



**NEW MEXICO
ENVIRONMENT DEPARTMENT**



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Governor

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Lieutenant Governor

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RYAN FLYNN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

September 10, 2014

Jordan Pareo, Owner
R & R Ranch Dairy
P.O. Box 489
Veguita, NM 87062

RE: Discharge Permit Renewal, DP-1294, R & R Ranch Dairy

Dear Mr. Pareo:

On June 28, 2012, the New Mexico Environment Department (NMED) proposed renewal of the Ground Water Discharge Permit for **R & R Ranch Dairy**, DP-1294, pursuant to Subsection H of 20.6.2.3108 NMAC. A draft Discharge Permit Renewal was sent to you at that time. In response, NMED received comments from the facility on July 30, 2012. All of the comments were considered by NMED. Comments requesting permit revisions not in accordance with the requirements of 20.6.6 NMAC are not addressed by this Discharge Permit. The permittee may file a petition with the New Mexico Water Quality Control Commission (WQCC) requesting a variance from site specific requirements of 20.6.6 NMAC.

NMED issues the enclosed Discharge Permit Renewal, DP 257, to Jordan Pareo/Owner (permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the WQCC Regulations, 20.6.2 and 20.6.6 NMAC.

The Discharge Permit contains requirements that shall be complied with by the permittee and are enforceable by NMED pursuant to Sections 20.6.2.3104 and 20.6.6.8 NMAC, WQA, and NMSA 1978 §74-6-5 and §74-6-10. The discharge shall be managed in accordance with all applicable requirements of the Dairy Rule and this Discharge Permit. Issuance of this Discharge Permit does not relieve the permittee of the responsibility to comply with the WQA, WQCC

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Jordan Pareo, Owner
R & R Ranch Dairy
P.O. Box 489
Veguita, NM 87062

PS Form 3800, August 2006

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Jordan Pareo, Owner/Operator, DP-1294

September 10, 2014

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Regulations, and any other applicable federal, state and/or local laws and regulations, such as zoning requirements and nuisance ordinances.

You will be invoiced under separate cover for the remaining permit fee balance of \$1,150.00.

Pursuant to Subsection I of NMSA 1978 § 74-6-5, the term of this Discharge Permit shall be for the fixed term of five years. The term of this Discharge Permit will end on September 10, 2019.

Pursuant to Subsection A of 20.6.6.10 NMAC, you are required to submit an application for renewal or renewal/modification to NMED one year prior to the end of the Discharge Permit term.

If you have any questions, please contact Nancy McDuffie at (505) 222-9523 or Gary Westerfield, Agricultural Waste Team Leader, at (505) 827-2713. Thank you for your cooperation during this Discharge Permit review.

Sincerely,



Jerry Schoeppner, Chief
Ground Water Quality Bureau

JS:KK/njm

Encs: Discharge Permit Renewal, DP-1294

cc: / Agricultural Waste Team Leader, NMED-GWQB (permit)
/ District Manager, NMED District III (permit – electronic copy)
Glorieta Geoscience, Inc., P.O. Box 5727, Santa Fe, NM 87502 (permit)

**GROUND WATER DISCHARGE PERMIT - RENEWAL
EXISTING DAIRY FACILITY with an EVAPORATIVE DISPOSAL SYSTEM
R & R Ranch Dairy, DP-1294**

I. INTRODUCTION AND SUMMARY

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal (Discharge Permit), DP-1294, to Jordan Pareo (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) Regulations, 20.6.2 and 20.6.6 NMAC.

NMED's purpose in issuing this Discharge Permit is to control the discharge of water contaminants from R & R Ranch Dairy (dairy facility) for the protection of ground water and those segments of surface water gaining from ground water inflow, for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health.

The activities which produce the discharge, the location of the discharge, and the quantity, quality and flow characteristics of the discharge are briefly described as follows:

A maximum daily discharge volume of 80,000 gallons per day (gpd) of wastewater may be discharged from the production area. Wastewater flows from the parlor and hospital barns into a concrete-lined sump and is pumped to a single cell settling separator located at the back of the parlor barn. Wastewater from the single cell settling separator flows through a concrete-lined alley/drainage channel into a second concrete-lined sump and is pumped through a double incline screen separator system into a second concrete-lined settling separator which discharges to the first of two synthetically lined wastewater/stormwater combination impoundments for disposal by evaporation. This maximum daily discharge volume is a decrease from that authorized in the previous Discharge Permit; from 160,000 gpd to 80,000 gpd. The discharge contains water contaminants or toxic pollutants which may be elevated above the standards of Section 20.6.2.3103 NMAC.

