



MICHELLE LUJAN GRISHAM  
GOVERNOR

JAMES C. KENNEY  
CABINET SECRETARY

## CERTIFIED MAIL – RETURN RECEIPT REQUESTED

March 21, 2024

Chad Gaines, Tech Services Supervisor  
Peabody Natural Resources  
PO Box 757  
Grants, New Mexico 87020

### **RE: Draft Discharge Permit Renewal, DP-777, Lee Ranch Coal Mine**

Dear Chad Gaines:

The New Mexico Environment Department (NMED) hereby provides notice to Peabody Natural Resources of the proposed approval of Ground Water Discharge Permit Renewal, DP-777, (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](mailto:Melanie.Sandoval2@env.nm.gov) or to [pps.general@env.nm.gov](mailto: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.

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/](http://www.env.nm.gov/gwqb/)

Chad Gaines  
March 21, 2024  
Page 2 of 2

Sincerely,

Melanie Sandoval, Team Lead

Encl: Draft Discharge Permit Renewal, DP-777

cc: Jeffrey Olyphant, Senior Manager, Peabody Environmental Services  
[jolyphant@peabodyenergy.com](mailto:jolyphant@peabodyenergy.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](http://www.env.nm.gov)



***Draft: March 21, 2024***

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

**Facility Name:** Lee Ranch Mine  
**Discharge Permit Number:** DP-777  
**Facility Location:** 35 Miles North of Grants, NM

**County:** McKinley

**Permittee:** Peabody Natural Resources  
**Mailing Address:** Chad Gaines  
PO Box 757  
Grants, NM 87020

**Facility Contact:** Chad Gaines, Tech Services Supervisor  
**Telephone Number/Email:** 505-285-3076 / [CGaines@peabodyenergy.com](mailto:CGaines@peabodyenergy.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](mailto:melanie.sandoval2@env.nm.gov) or  
505-827-2900 / [pps.general@env.nm.gov](mailto:pps.general@env.nm.gov)

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

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Date

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## ATTACHMENTS

Discharge Permit Summary  
Groundwater Discharge Permit Guidance for Synthetically Lined Lagoons – Liner  
Material and Site Preparation, Revision 0.0, May 2007

## I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this groundwater discharge permit Renewal (Discharge Permit or DP-777) to Peabody Natural Resources (Peabody or 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 the Lee Ranch Mine (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 discharges up to 14,800 gallons per day (gpd) of industrial wastewater from the truck wash facility through an oil/water separator and then to an impoundment (SP-1) and an emergency overflow impoundment (SP-1A) for disposal by evaporation. The Facility also discharges up to 2,085 gpd of domestic wastewater to a septic tank/leachfield system.

### Discharge Permit Location Information:

Physical Address	35 miles north of Grants
Nearest Town/City	Grants
Section, Township, Range	Section 36, Township 15N, Range 08W
County	McKinley
Depth to Groundwater	100 feet
Pre-Discharge TDS	1,460 mg/L

### Discharge Permit Issuance History:

Original Permit Issuance	July 24, 1991
Permit Modification	March 26, 1993
Permit Renewal	October 10, 1996
Permit Renewal and Modification	October 11, 2002
Permit Renewal and Modification	March 21, 2018
Temporary Permission to Discharge	October 24, 2023

The application (i.e., discharge plan) associated with this Discharge Permit consists of the materials submitted by the Permittee dated December 5, 2022, a revision to the application dated August 21, 2023, the Liquid Waste Disposal System Design materials dated September 29, 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 the department that structural controls and/or 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
BOD <sub>5</sub>	biochemical oxygen demand (5-day)	NMED	New Mexico Environment Department
CAP	Corrective Action Plan	NMSA	New Mexico Statutes Annotated
CFR	Code of Federal Regulations	NO <sub>3</sub> -N	nitrate-nitrogen
CFU	colony forming unit	NTU	nephelometric turbidity units
Cl	chloride	QA/QC	Quality Assurance/Quality Control
EPA	United States Environmental Protection Agency	TDS	total dissolved solids
Gpd	gallons per day	TKN	total Kjeldahl nitrogen
LAA	land application area	total nitrogen	= TKN + NO <sub>3</sub> -N
LADS	Land Application Data Sheet(s)	TRC	total residual chlorine
mg/L	milligrams per liter	TSS	total suspended solids
mL	milliliters	WQA	New Mexico Water Quality Act
MPN	most probable number	WQCC	Water Quality Control Commission

Abbreviation	Explanation		Abbreviation	Explanation
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 receive and treat up to 14,800 gpd of industrial wastewater from the truck wash facility using an oil/water separator and then discharging to an impoundment (SP-1) and an emergency overflow impoundment (SP-1A) for disposal by evaporation. This Discharge Permit also authorizes the Permittee to receive and treat up to 2,085 gpd of domestic wastewater to a septic tank/leachfield system.

