GW – 001

PERMITS, RENEWALS, & MODS APPLICATION

2017

DISCHARGE PERMIT GW-001

1. GENERAL PROVISIONS:

1.A. PERMITTEE AND PERMITTED FACILITY: The Director of the Oil Conservation Division (OCD) of the Energy, Minerals and Natural Resources Department issues Discharge Permit GW-001 (Discharge Permit) to Western Refining Southwest, Inc. (Permittee) located at #50 County Road 4990 (P.O. Box 159), Bloomfield, New Mexico 87413 has submitted a renewal application for the Crude Pump Station located approximately 1/2-mile east of the intersection of South Bloomfield Boulevard (Hwy. 550) on Sullivan Road south of Bloomfield [NW/4 NE/4, S/2 NW/4, and the N/2 NE/4 SE/4 of Section 27; and the S/2 NW/4, N/2 NW/4 SW/4, SE/4 NW/4 SW/4, and the NE/4 SW/4 of Section 26, Township 29 North, Range 11 West, NMPM, San Juan County, New Mexico].

Refining operations ceased in 2009. The discharge permit renewal application is for a "Crude Pump Station" over a 5-year term. The Terminal stores and transfers crude oil, and petroleum products (e.g., naphtha, unleaded gasoline, diesel and ethanol). Operations include petroleum product storage, pipeline shipping and receiving (crude oil, diesel and gasoline), and truck loading and unloading. The renewal application consists of methods and procedures for handling crude oil transmission, storage and treatment, waste, waste water management, and site environmental investigation/abatement/ and groundwater monitoring. The wastewater treatment system volume averages ~ 65 gpm with a total dissolved solids (TDS) concentration of approximately 5,500 ppm. The Permittee is currently abating ground water and vadose zone contamination at the Facility. Groundwater that may be affected by a spill, leak, or accidental discharge occurs at a depth of approximately 10 to 30 feet below ground surface and contains a TDS concentration of approximately 200 ppm.

1.B. SCOPE OF PERMIT: OCD has been granted authority to administer the Water Quality Act (Chapter 74, Article 6 NMSA 1978) as it applies to "Crude Pump Stations" by statute and by delegation from the Water Quality Control Commission pursuant to Section 74-6-4(E) NMSA 1978.

The Water Quality Act and the rules issued under that Act protect ground water and surface water of the State of New Mexico by providing that, unless otherwise allowed by rule, no person shall cause or allow effluent or leachate to discharge so that it may move directly or indirectly into ground water unless such discharge is pursuant to an approved discharge permit (See WQCC Regulations: 20.6.2.3104 NMAC and 20.6.2.3106 NMAC).

This Discharge Permit authorizes the Permittee to discharge approximately 275,185 gallons per day (~ 6,552 bbls/day) of various waste water fluids from the Facility wastewater treatment system, groundwater remediation, boiler blowdown, and steam. This Discharge Permit does not authorize any treatment of, or on-site disposal (except for the lined evaporation ponds and/or lagoons with leak detection and OCD Underground Injection Control (UIC) approved deep well disposal) of, any materials, product, by-product, or oil field waste including, but not limited to, the on-site disposal of lube oil, glycol, antifreeze, filters, elemental sulfur, wash down water, contaminated soil, and cooling tower blowdown water.

This Discharge Permit does not convey any property rights of any sort nor any exclusive privilege, and does not authorize any injury to persons or property, any invasion of other private rights, or any infringement of state, federal, or local laws, rules or regulations. The Permittee shall operate in accordance with the Discharge Permit conditions to comply with the Water Quality Act and the rules issued pursuant to that Act, so that neither a hazard to public health nor undue risk to property will result (See 20.6.2.3109C NMAC); so that no discharge will cause or may cause any stream standard to be violated (See 20.6.2.3109H(2) NMAC); so that no discharge of any water contaminant will result in a hazard to public health (See 20.6.2.3109H(3) NMAC); and, so that the numerical standards specified of 20.6.2.3103 NMAC are not exceeded.

1.C. DISCHARGE PERMIT RENEWAL: This Discharge Permit is a permit renewal that replaces the permit being renewed. Replacement of a prior permit does not relieve the Permittee of its responsibility to comply with any outstanding terms of that prior permit while that permit was in effect.

1.D. DEFINITIONS: Terms not specifically defined in this Discharge Permit shall have the same meanings as those in the Water Quality Act or the rules adopted pursuant to the Act, as the context requires.