The dairy facility is located at 50 Upper Dairy Road, approximately two miles northeast of Veguita, in Section 28, T4N, R2E (projected), Casa Colorada and Belen Land Grants, Valencia County. Ground water most likely to be affected is at a depth of approximately 75 feet and had a pre-discharge total dissolved solids concentration of approximately 285 milligrams per liter.

The original Discharge Permit was issued on September 12, 2000 and subsequently modified on March 18, 2004. The application consists of the materials submitted by the permittee dated March 7, 2006 and materials contained in the administrative record associated with issuance of this Discharge Permit. The discharge shall be managed in accordance with all applicable requirements of the Dairy Rule (20.6.6 NMAC) and this Discharge Permit.

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.

The following acronyms and abbreviations may be used in this Discharge Permit:

Abbreviation	Explanation	Abbreviation	Explanation
Cl	chloride	NO ₃ -N	nitrate-nitrogen
gpd	gallons per day	S	Sulfur
LADS	land application data sheet(s)	SO ₄	Sulfate
mg/L	milligrams per liter	TDS	total dissolved solids
NMAC	New Mexico Administrative Code	TKN	total Kjeldahl nitrogen
NMED	New Mexico Environment Department	WQA	New Mexico Water Quality Act
NMP	Nutrient management plan	WQCC	Water Quality Control Commission
NMSA	New Mexico Statutes Annotated		

II. FINDINGS

In issuing this Discharge Permit, NMED finds:

1. The permittee is discharging from a facility that meets the definition of “dairy facility” and is subject to the Dairy Rule (20.6.6 NMAC). This dairy facility meets the definition of “existing facility”.
2. The permittee is discharging effluent or leachate from the dairy facility that may move directly or indirectly into ground water within the meaning of Section 20.6.2.3104 NMAC.
3. The permittee is discharging effluent or leachate from the dairy facility that may move into ground water of the State of New Mexico which has an existing concentration of 10,000 milligrams per liter or less of total dissolved solids within the meaning of Subsection A of 20.6.2.3101 NMAC.
4. The discharge from the dairy facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.
5. The Discharge Permit Modification for this facility last issued on March 18, 2004 (before the effective date of the Dairy Rule of December 31, 2011) required the wastewater impoundment system to have the capacity to dispose of the maximum daily discharge volume (expressed in gallons per day) plus stormwater runoff and direct precipitation generated from the facility by evaporation while preserving two feet of freeboard.

6. The dairy facility was existing as of the effective date of the Dairy Rule (December 31, 2011) and does not measure the volume of wastewater discharged to wastewater impoundment(s) using a flow meter installed on the discharge line(s) from all wastewater sources to the wastewater impoundment(s). As of the effective date of this Discharge Permit, the dairy facility uses supply meters to estimate the volume of wastewater generated in the production area. The meters measure the volume of all fresh water contributing to the wastewater discharged from the production area.
7. This Discharge Permit contains requirements associated with the following potential contaminant sources as identified in the application and the administrative record as of the effective date of this Discharge Permit:
 - a) Combination Wastewater/Stormwater Impoundments
 - i. **Lagoon 1** - authorized for use by this Discharge Permit.
 - ii. **Lagoon 2** - authorized for use by this Discharge Permit.

III. APPLICABLE RULES

Sections 20.6.2.3000 through 20.6.2.3114 NMAC and Part 20.6.6 NMAC (Dairy Rule) apply to discharges specific to dairy facilities and their operations.

IV. DISCHARGE PERMIT REQUIREMENTS

The permittee is authorized to discharge water contaminants pursuant to this Discharge Permit which contains requirements authorized or specified by the Dairy Rule. The permittee shall comply with the Dairy Rule and this Discharge Permit, which are enforceable by NMED. The permittee is authorized to discharge water contaminants subject to the following requirements:

AUTHORIZATION TO DISCHARGE

1. The permittee is authorized to discharge up to 80,000 gpd of wastewater from the production area. Wastewater flows from the parlor and hospital barns into a concrete-lined sump and is pumped to a single cell settling separator located at the back of the parlor barn. Wastewater from the single cell settling separator flows through a concrete-lined alley/drainage channel into a second concrete-lined sump and is pumped through a double incline screen separator system into a second concrete-lined settling separator which discharges to the first of two synthetically lined wastewater/stormwater combination impoundments for disposal by evaporation.
2. The permittee is authorized to use the following impoundments for the following purposes in accordance with Subsection B of 20.6.6.20 NMAC.