[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.	<p>The Permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 2 and 4 NMAC.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
2.	<p>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.</p> <p>[20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

***Operational Actions with Implementation Deadlines***

#	Terms and Conditions
3.	<p>A minimum of 90 days prior to the commencement of improvements to the truck wash system, oil/water separator, and impoundments SP-1 and SP-1A, the Permittee shall submit final construction plans and specifications for NMED's review of the proposed improvements. The construction plans and specifications shall bear the seal and signature of a licensed New Mexico professional engineer (pursuant to New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority) and shall include the supporting design calculations.</p> <p>The submitted documentation shall include the following elements.</p> <ul style="list-style-type: none"><li>a) Details for the construction of the evaporative impoundments SP-1 and SP-1A and liners consistent with the attachment titled <i>Groundwater Discharge Permit Guidance for Synthetically Lined Lagoons – Liner Material and Site Preparation</i>, Revision 0.0, May 2007.</li><li>b) Impoundments SP-1 and SP-1A capacity and evaporative potential design calculations - The Permittee shall design the impoundments to dispose of the permitted discharge volume by evaporation while preserving two feet of freeboard. Design calculations may consider seasonal discharge patterns.</li><li>c) Wastewater system component(s) design, e.g., lift stations, valves, transfer lines, process units and associated details; retrofitted for the new system, or proposed for abandonment.</li><li>d) Flow meter design detail - Flow meters to measure the volume of wastewater discharged from the oil/water separation system to SP-1.</li><li>e) Specifications for all equipment, materials and installation procedures the Permittee will use in the improvements to the wastewater system.</li><li>f) Fences design detail around the impoundment.</li></ul>



#	Terms and Conditions
	<p>Prior to improvements to SP-1 and its associated components, the Permittee shall obtain written verification from NMED that the plans and specifications meet the requirements of this Discharge Permit.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection C of 20.6.2.3107 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
4.	<p>Prior to discharging to SP-1 or SP-1A, the Permittee shall complete construction in accordance with the final construction plans and specifications required by this Discharge Permit. The Permittee shall notify NMED at least five working days prior to commencement of construction to allow NMED personnel to be onsite for inspection.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, Subsection C of 20.6.2.3109 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
5.	<p>Within 30 days of completing construction of improvements to SP-1 or SP-1A, the Permittee shall submit record drawings to NMED that bear the seal and signature of a licensed New Mexico professional engineer (pursuant to the New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority) for the constructed improvements to SP-1 and SP-1A.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, Subsection C of 20.6.2.3109 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
6.	<p>Prior to discharging to SP-1 and SP-1A, the Permittee shall install fences or other similar methods of access control around Facility wastewater components to control access by the general public and animals. Fences shall consist of a minimum of six-foot chain link or field fencing and locking gates; other means of access control shall include locking components to preclude access. Documentation of installation shall consist of a narrative statement describing the fences, gates, and other means of access control, and date-stamped photographs. The Permittee shall submit the documentation to NMED in the next required periodic monitoring report.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
7.	<p>Prior to discharging to SP-1 or SP-1A, the Permittee shall post signs indicating that the wastewater at the Facility is not potable. The Permittee shall post signs at the Facility entrance and other areas where there is potential for public contact with wastewater. Posted signs shall be in English and Spanish and shall be legible during the term of this Discharge Permit.</p>

#	Terms and Conditions
	<p>The Permittee shall submit documentation demonstrating sign installation that consists of date stamped photographs to NMED in the next required periodic monitoring report.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
8.	<p>Five business days prior to discharging to the improved SP-1 or SP-1A, the Permittee shall submit written notification to NMED stating the date the discharge is to commence.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection H of 20.6.2.3109 NMAC]</p>

***Operating Conditions***

#	Terms and Conditions
9.	<p>The Permittee shall maintain fences or other similar methods of locking access control around wastewater components to control access by the general public and animals. The fences shall consist of a minimum of six-foot chain link or field fencing and locking gates. The Permittee shall maintain fences and other similar access control methods 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>
10.	<p>The Permittee shall maintain signs indicating that the wastewater at the Facility is not potable. The Permittee shall post signs at the Facility entrance and other areas where there is potential for public contact with wastewater. The Permittee shall print signs in English and Spanish and shall ensure the signs remain visible and legible for the term of this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
11.	<p>The Permittee shall maintain the impoundment liners to avoid conditions that could affect the liner or the structural integrity of the impoundments. Characterization of such conditions may include the following:</p> <ul style="list-style-type: none"><li>• erosion damage;</li><li>• animal burrows or other damage;</li><li>• the presence of vegetation including aquatic plants, weeds, woody shrubs or trees growing within five feet of the top inside edge of a sub-grade impoundment, within five feet of the toe of the outside berm of an above-grade impoundment, or within the impoundment itself;</li><li>• the presence of large debris or large quantities of debris in the impoundment;</li></ul>

