submit a summary of the volume of liquid grit trap waste discharged to the concrete containment structure to NMED in the annual monitoring reports.</p> <p>[20.6.2.3107 NMAC and Subsection H of 20.6.2.3109]</p>
24.	<p>The Permittee shall submit all records of non-aqueous portion of vehicle/equipment grit trap waste removal and offsite disposal to NMED in the annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

C. CONTINGENCY PLAN

#	Terms and Conditions
25.	<p>In the event that groundwater exceeds a groundwater protection standard identified in Section 20.6.2.3103 NMAC as a result of this discharge, the Permittee shall submit to NMED a Corrective Action Plan (CAP) that proposes, at a minimum, contaminant source control measures and an implementation schedule. The Permittee shall implement the CAP following approval by NMED.</p> <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>
26.	<p>In the event that an inspection reveals significant damage has occurred or is likely to affect the structural integrity of a containment structure or impoundment 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 ensure the CAP is submitted 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</p>

#	Terms and Conditions
	<p>schedule for 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>
27.	<p>In the event that a containment structure or 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 containment structure or impoundment or reducing the volume of wastewater discharged to the containment structure or 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 corrective actions include the installation of an additional storage containment structure or 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>
28.	<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>

#	Terms and Conditions
	<p>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.</p> <p>b) The name and address of the Facility.</p> <p>c) The date, time, location, and duration of the unauthorized discharge.</p> <p>d) The source and cause of unauthorized discharge.</p> <p>e) A description of the unauthorized discharge, including its estimated chemical composition.</p> <p>f) The estimated volume of the unauthorized discharge.</p> <p>g) Any actions taken to mitigate immediate damage from the unauthorized discharge.</p> <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> <p>a) A description of proposed actions to mitigate damage from the unauthorized discharge.</p> <p>b) A description of proposed actions to prevent future unauthorized discharges of this nature.</p> <p>c) A schedule for completion of proposed actions.</p> <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>
29.	<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>

#	Terms and Conditions
	[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]

D. CLOSURE PLAN

Permanent Facility Closure Conditions

#	Terms and Conditions
30.	<p>The Permittee shall complete the following closure measures in the event they are proposing to permanently close the septage, sludge, or grease interceptor waste processing portion of the Facility.</p> <ul style="list-style-type: none"> a) Notify NMED of any waste types the Permittee will no longer process at the Facility. b) Within 60 days of ceasing discharge to any containment structure or impoundment, dispose of all non-aqueous septage, grease interceptor waste or grit trap waste from the impervious containment structures at an off-site location in a manner consistent with all local, state, and federal regulations. c) Within 60 days of ceasing discharge to any containment structure or impoundment, the Facility shall remove all liquid from the aqueous/non-aqueous separation equipment and properly dispose of it in accordance with this Discharge Permit. Remove or demolish tanks and piping from the applicable portion of the Facility and re-grade the area to match the surrounding topography and promote positive drainage. d) Within 90 days of ceasing to discharge to the containment structure or impoundment, demolish the containment structure or impoundment, backfill the containment structure or impoundment with clean fill (as necessary) and re-grade to allow for positive storm water drainage. e) Re-vegetate the disturbed areas at the Facility by establishing a vegetative 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>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]</p>

E. GENERAL TERMS AND CONDITIONS

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

#	Terms and Conditions
	<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>
32.	<p>SUBMITTALS – The Permittee shall submit both a paper copy and an electronic copy of all notification and reporting documents required by this Discharge Permit, e.g., monitoring reports. The paper and electronic documents shall be submitted to the NMED Permit Contact identified on the Permit cover page.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
33.	<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>
34.	<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>
35.	<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</p>

#	Terms and Conditions
	<p>(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>
36.	<p>PLANS and SPECIFICATIONS – In the event the Permittee proposes to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the Permittee shall submit construction plans and specifications of the proposed system or process unit to NMED for approval prior to the commencement of construction.</p> <p>In the event the Permittee implements changes to the wastewater system authorized by this Discharge Permit that result in only a minor effect on the character of the discharge, the Permittee shall report such changes (including the submission of record drawings where applicable) to NMED prior to implementation.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
37.	<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>
38.	<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;

#	Terms and Conditions
	<ul style="list-style-type: none"> • Falsify, tamper with or render inaccurate any monitoring device, method or record maintained under the WQA; or • Fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation. <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
39.	<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>
40.	<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>
41.	<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

#	Terms and Conditions
	<ul style="list-style-type: none">• 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>
42.	<p>PERMIT FEES – The Permittee shall be aware that the payment of permit fees is due at the time of Discharge Permit approval. The Permittee may pay the permit fees in a single payment or they may pay the fee in equal installments on a yearly basis over the term of the Discharge Permit. The Permittee shall remit single payments to NMED no later than 30 days after the Discharge Permit issuance date. The Permittee shall remit initial installment payments to NMED no later than 30 days after the Discharge Permit issuance date; with subsequent installment payments remitted to NMED no later than the anniversary of the Discharge Permit issuance date.</p> <p>Permit fees are associated with <u>issuance</u> of this Discharge Permit. No person shall construe anything in this Discharge Permit as relieving the Permittee of the obligation to pay all permit fees assessed by NMED. A Permittee that ceases discharging or does not commence discharging from the Facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. NMED shall suspend or terminate an approved Discharge Permit if the Permittee fails to remit an installment payment by its due date.</p> <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 Mighty Vac Pumping Service
Discharge Permit Number DP-1030
Legally Responsible Party Suzahn Horton, Owner
 1319 N. Main
 Clovis, NM 88101
 (575) 760-2223

Treatment, Disposal and Site Information

Primary Waste Type Industrial
Facility Type Septage Screening and Grease/Grit Processing Facility

Processing Equipment

Type	Designation	Description & Comments
Bar Screen	Septage Bar Screen	Bar screen for the removal of trash from septage

Storage Locations

Type	Designation	Description & Comments
Septage Decanting Bed	Containment Structure (CS-1)	Cold-tar, epoxy-lined concrete bed that receives screened septage
Grease Trap Decanting Bed	Containment Structure (CS-2)	Cold-tar, epoxy-lined concrete; contains aqueous portion of grease trap waste
Grease Trap Decanting Bed	Containment Structure (CS-3)	Cold-tar, epoxy-lined concrete bed that receives grease trap solids
Grit Trap Decanting Bed	Containment Structure (CS-4)	10 X 15 with 3-foot side walls, cold-tar, epoxy-lined concrete, contains vehicle/equipment grit trap waste (to be installed)

Depth-to-Ground Water 315 feet
Total Dissolved Solids (TDS) 450 mg/L

Permit Information

Original Permit Issued April 23, 2001
Permit Renewal October 16, 2006
Permit Renewal November 18, 2011
Permit Renewal September 27, 2018

Current Action Application Received August 3, 2023
 Public Notice Published [date]
 Permit Issued (Issuance Date) [issuance date]
 Permitted Discharge Volume 6,000 gallons per day



New Mexico Environment Department Ground Water Quality Bureau Discharge Permit Summary

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 or pps.general@env.nm.gov

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