1.E. FILING FEES AND PERMIT FEES: Pursuant to 20.6.2.3114 NMAC, every facility that submits a discharge permit application for initial approval or renewal shall pay the permit fees specified in Table 1 and the filing fee specified in Table 2 of 20.6.2.3114 NMAC. OCD has already received the required $100.00 filing fee for this application. The permit fee for discharging at a Crude Pump Station is $1,200.00. the Permittee shall submit the permit fee of $1,200.00 within 30 days of its receipt of the Discharge Permit. Checks must be payable to the "New Mexico Water Quality Management Fund," and <u>not</u> the Oil Conservation Division.

1.F. EFFECTIVE DATE, EXPIRATION, RENEWAL CONDITIONS, AND PENALTIES FOR OPERATING WITHOUT A DISCHARGE PERMIT: This Discharge Permit is effective immediately from the date that the Permittee receives this discharge permit or until the permit is terminated. This Discharge Permit shall **expire on March 23, 2022**. The Permittee shall submit an application for renewal no later than 120 days before that expiration date, pursuant to 20.6.2.3106F NMAC. If a Permittee submits a renewal application at least 120 calendar days before the Discharge Permit expires, and is following the approved Discharge Permit, then the existing Discharge Permit will not expire until OCD has approved or disapproved the renewal application. A discharge permit continued under this provision remains fully effective and enforceable. Operating with an expired Discharge Permit may subject the Permittee to civil and/or criminal penalties (See Section 74-6-10.1 NMSA 1978 and Section 74-6-10.2 NMSA 1978).

1.G. MODIFICATIONS: The Permittee shall notify the OCD Director and the Division's Environmental Bureau of any facility expansion, production increase, or process modification that would result in any significant modification in the discharge of water contaminants (See 20.6.2.3107C NMAC). OCD may require the Permittee to submit a permit modification pursuant to 20.6.2.3109E NMAC and may modify or terminate a permit pursuant to Section 74-6-5(M) through (N) NMSA 1978.

1.H. TRANSFER OF DISCHARGE PERMIT: Prior to any transfer of ownership, control, or possession (whether by lease, conveyance or otherwise) of the Facility, the transferor shall

notify the transferee in writing of the existence of this Discharge Permit, and shall deliver or send by certified mail to OCD a copy of such written notification, together with a certification or other proof that such notification has been received by the transferee pursuant to 20.6.2.3111 NMAC. Upon receipt of such notification, the transferee shall inquire into all of the provisions and requirements contained in the Discharge Permit, and the transferee shall be charged with notice of all such provisions and requirements as they appear of record in the Division's file or files concerning the Discharge Permit. Upon assuming either ownership or possession of the Facility, the transferee shall have the same rights and responsibilities under the Discharge Permit as were applicable to the transferor (See 20.6.2.3111 NMAC).

Transfer of the ownership, control, or possession of the Facility does not relieve the transferor of responsibility or liability for any act or omission which occurred while the transferor owned, controlled, or was in possession of the Facility (See 20.6.2.3111E NMAC).

1.I. CLOSURE PLAN AND FINANCIAL ASSURANCE: A closure plan to address facility pits/ponds shall be approved by the OCD. The Permittee shall notify OCD in writing when any permitted discharge is discontinued for a period more than six months. Upon review of the Permittee's notice, OCD will verify with the operator any additional requirements beyond the approved closure plan with financial assurance on file with the OCD.

1.J. COMPLIANCE AND ENFORCEMENT: If the Permittee violates or is violating a condition of this Discharge Permit, OCD may issue a compliance order requiring compliance immediately or within a specified time period, suspending or terminating this Discharge Permit, and/or assessing a civil penalty (See Section 74-6-10 NMSA 1978). OCD may also commence a civil action in district court for appropriate relief, including injunctive relief (See Section 74-6-10(A)(2) NMSA 1978 and Section 74-6-11 NMSA 1978). The Permittee may be subject to criminal penalties for discharging a water contaminant without a discharge permit or in violation of a condition of a discharge permit; making any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or required to be maintained under the Water Quality Act; falsifying, tampering with or rendering inaccurate any monitoring device, method or record required to be maintained under the Water Quality Act; or failing to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation (See Section 74-6-10.2 NMSA 1978).

2. GENERAL FACILITY OPERATIONS:

2.A. CONTINGENCY PLAN: The Permittee shall implement its approved Contingency Plan to cope with failure of the Discharge Permit and/or applicable regulations.