#	Terms and Conditions
	<ul style="list-style-type: none"><li>• evidence of seepage; or</li><li>• evidence of berm subsidence.</li></ul> <p>The Permittee shall routinely control vegetation growing around the impoundments by mechanical removal that is protective of the impoundment liner.</p> <p>The Permittee shall visually inspect the impoundments and surrounding berms on a monthly basis to ensure proper maintenance. In the event that an inspection reveals any evidence of damage that threatens the structural integrity of an impoundment berm or liner, or that may result in an unauthorized discharge, the Permittee shall implement the Contingency Plan set forth in this Discharge Permit.</p> <p>The Permittee shall create and maintain a log of all impoundment inspections which describes the date of the inspection, any findings and repairs and the name of the person responsible for the inspection. The Permittee shall make the log available to NMED upon request.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
12.	<p>The Permittee shall preserve a minimum of two feet of freeboard, i.e., the distance between the highest calculated liquid level in the impoundments and the liquid level which would result in the release of stored liquid from the impoundments.</p> <p>In the event that the Permittee determines that it cannot preserve two feet of freeboard in the impoundment, 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>
13.	<p>The Permittee shall visually inspect the area above the leachfield (disposal system) semi-annually to ensure proper maintenance. The Permittee shall correct any conditions that indicate damage to the disposal system. The Permittee shall ensure conditions corrected include erosion damage, animal activity/damage, woody shrubs, evidence of seepage, or any other condition indicating damage.</p> <p>The Permittee shall keep a log of the inspections that includes a date of the inspection, any findings and repairs, and the name of the inspector. The Permittee shall make the log available to NMED upon request.</p> <p>In the event of a failure of the disposal system, the Permittee shall implement the Contingency Plan set forth in this Discharge Permit.</p>

#	Terms and Conditions
	[Subsections A and D of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
14.	<p>The Permittee shall inspect each septic tank semi-annually for the accumulation of scum and solids. In the event that the scum layer exceeds three inches or the settled solids occupy 30% or more of the tank volume, the contents of the tanks shall be pumped by a septage pumper meeting the qualification requirements identified in Subsection D of 20.7.3.904 NMAC, Liquid Waste Disposal and Treatment Regulations.</p> <p>The Permittee shall create and maintain a log of all septic tank inspections which describes the findings, repairs, and removals, the date of the inspection, and the name of the person responsible for the inspection. The Permittee shall make the log available to NMED upon request.</p> <p>The Permittee shall maintain a record of solids removal and disposal, including the name of the septage hauler, date of off-site shipment, volume of solids removed, disposal method, and disposal location.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
15.	<p>The Permittee shall visually inspect the truck wash facility oil/water separator for the accumulation of oil and solids. In the event that solids or oil have accumulated to greater than 50% of the working volume of any of the units, the contents of that unit shall be removed by a licensed hauler. Solids and oil shall be removed and disposed of in accordance with all local, state, and federal waste disposal regulations. The Permittee shall maintain a record of oil and solids removal and disposal, including date, volume removed, and method of disposal.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
16.	<p>The Permittee shall remove all oil and solids originating in the oil/water separator from the Facility. The Permittee shall not land apply oil or solids on-site. The Permittee shall contain, transport, and dispose of oil and solids at a permitted facility in accordance with all local, state, and federal regulations. The Permittee shall store all solids at the Facility prior to removal on an impermeable surface for dewatering by directing all separated liquids back to the truck wash liquids handling system and/or by evaporation. The Permittee shall construct the impermeable surface in such a manner to prevent stormwater run-on and run-off.</p> <p>[20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>

**B. MONITORING AND REPORTING**

#	Terms and Conditions
17.	The Permittee shall conduct the monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit.  [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
18.	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.  [Subsection B of 20.6.2.3107 NMAC]

***Due Dates for Monitoring Reports***

#	Terms and Conditions
19.	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: <ul style="list-style-type: none"><li>• January 1<sup>st</sup> through June 30<sup>th</sup> (first half)- <b>due by August 1<sup>st</sup></b>; and</li><li>• July 1<sup>st</sup> through December 31<sup>st</sup> (second half) - <b>due by February 1<sup>st</sup></b>.</li></ul> [Subsection A of 20.6.2.3107 NMAC]

***Facility Monitoring Conditions***

#	Terms and Conditions
20.	<p>The permittee shall estimate the monthly volume of wastewater discharged to the domestic wastewater septic tank/leachfield system by recording meter readings for each facility's water supply on a monthly basis and calculating the monthly and average daily usage volumes. The estimated monthly volume* (based upon meter readings) shall be used to calculate the average daily volume by the formula below.</p> <p style="text-align: center;">estimated monthly volume ÷ number of days between readings = average daily volume</p> <p>Each month, the permittee shall make note of any significant uses of the water (e.g., irrigation, evaporative cooling, or leaks) that do not contribute to the volume of wastewater received.</p>