- a) **Lagoon 1** – authorized to receive wastewater and stormwater for disposal by evaporation. This impoundment exists as of the effective date of this Discharge Permit and is synthetically lined (60-mil HDPE). Northern-most of the two impoundments. Wastewater flows into this impoundment from the second settling separator, and overflows into Lagoon 2.
- b) **Lagoon 2** – authorized to receive wastewater and stormwater for disposal by evaporation. This impoundment exists as of the effective date of this Discharge Permit and is synthetically lined (60-mil HDPE installed on slopes and 40-mil HDPE installed on bottom). Southern-most of the two impoundments. Wastewater flows into this impoundment from the Lagoon 1.

DAIRY RULE TRANSITION REQUIREMENTS

3. The permittee shall have 90 days from the effective date of this Discharge Permit (**by December 9, 2014**) to submit all the necessary information to comply with Sections 20.6.6.10 through 20.6.6.13 NMAC, in accordance with Subsection D of 20.6.6.35 NMAC. The permittee shall submit the necessary information by completing the application form for Renewal and/or Modification located at the following address:
 - <http://www.nmenv.state.nm.us/gwb/NMED-GWQB-dairies.htm>

The following sections of the application form for renewal and/or modification shall be completed, and the form shall be signed by the permittee and notarized prior to submission.

- a) Introduction – *Applicant's Signature and Notary Certification only*
- b) Part I.A
- c) Part II.A.1
- d) Part II.A.2(a) and (b)
- e) Part II.B.1, 2, 4, 5, 6 and 7
- f) Part II.C
- g) Part II.D.3(a) and (b)
- h) Part II.E.3
- i) Part IV.A
- j) Part IV.B

ENGINEERING AND SURVEYING REQUIREMENTS

4. The permittee shall comply with the requirements of Section 20.6.6.17 NMAC and shall submit to NMED all information or documentation required by the applicable portions of Section 20.6.6.17 NMAC.
5. The permittee shall complete the following items and submit documentation to NMED as summarized in the following table:

OPERATIONAL REQUIREMENTS

6. The permittee shall comply with the requirements of Sections 20.6.6.20 and 20.6.6.22 NMAC, and shall submit to NMED all information or documentation required by the applicable portions of Sections 20.6.6.20 and 20.6.6.22 NMAC.
7. The permittee shall provide written notice to NMED regarding any changes to the presence of lactating cows and/or the status of wastewater discharges at the facility in accordance with Subsection A of 20.6.6.20 NMAC (summarized in the table below).

Activity	Notification of Estimated Date	Verification of Actual Date
Removal of Lactating Cows	Not required	Within 30 days of removal
Reintroduction of Lactating Cows	Not required	Within 30 days of reintroduction
Cessation of wastewater discharge	Not required	Within 30 days of cessation of discharge
Recommencement of Discharge	Minimum 30 days prior to recommencement	Within 30 days of recommencement

8. Pursuant to Subsection D of 20.6.6.35 NMAC, the permittee shall have 90 days from the effective date of this Discharge Permit (**by December 9, 2014**) to submit documentation in accordance with Subsection M of 20.6.6.20 NMAC to demonstrate that the existing flow meter(s) meets the requirements of Subsection M of 20.6.6.20 NMAC.
9. The permittee is authorized to use the following existing flow meters pursuant to the alternative requirements of Subsection N of 20.6.6.20 NMAC, provided that the requirements of Subsection M of 20.6.6.20 NMAC have been met. These supply meters are used to measure the volume of all fresh water contributing to the wastewater discharged to the combination wastewater/stormwater impoundment system; providing an estimate of the volume of wastewater generated from the production area.
 - a) **Parlor Supply Line Meter 1** (Sensus meter) – located on a parlor water supply line; providing an estimate of the volume of wastewater generated from the parlor.
 - b) **Parlor Supply Line Meter 2** (McCrometer meter) – located on a second parlor water supply line; providing an estimate of the volume of wastewater generated from the parlor.
 - c) **Hospital Supply Line Meter** (DLJ meter) – located on the hospital water supply line; providing an estimate of the volume of wastewater generated from the hospital barn.