2.B. CLOSURE PLAN: After completing abatement of all ground water and vadose contamination required under Permit Condition 2.G, the Permittee shall perform the following closure measures:

1. Remove or plug all lines leading to and from any extraction or recovery wells and any injection wells so that a discharge can no longer occur.

2. Remove all remediation system components from the site, if applicable.

3. After receiving notification from OCD that post-closure monitoring may cease, the Permittee shall plug and abandon all monitor well(s), and restore the land surface to its original condition.

2.C. RECORD KEEPING: The Permittee shall maintain records of all inspections required by this Discharge Permit at its Facility office for a minimum of five years and shall make those records available for inspection by OCD.

2.D. RELEASE REPORTING: The Permittee shall comply with the following permit conditions, pursuant to 20.6.2.1203 NMAC, and shall report or provide notification of a release verbally to OCD within 24 hours after having knowledge of a release. The Permittee shall provide written notification within 7 calendar days of a release utilizing the OCD form C-141, if it determines that a release of oil or other water contaminant, in 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, has occurred. The Permittee shall report unauthorized releases of water contaminants in accordance with any additional commitments made in its approved Contingency Plan. If the Permittee determines that any constituent exceeds the standards specified at 20.6.2.3103 NMAC, then it shall report a release to OCD.

1. Oral Notification: As soon as possible after learning of such a discharge, but in no event more than twenty-four (24) hours thereafter, the Permittee shall notify OCD of a release. The Permittee shall provide the following:

- the name, address, and telephone number of the person or persons in charge of the facility, as well as of the Permittee of the facility;
- the name and location of the facility;
- the date, time, location, and duration of the discharge;
- the source and cause of discharge;
- a description of the discharge, including its chemical composition;
- the estimated volume of the discharge; and,
- any corrective or abatement actions taken to mitigate immediate environmental damage from the discharge.

2. Written Notification: Within one week after the Permittee has discovered a discharge, the Permittee shall send written notification (may use an OCD form C-141 with attachments) to OCD verifying the prior oral notification as to each of the foregoing items and providing any appropriate additions or corrections to the information contained in the prior oral notification.

2.E. OTHER REQUIREMENTS:

1. Inspection and Entry: Pursuant to 20.6.2.4107A NMAC, the Permittee shall allow any authorized representative of the OCD Director, upon the presentation of proper credentials, to:

- enter the facility at reasonable times;
- inspect and copy records required by this discharge permit;
- inspect any treatment works, monitoring, and analytical equipment;
- sample any wastes, discharge, ground water, surface water, stream sediment, plants, animals, or vadose-zone material including vadose-zone vapor;
- use the Permittee's monitoring systems and wells in order to collect samples; and,

- gain access to off-site property not owned or controlled by the Permittee, but accessible to the Permittee through a third-party access agreement, provided that it is allowed by the agreement.

2. Advance Notice: Pursuant to 20.6.2.4107B NMAC, the Permittee shall provide OCD with at least four (4) working days advanced notice of any environmental sampling to be performed pursuant to this Discharge Permit, or any well plugging, abandonment or decommissioning of infrastructure at the Facility site.

3. Plugging and Abandonment: Pursuant to 20.6.2.4107C NMAC, the Permittee shall propose to plug and abandon a monitor well by certified mail to OCD for approval, unless such approval is required from the State Engineer. The proposed action shall be designed to prevent water pollution that could result from water contaminants migrating through the well or borehole. The proposed action shall not take place without written approval from OCD, unless written approval or disapproval is not received by the Permittee within thirty (30) days of the date of receipt of the proposal.

2.F. ANNUAL DISCHARGE PERMIT REPORT: The Permittee shall submit its Annual Discharge Permit Report pursuant to 20.6.2.3107 NMAC to OCD by October 21th of each year. The Annual Discharge Permit Report shall include the following:

1. a summary of all major Terminal activities or events;
2. a summary of the discharge activities, including the quality and volume of the discharge;
3. a summary of all leaks, spills, and releases and corrective actions taken;
4. a summary of the discovery of new or expanding groundwater contamination;
5. a summary of all waste and wastewater disposed of, sold, or treated on-site, including a Terminal wastewater balance sheet and mass balance of the evaporation pond rates based on wastewater source generation;
6. a summary of fluids detected in any leak detection system associated with an evaporation pond;
7. a summary of all major Terminal activities or events with any explanation describing deviations from normal operations;
8. a summary of any conclusions and recommendations based on the report; and
9. The Permittee shall submit the Annual Discharge Permit Report in hardcopy and electronic format for review and posting into the administrative record.