#	Terms and Conditions
	<p>The monthly meter readings, estimated monthly and average daily volumes, and notes and estimated volume of significant uses shall be submitted to NMED in the semi-annual monitoring reports.</p> <p>*should more than one flow meter exist for the facility's water supply, the permittee shall calculate the estimated monthly volume for the facility by adding the estimated monthly volume for each meter. This summation should be completed prior to calculating the average daily volume for the facility.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
21.	<p>The Permittee shall on a monthly basis measure the volume of truck wash wastewater discharged to SP-1 and/or SP-1A during the period.</p> <p>To determine the discharge volume, the Permittee shall obtain readings from a totalizing flow meter located on the line before the water enters the truck wash on a monthly basis and calculate the monthly and average daily volume discharged to SP-1 and/or SP-1A. The Permittee shall submit calendar monthly meter readings, calculated monthly discharge volumes and average daily discharge volumes to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
22.	<p>The totalizing flow meter shall be capable of having its accuracy verified under working (i.e., real-time in-the-field) conditions. The Permittee shall develop a field verification method for the totalizing flow meter and shall utilize that method to check the accuracy of the meter. The Permittee shall perform field calibrations, at a minimum, within 90 days of the issuance date of this Discharge Permit (<b>by DATE</b>). The Permittee shall also perform field calibrations upon repair or replacement of a flow measurement device.</p> <p>The Permittee shall calibrate each flow meter to its manufacturer's recommended specification which shall be no less accurate than plus or minus 10 percent of actual flow, as measured under field conditions. An individual knowledgeable in flow measurement shall perform field calibration and the installation/operation of the device in use. The Permittee shall prepare a flow meter calibration report for each flow measurement device calibration event. The flow meter calibration report shall include the following information.</p> <ol style="list-style-type: none"><li>The location and meter identification.</li><li>The method of flow meter field calibration employed.</li><li>The measured accuracy of each flow meter prior to adjustment indicating the positive or negative offset as a percentage of actual flow as determined by an in-field calibration check.</li><li>The measured accuracy of each flow meter following adjustment, if necessary, indicating the positive or negative offset as a percentage of actual flow of the meter.</li></ol>

#	Terms and Conditions		
	<p>e) Any flow meter repairs made during the previous year or during field calibration. f) The name of the individual performing the calibration and the date of the calibration.</p> <p>The Permittee shall maintain records of flow meter calibration(s) at a location accessible for review by NMED during Facility inspections.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>		
23.	<p>The Permittee shall visually inspect flow meters on a monthly basis for evidence of malfunction. The Permittee shall maintain a log of the inspections that includes a date of the inspection, findings and repairs, and the name of the inspector. The Permittee shall make the log available to NMED upon request.</p> <p>If a visual inspection indicates a flow meter is not functioning as required by this Discharge Permit, the Permittee shall repair or replace the meter within 30 days of discovery. For <i>repaired</i> meters, the Permittee shall submit a report to NMED with the next monitoring report following the repair that includes a description of the malfunction; and a statement verifying the repair; and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit. For <i>replacement</i> meters, the Permittee shall submit a report to NMED with the next monitoring report following the replacement that includes a design schematic for the device and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>		
24.	<p>The Permittee shall collect a composite wastewater sample on a semi-annual basis from SP-1 and, once in use, from SP-1A. Each composite sample shall consist of a minimum of six equal aliquots collected equidistantly around the entire perimeter of the evaporative impoundment and thoroughly mixed. The Permittee shall analyze the composite sample for the following:</p> <table border="0"> <tr> <td> <ul style="list-style-type: none"> <li>• aluminum (CAS 7429-90-5)</li> <li>• arsenic (CAS 7440-38-2)</li> <li>• barium (CAS 7440-39-3)</li> <li>• boron (CAS 7440-42-8)</li> <li>• cadmium (CAS 7440-43-9)</li> <li>• chromium (CAS 7440-47-3)</li> <li>• copper (CAS 7440-50-8)</li> <li>• iron (CAS 7439-89-6)</li> <li>• lead (CAS 7439-92-1)</li> <li>• manganese (CAS 7439-96-5)</li> </ul> </td> <td> <ul style="list-style-type: none"> <li>• benzene (CAS 71-43-2)</li> <li>• ethylbenzene (CAS 100-41-4)</li> <li>• <u>PAHs</u>: total naphthalene (CAS 91-20-3) plus monomethylnaphthalenes</li> <li>• tetrachloroethene (PCE, CAS 127-18-4)</li> <li>• trichloroethene (TCE, CAS 79-01-6)</li> <li>• toluene (CAS 108-88-3)</li> <li>• total xylenes (CAS 1330-20-7)</li> </ul> </td> </tr> </table>	<ul style="list-style-type: none"> <li>• aluminum (CAS 7429-90-5)</li> <li>• arsenic (CAS 7440-38-2)</li> <li>• barium (CAS 7440-39-3)</li> <li>• boron (CAS 7440-42-8)</li> <li>• cadmium (CAS 7440-43-9)</li> <li>• chromium (CAS 7440-47-3)</li> <li>• copper (CAS 7440-50-8)</li> <li>• iron (CAS 7439-89-6)</li> <li>• lead (CAS 7439-92-1)</li> <li>• manganese (CAS 7439-96-5)</li> </ul>	<ul style="list-style-type: none"> <li>• benzene (CAS 71-43-2)</li> <li>• ethylbenzene (CAS 100-41-4)</li> <li>• <u>PAHs</u>: total naphthalene (CAS 91-20-3) plus monomethylnaphthalenes</li> <li>• tetrachloroethene (PCE, CAS 127-18-4)</li> <li>• trichloroethene (TCE, CAS 79-01-6)</li> <li>• toluene (CAS 108-88-3)</li> <li>• total xylenes (CAS 1330-20-7)</li> </ul>
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#	Terms and Conditions
	<ul style="list-style-type: none"> <li>total mercury (nonfiltered) (CAS 7439-97-6)</li> <li>selenium (CAS 7782-49-2)</li> <li>silver (CAS 7440-224)</li> <li>chloride (CAS 16887-00-6)</li> <li>total dissolved solids (TDS)</li> <li>pH</li> </ul> <p>The Permittee shall properly collect, prepare, preserve, transport, and analyze the samples in accordance with the methods authorized in this Discharge Permit. The Permittee shall analyze the sample using methods with reporting limits that are less than the corresponding numerical groundwater standards identified in 20.6.2.3103 NMAC.</p> <p>The Permittee shall submit a summary of measured concentrations compared with the corresponding groundwater standards, a copy of the laboratory report including the laboratory analytical data results, the QA/QC summary and the Chain of Custody, to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
25.	<p>Records of solids and oil disposal, including the volume of solids removed, and copies of all manifests for the previous calendar year shall be submitted to NMED annually in the monitoring report due by August 1st each year.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