10. The permittee shall remove all manure solids and composted material from the dairy in accordance with Subsection S of 20.6.6.20 NMAC.
11. The permittee shall complete the following items and submit documentation to NMED as summarized in the following table:

Item No.	Action Required and Submittal Due to NMED	Due Date	Citation
A.	<p><u>Scaled Map of Dairy Facility – Updates:</u></p> <p>Following completion of any additions or changes to the dairy facility which affect the items listed in Subsection U of 20.6.6.20 NMAC, the permittee shall update and resubmit the facility map.</p>	<p>Within 90 days of any addition or change.</p>	<p>20.6.6.20.V NMAC</p>

GROUND WATER MONITORING REQUIREMENTS

12. The permittee shall comply with the requirements of Section 20.6.6.23 NMAC and shall submit to NMED all information or documentation required by the applicable portions of Section 20.6.6.23 NMAC.
13. Monitoring wells shall be constructed and completed in accordance with Subsection D of 20.6.6.23 NMAC.
14. Monitoring wells shall be permanently identified in accordance with Subsection C of 20.6.6.23 NMAC
15. Pursuant to Subsection D of 20.6.6.35 NMAC, the permittee shall have 90 days from the effective date of this Discharge Permit (**by December 9, 2014**) to submit the information required by Paragraph (6) of Subsection A of 20.6.6.23 NMAC to verify that monitoring wells in existence as of the effective date of this Discharge Permit and prior to the effective date of the Dairy Rule (December 31, 2011) are appropriate for continued use for ground water monitoring.

The permittee is authorized to use the following monitoring well(s) provided that the requirements of Paragraph (6) of Subsection A of 20.6.6.23 NMAC are met.

- a) **MW-4**, hydrologically downgradient of Lagoon 2; located south of Lagoon 2.
16. The permittee shall complete the following items and submit documentation to NMED as summarized in the following table:

Item No.	Action Required and Submittal Due to NMED	Due Date	Citation
A.	<p><u>Ground Water Monitoring – Existing Combination Wastewater/Stormwater Impoundments:</u></p> <p>Install the following monitoring wells within 75 feet hydrologically downgradient of the top inside edge of each existing combination impoundment:</p> <p>i) MW-2A, hydrologically downgradient of Lagoon 1 (replaces existing MW-2).</p>	January 8, 2015	20.6.6.23.A(2) NMAC
B.	<p><u>Ground Water Monitoring – Upgradient:</u></p> <p>Install a monitoring well, MW-1A, hydrologically upgradient of all contamination sources at the dairy facility (replaces existing MW-1).</p>	January 8, 2015	20.6.6.23.A(5) NMAC
C.	<p><u>Ground Water Sampling and Reporting – Routine:</u></p> <p>Collect and analyze ground water samples quarterly from all monitoring wells identified in this Discharge Permit. Sampling shall be performed and results submitted in accordance with Subsection F of 20.6.6.23 NMAC.</p>	Quarterly	20.6.6.23.G NMAC
D.	<p><u>Ground Water Sampling – New Monitoring Wells:</u></p> <p>Collect ground water samples from monitoring wells required to be installed <i>within 120 days of the effective date of the Discharge Permit</i>. Sampling shall be performed in accordance with Subsection F of 20.6.6.23 NMAC using the monitoring wells required to be installed in the following locations:</p> <p>i) MW-1A, hydrologically upgradient of all contamination sources at the dairy facility.</p> <p>ii) MW-2A, hydrologically downgradient of Lagoon 1.</p>	February 7, 2015	20.6.6.23.H NMAC
E.	<p><u>Monitoring Well Survey and Ground Water Flow Determination:</u></p> <p>Survey monitoring wells required to be installed <i>within 120 days of the effective date of the Discharge Permit</i> to a USGS benchmark.</p>	February 7, 2015	20.6.6.23.I NMAC
F.	<p><u>Monitoring Well Completion Report:</u></p> <p>Submit a monitoring well completion report for monitoring wells required to be installed <i>within 120 days of the effective date of the Discharge Permit</i>. The report shall include information from all monitoring wells.</p>	March 9, 2015	20.6.6.23.J NMAC
G.	<p><u>Ground Water Elevation Contour Maps:</u></p> <p>Develop and submit ground water elevation contour maps on a quarterly basis using data collected from all monitoring wells used for ground water monitoring at the dairy facility.</p>	Quarterly	20.6.6.23.L NMAC

MONITORING REQUIREMENTS

17. The permittee shall comply with the requirements of Sections 20.6.6.24 and 20.6.6.26 NMAC, and shall submit to NMED all information or documentation required by the applicable portions of Sections 20.6.6.24 and 20.6.6.26 NMAC.
18. The permittee shall submit monitoring reports to NMED on a quarterly schedule that contain monitoring data and information collected pursuant to the Dairy Rule and submitted in accordance with Subsection A of 20.6.6.24 NMAC.