2.G. ANNUAL GROUND WATER MONITORING REPORT: The Permittee shall submit its Annual Ground Water Monitoring Report pursuant to 20.6.2.3107 NMAC to OCD by October 21th of each year. The Annual Ground Water Monitoring Report shall include the following:

1. Description of ground water monitoring and remediation activities conducted throughout the reporting period, including sample collection procedures, decontamination procedures, sample handling procedures, and management of wastes;
2. Summary table of semiannual groundwater table elevations with water quality information; non-aqueous phase liquid (NAPL or Phase Separated Hydrocarbon - PSH) gauging data, with corrected water table elevation for all wells containing PSH;
3. Summary table of ground water quality parameters recorded in the field (purge parameters);

4. Summary of laboratory analytical data with comparison to water quality standards;

5. Any 20.6.2.3103 NMAC constituent found to exceed the water quality standard or background concentration shall be highlighted and noted in the Annual Discharge Permit Report;

6. Copies of the most recent year's laboratory analytical data sheets with QA/QC;

7. Summary of QA/QC data review and validation;

8. Groundwater piezometric/potentiometric maps for each aquifer system depicting the ground water gradient with flow direction(s) for each semiannual monitoring event, including site features and the direction and magnitude of the hydraulic gradient;

9. Iso-concentration maps for constituents of concern exceeding groundwater protection criteria for each semiannual monitoring event, including BTEX, naphthalene, chloride, fluoride, sulfate, nitrate and TDS from monitor wells at the Permittee's facility and from existing monitor wells included in the FWGWMP.

10. NAPL (PSH) thickness isopleth map for each semiannual monitoring event in all monitoring and recovery wells.

11. Plots of static water elevation versus time in key wells, specifically those that contain NAPL (PSH);

12. Tabulation of the monthly and cumulative volume of NAPL (PSH) removed from recovery wells or monitoring wells in accordance with the Ground Water and Product Recovery System Program throughout the reporting period;

13. Recommendations, including any recommended changes to the groundwater monitoring program based on plume expansion, further characterization, etc.; and

14. The Permittee shall submit the Annual Ground Water Monitoring Report in hardcopy and electronic format for review and posting into the administrative record.

3. CLASS V WELLS: Pursuant to 20.6.2.5002B NMAC, leach fields and other wastewater disposal systems at Division-regulated facilities that inject non-hazardous fluid into or above an underground source of drinking water are Underground Injection Control (UIC) Class V injection wells. This Discharge Permit does not authorize the Permittee to use any UIC Class V injection well for the disposal of industrial waste at the Facility. Pursuant to 20.6.2.5005 NMAC, the Permittee shall close any UIC Class V industrial waste injection wells at its Facility that inject non-hazardous industrial wastes or a mixture of industrial wastes and domestic wastes (*e.g.,* septic systems, leach fields, dry wells, *etc*.) other than contaminated ground water within 90 calendar days of the issuance of this Discharge Permit. The Permittee shall document the closure of any UIC Class V wells used for the disposal of non-hazardous industrial wastes or a mixture of industrial wastes and domestic wastes other than contaminated ground water in its Annual Discharge Permit Report.

The Permittee must obtain a WQCC Permit from the New Mexico Environment Department for other Class V wells, including wells used only for the injection of domestic wastes.

4. EVAPORATION PONDS AND PITS:

Evaporation Ponds shall be inspected a minimum of three times per week and after any major storm event or malfunction of the treatment system. Weekly records shall be maintained for all flow rates from all flow meters, fluid levels, freeboard, seepage, flow channels, pipes, valves, and berm or fire wall integrity.

4.A North and South Double-Lined Waste Water Evaporation Ponds: Ponds shall maintain a minimum freeboard of 3 feet to prevent over-topping of wastewater. Any repairs or

modifications to the pond· liners and/or leak detection systems must receive prior OCD approval, except under emergency conditions. Any exceedance of the freeboard or any leaks or releases pursuant to 20.6.2.7(AAA)(CCC), and 20.6.2.1203(C)1 shall comply with Permit Condition 2.G.