### C. CONTINGENCY PLAN

#	Terms and Conditions
26.	<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>



#	Terms and Conditions
27.	<p data-bbox="293 321 1430 394">In the event that the Facility exceeds the authorized discharge volume set in this Discharge Permit, the Permittee shall initiate the following Contingency Plan.</p> <p data-bbox="293 436 516 468"><u>Contingency Plan</u></p> <ul data-bbox="293 516 1430 1052" style="list-style-type: none"><li>a) Notify NMED within seven days of the discovery of the discharge volume exceedance that the Facility exceeded the authorized discharge volume.</li><li>b) The Permittee shall conduct a physical inspection of the discharge system, i.e., inflow and infiltration issues, collection system failures, etc., and the discharge meter(s)/volume measuring device/method to detect abnormalities and report the findings to NMED within 30 days of the discovery of the discharge volume exceedance. The Permittee shall correct any abnormalities detected with NMED's concurrence.</li><li>c) If the Permittee does not detect any abnormalities and with NMED's concurrence, the Permittee shall submit a discharge permit modification for the increase in discharge quantity to NMED within 90 days of the discovery of the discharge volume exceedance. The discharge permit modification must include demonstration that the volume increase is sufficient for the design capacity or plans and specifications to upgrade the system to accommodate the discharge volume increase.</li></ul> <p data-bbox="293 1098 764 1129">[Subsection A of 20.6.2.3107 NMAC]</p>
28.	<p data-bbox="293 1157 1430 1461">In the event that an inspection reveals significant damage has occurred or is likely to affect the structural integrity of an impoundment or liner or their ability to contain contaminants, the Permittee shall propose the repair or replacement by submitting a CAP to NMED for approval. The Permittee shall submit the CAP to NMED within 30 days after discovery of the damage or following notification from NMED that significant damage is evident. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions. The Permittee shall initiate implementation of the CAP following approval by NMED.</p> <p data-bbox="293 1507 1227 1539">[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
29.	<p data-bbox="293 1566 1430 1675">In the event that an impoundment cannot preserve a minimum of two feet of freeboard, the Permittee shall take actions to restore the required freeboard as authorized by this Discharge Permit and all applicable local, state, and federal regulations.</p> <p data-bbox="293 1724 1430 1871">In the event that two feet of freeboard cannot be restored within a period of 72 hours following discovery, the Permittee shall propose actions to restore two feet of freeboard by submitting a short-term CAP to NMED for approval. Examples of short-term corrective actions include the pumping and hauling of excess wastewater from the impoundment</p>

#	Terms and Conditions
	<p>or reducing the volume of wastewater discharged to the impoundment. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions. The Permittee shall submit the CAP within 15 days following the date the Permittee or the NMED discover the exceedance. The Permittee shall implement the CAP following NMED approval.</p> <p>In the event that the short-term corrective actions fail to restore two feet of freeboard, the Permittee shall submit to NMED a proposal for permanent corrective actions in a long-term CAP. The Permittee shall submit the long-term CAP within 90 days following failure of the short-term CAP. Examples of corrective actions include the installation of an additional storage impoundment or a significant and permanent reduction in the volume of wastewater discharged to the impoundment. The Permittee shall ensure the long-term CAP includes a schedule for completion of corrective actions. The Permittee shall implement the CAP following NMED approval.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
30.	<p>In the event that the Permittee identifies failure of leachfield, such as surfacing wastewater, the Permittee shall implement the following Contingency Plan.</p> <ul style="list-style-type: none"> <li>a) Within 24 hours following the discovered failure, the Permittee shall: <ul style="list-style-type: none"> <li>i) Notify NMED of the failure in accordance with the notification requirements described in the Contingency Plan for unauthorized discharges; and</li> <li>ii) Restrict public access to the area.</li> </ul> </li> <li>b) The Permittee shall conduct a physical inspection of the treatment and disposal system to identify additional potential failures and record them in the inspection log.</li> <li>c) The Permittee shall propose actions to address the failure and methods of correction by submitting a CAP to NMED for approval within 15 days following the discovered failure. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions. The Permittee shall initiate implementation of the CAP following NMED approval.</li> </ul> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
31.	<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>