Quarterly monitoring reports shall be submitted according to the following schedule:

- January 1 through March 31 (first quarter) – report due by **May 1**
- April 1 through June 30 (second quarter) – report due by **August 1**
- July 1 through September 30 (third quarter) – report due by **November 1**
- October 1 through December 31 (fourth quarter) – report due by **February 1**

19. The permittee shall perform the following monitoring and submit to NMED the required documentation in monitoring reports as summarized in the following table:

Item No.	Action Required and Submittal Due to NMED	Due Date	Citation
A.	<p><u>Wastewater Volume Estimation and Reporting:</u></p> <p>Using a flow meter(s) installed on the fresh water supply line(s), measure the volume of all sources contributing to the wastewater discharged to the impoundment(s) authorized to contain wastewater. Submit the meter readings (without adjustments or deductions in accordance with Subsection N of 20.6.6.20 NMAC).</p>	Quarterly	20.6.6.24.C NMAC
B.	<p><u>Flow Meter Field Calibration:</u></p> <p>Perform flow meter field calibrations annually and submit a flow meter field calibration report.</p>	Annually: May 1	20.6.6.24.E NMAC
C.	<p><u>Wastewater to be Evaporated – Sampling and Reporting:</u></p> <p>Analyze wastewater samples on a semi-annual basis collected from each impoundment used for disposal of wastewater by evaporation, and submit results.</p>	Semi-annually: May 1 November 1	20.6.6.26 NMAC

CONTINGENCY REQUIREMENTS

20. The permittee shall comply with the requirements of Sections 20.6.6.27 and 20.6.6.29 NMAC, and shall submit to NMED all information or documentation required by the applicable portions of Sections 20.6.6.27 and 20.6.6.29 NMAC.

CLOSURE REQUIREMENTS

21. The permittee shall comply with the requirements of Section 20.6.6.30 NMAC and shall submit to NMED all information or documentation required by the applicable portions of Section 20.6.6.30 NMAC.
22. Only upon written notification by certified mail from NMED, shall the permittee abandon the following well(s) previously used for monitoring in accordance with Subsection C of 20.6.6.30 NMAC. The permittee is not required to perform routine ground water sampling from the following well(s); however, NMED may collect ground water samples from the well(s) pursuant to Subsection D of 20.6.2.3107 NMAC.
 - a) **MW-1** – located northeast of Lagoon 1.
 - b) **MW-2** – located south of Lagoon 1.
 - c) **MW-3** – located southwest of the previously authorized land application pivot field.

The well abandonment report shall be submitted to NMED within 60 days of completion of well plugging activities.

GENERAL REQUIREMENTS

23. The permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated.
24. The permittee shall retain required records for a minimum period of 10 years from the date of sample collection, measurement, report or application in accordance with Section 20.6.6.33 NMAC.
25. Transfer of a Discharge Permit for a dairy facility shall be completed in accordance with Section 20.6.6.34 NMAC.
26. To renew this Discharge Permit, the permittee shall submit an application for renewal, renewal and modification, or renewal for closure at least one year prior to the expiration date of the Discharge Permit in accordance with Section 20.6.6.10 NMAC.
27. In accordance with Subsection A of 20.6.6.9 NMAC, the permittee shall remit a permit fee payment equal to one-tenth of the applicable permit fee from Table 1 of Section 20.6.2.3114 NMAC on the first occurrence of August 1 after the effective date of the Discharge Permit, and annually thereafter until expiration or termination of the Discharge Permit.

V. ADDITIONAL CONDITIONS

In addition to the requirements of 20.6.6 NMAC, the permittee shall comply with the following conditions as authorized by Subsection H of 20.6.6.10 NMAC pursuant to Section 74-6-5 WQA. A hearing may be requested on additional conditions in accordance with Section 20.6.6.15 NMAC.

1. This Discharge Permit does not contain additional conditions.

VI. PERMIT ISSUANCE

Pursuant to WQA 74-6-5(I), the term of this Discharge Permit shall be for the fixed term of five years from the effective date of the Discharge Permit.

Issued by: New Mexico Environment Department

Effective Date: **September 10, 2014**

Expiration Date: **September 10, 2019**



JERRY SCHOEPPNER
Chief, Ground Water Quality Bureau
New Mexico Environment Department