1. Evaporation Pond(s) Water Quality and Quantity Monitoring: Surface water shall be observed, gauged for influent flow rates, sampled and analyzed at a minimum semi-annually for General Chemistry, BTEX, Naphthalene, and TPH; and
2. Temporary storage ponds: Any temporary ponds that were not previously approved by OCD shall be identified and a list shall be submitted to OCD within 3 months of permit issuance.

4.B North and South Aeration Lagoons: Aeration Lagoons shall maintain a minimum freeboard of 3 feet to prevent over-topping of oily wastewater. Any repairs or modifications to the aeration lagoon liners and/or leak detection systems must receive prior OCD approval, except under emergency conditions. Any exceedance of the freeboard or any leaks or releases shall be reported pursuant to 20.6.2.7(AAA)(CCC), and 20.6.2.1203(C)1 shall comply with Permit Condition 2.G.

1. Aeration Lagoon(s) Water Quality and Quantity Monitoring: Surface water shall be observed, gauged for influent flow rates, sampled and analyzed at a minimum semi-annually for General Chemistry, BTEX, Naphthalene, and TPH

4.C Pond/Aeration Lagoon Leak Detection Systems: Leak Detection Systems (LDS) for ponds and lagoons shall be inspected for fluids at a minimum monthly and/or more frequently as directed by an OCD approved Contingency Plan. Records shall be maintained to include quantity and column thickness of fluid measured, presence of phase separated hydrocarbons, date of inspection, and name of inspector. Any fluids detected in the leak detection systems shall be addressed through the OCD approved Contingency Plan as specified in Permit Condition 4.E. Any confirmed leakage to the environment must be reported to the OCD Environmental Bureau in Santa Fe and the Aztec District Office in accordance with Permit Condition 2.D.

4.E Pond/Lagoon Contingency Plan: The operator shall maintain a Contingency Plan with a system design diagram with leak detection system(s) that will confirm leakage or system failure, and list corrective actions for remedying any discharge(s) from the pond(s) or lagoon(s) to protect public health and the environment. Any ponds that are not constructed with a leak detection system requires a monitor well installation to monitor groundwater quality at a proposed frequency in the Contingency Plan. A copy of the Contingency Plan shall be submitted to the OCD within 3 months of permit issuance for OCD approval. OCD shall be notified within 24 hours any time the plan is implemented.

4.F Registered Professional Engineer: All pits and ponds, including modifications and retrofits, shall be designed by a registered professional engineer and approved by the OCD prior to construction. In general, all pits or ponds shall have approved hydrologic and geologic reports, location, foundation, liners, and secondary containment with leak detection, monitoring and closure plan(s). All pits or ponds shall be designed, constructed and operated to contain liquids and solids in a manner that will protect fresh water, public health, safety and the environment for the foreseeable future.

5. FACILITY WIDE GROUND WATER MONITORING PLAN (FWGWMP) AND GROUND WATER AND PRODUCT RECOVERY SYSTEM:

The Permittee shall monitor and abate water pollution as specified in this discharge permit, and in accordance with its approved Facility Wide Ground Water Monitoring Plan (FWGWMP) in Permit Condition 4.A, and in accordance with its approved Ground Water and Product Recovery System (Permit Condition 4.B), as modified by OCD approval. However, if the OCD Director determines that the abatement will not meet WQCC ground or surface water standards, or that additional action is necessary to protect health, welfare, environment or property, then the OCD Director may require the Permittee (Permit Condition 5.C) to submit an Abatement Plan pursuant to Section 20.6.2.4104 and Subsection A of Section 20.6.2.4106 NMAC.

5.A Facility Wide Ground Water Monitoring Plan (FWGWMP): The Permittee is implementing a FWGWMP which substantively meets the requirements for a Stage 1 Abatement Plan for groundwater monitoring. The Permittee shall implement its approved Stage 1 Abatement Plan for monitoring and site groundwater investigation consistent with its approved FWGWMP, as modified annually and as required by OCD. Pursuant to 20.6.2.4106C NMAC, the purpose of a Stage 1 Abatement Plan is to design and conduct a site groundwater investigation that will adequately define site contaminant hydrogeologic conditions, and provide the data necessary to select and design an effective abatement option, if necessary.

5.B Ground Water and Product Recovery System: The Permittee is implementing a Ground Water and Product Recovery System which substantively meets the requirements for a Stage 2 Abatement Plan. The Permittee shall implement its approved Ground Water and Product Recovery System modified as needed or as required by OCD. Pursuant to 20.6.2.4106E NMAC, the purpose of the Stage 2 Abatement Plan is for the Permittee to select and design, if necessary, an abatement option that, when implemented, will result in attainment of the abatement standards and requirements specified in 20.6.2.4103 NMAC and Permit Condition 5.C, including post-closure maintenance activities.