#	Terms and Conditions
	<p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the Permittee shall verbally notify NMED and provide the following information.</p> <ul style="list-style-type: none"> <li>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.</li> <li>b) The name and address of the Facility.</li> <li>c) The date, time, location, and duration of the unauthorized discharge.</li> <li>d) The source and cause of unauthorized discharge.</li> <li>e) A description of the unauthorized discharge, including its estimated chemical composition.</li> <li>f) The estimated volume of the unauthorized discharge.</li> <li>g) Any actions taken to mitigate immediate damage from the unauthorized discharge.</li> </ul> <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"> <li>a) A description of proposed actions to mitigate damage from the unauthorized discharge.</li> <li>b) A description of proposed actions to prevent future unauthorized discharges of this nature.</li> <li>c) A schedule for completion of proposed actions.</li> </ul> <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>
32.	<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</p>

#	Terms and Conditions
	<p>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
33.	<p>Within 180 days of the issuance date of this Discharge Permit (<b>by DATE</b>), the Permittee shall commence the following closure measures on the former treated wastewater evaporation impoundment <b>EVAP-2</b>.</p> <ul style="list-style-type: none"> <li>a) Cease discharging to the impoundment.</li> <li>b) Temporarily plug all lines leading to and from the impoundment.</li> </ul> <p>Drain wastewater from the impoundment and any other wastewater system components and dispose of it in accordance with all local, state and federal regulations, or evaporate remaining wastewater from the impoundment.</p> <p>Within <u>90 days</u> of ceasing to discharge to the impoundment, the Permittee shall submit a sludge removal and disposal plan to NMED for approval. The sludge removal and disposal plan shall include the following information.</p> <ul style="list-style-type: none"> <li>a) The estimated volume and dry weight of sludge planned to be removed and disposed of, including measurements and calculations.</li> <li>b) Laboratory analytical data results for samples of the sludge taken from the impoundment for TKN, NO<sub>3</sub>-N, percent total solids, and any other parameters tested (reported in mg/kg, dry weight basis).</li> <li>c) The method(s) of sludge <i>removal</i> from the impoundment.</li> <li>d) The method(s) of <i>disposal</i> for all of the sludge (and its contents) removed from the impoundment. The method(s) shall comply with all local, state and federal regulations, including 40 CFR Part 503. <i>Note: A proposal that includes the surface disposal of sludge may be subject to Groundwater Discharge Permitting requirements pursuant to 20.6.2.3104 NMAC that are separate from the requirements of this Discharge Permit.</i></li> <li>e) A schedule for completion of sludge removal and disposal not to exceed two years from the date discharge to the impoundment ceased.</li> </ul> <p>The Permittee shall initiate implementation of the plan within 30 days following approval by NMED.</p>

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	<p>Within <u>one year</u> following completion of the sludge removal and disposal, the Permittee shall EITHER initiate improvements to former EVAP-1/construction of SP-1A, OR complete the following closure measures for the former treated wastewater evaporation impoundment <b>EVAP-1</b>:</p> <ul style="list-style-type: none"> <li>a) Remove all lines leading to and from the impoundment(s), or permanently plug and abandon them in place.</li> <li>b) Perforate or remove the impoundment liner.</li> <li>c) Fill the impoundment(s) with suitable fill.</li> <li>d) Re-grade the impoundment site to blend with surface topography, promote positive drainage and prevent ponding.</li> </ul> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]</p>

***Permanent Facility Closure Conditions***

#	Terms and Conditions
34.	<p>The Permittee shall perform the following closure measures in the event the Facility, or a component thereof (former package plant wastewater treatment system), is proposed to be permanently closed.</p> <p>Within <u>60 days</u> of ceasing to discharge to the wastewater impoundments, the Permittee shall plug the impoundment influent lines so that a discharge can no longer occur.</p> <p>Within <u>60 days</u> of ceasing to discharge to the wastewater impoundments, the Permittee shall evaporate or drain all wastewater from the impoundment and any other wastewater system component and disposed of it in accordance with all local, state, and federal regulations.</p> <p>Within <u>90 days</u> of ceasing to discharge to the wastewater impoundments, the Permittee shall submit a sludge removal and disposal plan to NMED for approval. The Permittee shall implement the plan within 30 days following approval by NMED. The sludge removal and disposal plan shall include the following information.</p> <ul style="list-style-type: none"> <li>a) The estimated volume and dry weight of sludge planned for removal and disposal, including measurements and calculations.</li> <li>b) Analytical results for samples of the sludge taken from the impoundments for the constituents found in Condition 24 of this permit, percent total solids, and any other parameters tested (reported in mg/kg, dry weight basis).</li> <li>c) The method of sludge <i>removal</i> from the impoundments.</li> </ul>

#	Terms and Conditions
	<p>d) The method of <i>disposal</i> for all the sludge (and its contents) removed from the impoundment(s). The method shall comply with all local, state, and federal regulations. <i>Note: A proposal that includes the surface disposal of sludge may be subject to Groundwater Discharge Permitting requirements pursuant to 20.6.2.3104 NMAC that are separate from the requirements of this Discharge Permit.</i></p> <p>e) A schedule for completion of sludge removal and disposal not to exceed two years from the date discharge to the impoundments ceased.</p> <p>Within <u>one year</u> following completion of the sludge removal and disposal, the Permittee shall complete the following closure measures.</p> <p>a) Remove all lines leading to and from the impoundments, or permanently plug and abandon the lines in place.</p> <p>b) Remove or demolish any other wastewater system components and re-grade area with suitable fill to blend with surface topography, promote positive drainage and prevent ponding.</p> <p>c) Characterize, remove, and dispose of all solids from the impoundments in accordance with local, state, and federal regulations, and maintain a record of solids transported for off-site disposal, including the volume of solids transported and the disposal location.</p> <p>d) Remove and dispose of the impoundment liners at a solid waste facility. If there is evidence of contaminated soil below the liners, assess the impact, report that assessment to NMED, and mitigate the impacts following NMED approval.</p> <p>e) Fill the impoundments with suitable fill.</p> <p>f) Re-grade the impoundment site and the locations of ancillary equipment, e.g., influent piping, to blend with surface topography, promote positive drainage and prevent ponding.</p> <p>When the Permittee has met all closure and post-closure requirements and verified appropriate actions with date stamped photographic evidence or an associated NMED inspection, the Permittee may submit to NMED a written request, including photographic evidence, for termination of the Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]</p>
35.	<p>The Permittee shall perform the following closure measures in the event the Facility, or a component of the Facility, is proposed to be permanently closed, and upon ceasing discharge.</p> <p>Within <u>90 days</u> of ceasing discharge to the septic tank leachfield system(s) (or closed system components), the Permittee shall complete the following closure measures:</p> <p>a) Plug all lines leading to and from the closed system(s) so that a discharge can no</p>

#	Terms and Conditions
	<p>longer occur.</p> <p>b) Wastewater, septage, and grease interceptor waste shall be pumped from the system components (e.g., septic tanks, grease trap/interceptors, lift stations, dosing chambers, distribution boxes) and it shall be contained, transported, and disposed of in accordance with all local, state, and federal regulations, including 40 CFR Part 503. The Permittee shall maintain a record of all wastes transported for off-site disposal.</p> <p>Within <u>180 days</u> of ceasing discharge to the septic tank leachfield system(s) (or closed system components), the Permittee shall complete the following closure measures:</p> <p>a) Remove all lines leading to and from the closed system(s) or permanently plug them and abandon them in place.</p> <p>b) Remove or demolish all closed septic tanks, grease trap/interceptors, lift stations, dosing chambers, distribution boxes or other system(s) components (with the exception of leachfields) and re-grade the area with suitable fill to blend with surface topography to promote positive drainage and prevent ponding.</p> <p>The Permittee shall continue groundwater monitoring until the Permittee meets the requirements of this condition and groundwater monitoring confirms for a minimum of eight consecutive quarterly groundwater sampling events that groundwater does not exceed the standards of Section 20.6.2.3103 NMAC. This period is referred to as “post-closure.”</p> <p>If at any time monitoring results show an exceedance of a groundwater quality standard in Section 20.6.2.3103 NMAC or the total nitrogen concentration is greater than 10 mg/L in groundwater, the Permittee shall implement the Contingency Plan required by this Discharge Permit.</p> <p>Following notification from NMED that the Permittee may cease post-closure monitoring, the Permittee shall plug and abandon the monitoring well(s) in accordance with the attached Monitoring Well Guidance.</p> <p>When the Permittee has met all closure and post-closure requirements and verified appropriate actions with date stamped photographic evidence or an associated NMED inspection, the Permittee may submit to NMED a written request, including photographic evidence, for termination of the Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, 40 CFR Part 503</p>