5.C Completion and Termination: Pursuant to 20.6.2.4112 NMAC, abatement shall be considered complete when the standards and requirements specified in 20.6.2.4103 NMAC for both the vadose zone and ground water are met. At that time, the Permittee shall submit an Abatement Completion Report, documenting compliance with the standards and requirements specified in 20.6.2.4103 NMAC and this Discharge Permit, to OCD for approval. The Abatement Completion Report also shall propose any changes to long term monitoring and site maintenance activities, if needed, to be performed after termination of the Abatement Plan (Permit Condition 7.C).

6. OTHER REQUIREMENTS:

6.A Treatment System Flow Monitoring: An adequate number of flow meters shall be located at all influent lines into the treatment system and other key locations to help monitor the mass balance flow of the treatment system process and capacity at the facility. The flow meters shall be monitored weekly or as often as needed to determine the average and maximum wastewater treatment capacity based on pollutant loading under variable flow rate conditions at the facility.

6.B Emergency River Contingency Plan: An emergency river contingency plan with corrective action measures shall be developed and submitted to OCD within 3 months of permit issuance.

6.C Emergency River Response Training: Annual environmental response training is required with appropriate refinery emergency personnel in coordination with the Local Emergency Planning Committee (LEPC) in the event of a release of pollutants from the bluff (residual oil seeps) and to "Waters of the State." Personnel shall be trained in corrective actions annually to immediately and safely respond to any release to "Waters of the State" from the facility and for the protection of nearby public health, safety and the environment. The Operator shall have adequate emergency personnel, response equipment (i.e., sufficient number and size of booms with at least one set of replacements based on chemicals of concern), anchor points along the river, watercraft, etc. to immediately contain and remediate any discharges to the river.

6.D Tank or Pit Fence, Screen and Netting: The owner/operator shall ensure that all exposed pits, including lined pits and open top tanks (8 feet in diameter or larger) shall be fenced, screened, netted, or otherwise rendered non-hazardous to wildlife, including migratory birds. Where netting is not feasible, routine witnessing and/or discovery of dead wildlife and migratory birds shall be reported to the appropriate wildlife agency with notification to the OCD to assess and enact measures to prevent the above from reoccurring. Lined ponds shall be screened, netted, or otherwise rendered non-hazardous to wildlife, including migratory birds. All ponds shall be constructed to add or install bird screening or netting should it be required due to reported bird deaths to the wildlife agency. OCD encourages the use of other Best Management Practices to discourage wild fowl from landing in pits or ponds.

7. SCHEDULE OF COMPLIANCE:

7.A. SUBMISSION OF THE PERMIT FEES: As specified in Permit Condition 1.E, the Permittee shall submit the permit fee of $1,200.00 within 30 days of its receipt of the Discharge Permit. Checks should be payable to the "New Mexico Water Quality Management Fund," not the Oil Conservation Division.

7.B. ANNUAL REPORTS: As specified in Permit Conditions 2.F and 2.G, the Permittee shall submit its annual report to OCD by October 21th of each year.

7.C. ABATEMENT PLAN:

1. Overview: Pursuant to 20.6.2.4105A(6) NMAC, a person who is abating water pollution pursuant to an approved ground water discharge permit is exempt from the requirements of Sections 20.6.2.4104 NMAC (Abatement Plan Required) and 20.6.2.4106 NMAC (Abatement Plan Proposal) to obtain and implement an Abatement Plan, unless the OCD Director determines pursuant to 20.6.2.4105B NMAC, that the abatement will not meet WQCC ground water or surface water standards, or that additional action is necessary to protect health, welfare, environment or property.

When a person is abating water pollution pursuant to an approved discharge permit, the discharge permit must be consistent with the requirements and provisions of Sections 20.6.2.4101 (Purpose), 20.6.2.4103 (Abatement Standards and Requirements), 20.6.2.4106C NMAC (Stage 1 Abatement Plan), 20.6.2.4106E NMAC (Purpose of Stage 2 of the Abatement

Plan), 20.6.2.4107 (Other Requirements), and 20.6.2.4112 NMAC (Completion and Termination) per Permit Condition 5.C.