**E. GENERAL TERMS AND CONDITIONS**

#	Terms and Conditions
36.	<p data-bbox="293 401 1354 432">RECORD KEEPING - The Permittee shall maintain a written record of the following:</p> <ul data-bbox="342 443 1435 1766" style="list-style-type: none"><li data-bbox="342 443 1435 474">• Information and data used to complete the application for this Discharge Permit;</li><li data-bbox="342 485 1435 558">• Information, data, and documents demonstrating completion of closure activities;</li><li data-bbox="342 569 1435 642">• Any releases (commonly known as “spills”) not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC;</li><li data-bbox="342 653 1435 726">• The operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater;</li><li data-bbox="342 737 1435 831">• 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;</li><li data-bbox="342 842 1435 915">• Copies of logs, inspection reports, and monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit;</li><li data-bbox="342 926 1435 999">• The volume of wastewater or other wastes discharged pursuant to this Discharge Permit;</li><li data-bbox="342 1010 1435 1083">• Groundwater quality and wastewater quality data collected pursuant to this Discharge Permit;</li><li data-bbox="342 1094 1435 1167">• Copies of construction records (well log) for all sampled groundwater monitoring wells pursuant to this Discharge Permit;</li><li data-bbox="342 1178 1435 1251">• The maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and</li><li data-bbox="342 1262 1435 1766">• Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including:<ul data-bbox="440 1314 1435 1766" style="list-style-type: none"><li data-bbox="440 1314 1435 1346">○ the dates, location and times of sampling or field measurements;</li><li data-bbox="440 1356 1435 1430">○ the name and job title of the individuals who performed each sample collection or field measurement;</li><li data-bbox="440 1440 1435 1472">○ the sample analysis date of each sample;</li><li data-bbox="440 1482 1435 1556">○ the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis;</li><li data-bbox="440 1566 1435 1640">○ the analytical technique or method used to analyze each sample or collect each field measurement;</li><li data-bbox="440 1650 1435 1682">○ the results of each analysis or field measurement, including raw data;</li><li data-bbox="440 1692 1435 1724">○ the results of any split, spiked, duplicate or repeat sample; and</li><li data-bbox="440 1734 1435 1766">○ a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used.</li></ul></li></ul>



#	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>
37.	<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 Permittee shall submit paper and electronic documents to the NMED Permit Contact identified on the Permit cover page.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
38.	<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>
39.	<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>
40.	<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>
41.	<p><b>PLANS and SPECIFICATIONS</b> – 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>
42.	<p><b>CIVIL PENALTIES</b> - 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>
43.	<p><b>CRIMINAL PENALTIES</b> – No person shall:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• Falsify, tamper with or render inaccurate any monitoring device, method or record maintained under the WQA; or</li> </ul>

#	Terms and Conditions
	<ul style="list-style-type: none"> <li>Fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation.</li> </ul> <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>
44.	<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>
45.	<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>
46.	<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"> <li>Notify the proposed transferee in writing of the existence of this Discharge Permit;</li> <li>Include a copy of this Discharge Permit with the notice; and</li> <li>Deliver or send by certified mail to NMED a copy of the notification and proof that the proposed transferee has received such notification.</li> </ul>

#	Terms and Conditions
	<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>
47.	<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** Lee Ranch Coal Mine  
**Discharge Permit Number** DP-777  
**Legally Responsible Party** Chad Gaines, Tech Services Supervisor  
Peabody Natural Resources  
PO Box 757  
Grants, New Mexico 87020  
(505) 285-2876

### Treatment, Disposal and Site Information

**Primary Waste Type** Domestic, Truck Wash  
**Facility Type** Industrial

#### Treatment Methods

Type	Designation	Description & Comments
Septic Tanks	Domestic Septic System	Domestic wastewater system composed of four 1,500-gallon plastic, double-compartment septic tanks, intended to manage 2,085 gpd of permitted domestic wastewater from the main building complex at the facility
Oil Water Separator	Truck Wash	Abanaki skimmer or comparable skimmer

#### Discharge Locations

Type	Designation	Description & Comments
Impoundment	SP-1	Truck wash water evaporation basin, to be synthetically relined during permit term with 60 mil HDPE
Impoundment	SP-1A	Synthetically-lined impoundment to be constructed in the currently unused EVAP-1
Impoundment	EVAP-1	Former stormwater basin, to be reconfigured to create SP-1A.
Impoundment	EVAP-2	Former domestic wastewater evaporation basin (to be closed during the permit term)
Leachfield	Domestic Leachfield	Ten 80-foot-long trenches, with 20 infiltrators per trench

#### Flow Metering Locations

Type	Designation	Description & Comments
Supply Meter	Supply Well Meter	Primary supply meter providing water for domestic use, estimate of total water discharged to septic tank/leachfield system
Discharge Meter	Truck Wash Meter	Totalizing flow meter located on the truck wash discharge line before the water enters the truck wash



## New Mexico Environment Department Ground Water Quality Bureau Discharge Permit Summary

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Depth-to-Ground Water	100 feet
Total Dissolved Solids (TDS)	1,460 mg/L

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### Permit Information

Original Permit Issued	July 24, 1991
Permit Modification	March 26, 1993
Permit Renewal	October 10, 1996
Permit Renewal and Modification	October 11, 2002
Permit Renewal and Modification	March 21, 2018
Temporary Permission to Discharge (domestic wastewater)	October 24, 2023
<b>Current Action</b>	<b>Permit Renewal</b>
Application Received	December 14, 2022 and August 21, 2023
Public Notice Published	[not yet published]
Permit Issued (Issuance Date)	[issuance date]
Permitted Discharge Volume	2,085 gallons per day (domestic) 14,800 gallons per day (truck wash) 16,885 gallons per day (total)

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### 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, Industrial Waste Team Leader/UIC Coordinator
Lead Staff Telephone Number	505-660-7892
Lead Staff Email	<a href="mailto:Melanie.Sandoval2@env.nm.gov">Melanie.Sandoval2@env.nm.gov</a> or <a href="mailto:pps.general@env.nm.gov">pps.general@env.nm.gov</a>