

From: [Jones, Brad, EMNRD](#)
To: [Alan Luwe](#)
Subject: Milestone Environmental Services LLC - Draft Revised Permit NM1-64
Date: Wednesday, March 20, 2024 2:22:00 PM
Attachments: [2024 0320 NM1-64 Milstone Environmental Services LLC Draft Revised Permit signed.pdf](#)

Alan,

Please see the attached. In accordance with 19.15.36.12.A(3) NMAC, the OCD has completed the review of permit NM1-64 and has provide a revised draft version of the update permit. If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Brad Jones

Brad A. Jones Environmental Scientist Specialist - Advanced
Environmental Bureau
EMNRD - Oil Conservation Division
1220 S. Saint Francis Drive | Santa Fe, New Mexico 87505
(505) 469-7486 | brad.a.jones@emnrd.nm.gov
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From: [Alan Luwe](#)
To: [Jones, Brad, EMNRD](#)
Cc: [Jason Larchar](#); [Elizabeth Hartson](#)
Subject: [EXTERNAL] RE: Milestone Environmental Services LLC - Draft Revised Permit NM1-64
Date: Thursday, April 18, 2024 4:01:29 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Good afternoon Brad

After conferring with our outside counsel, Milestone accepts the permit revisions laid forth by the OCD. As noted below, Milestone will submit an updated Contingency Plan with their Annual Report response.

Please let me know if this is acceptable.

Kind regards
Alan

Alan Luwe

Director, Corporate Development – Energy Waste and Industrial

alanluwe@milestone-es.com

[O] 832-739-6721 | [M] 832-721-1906

From: Alan Luwe <alanluwe@milestone-es.com>
Sent: Monday, April 15, 2024 1:00 PM
To: Jones, Brad, EMNRD <brad.a.Jones@emnrd.nm.gov>
Cc: Jason Larchar <jasonlarchar@milestone-es.com>; Elizabeth Hartson <ElizabethHartson@milestone-es.com>
Subject: RE: Milestone Environmental Services LLC - Draft Revised Permit NM1-64

Good morning Brad

Milestone has reviewed the permit revision letter, dated March 20, 2024. The letter noted 5 items that were revised in the permit, those include (please note Milestone has numbered these items in lieu of the provided bulleted list):

1. The address for Milestone was changed to their current address.
2. Only exempt oil field waste may be accepted at this SWMF. The previous permit version incorrectly allowed for non-exempt/non-hazardous waste.
3. Regulatory language was modified to reflect the correct verbiage of Chapter 70, Article 2 NMSA 1978.
4. The expiration date was modified to reflect a 10-year permit term. The previous permit version incorrectly stated a 5-year permit term.

5. Condition 6.L was added to require a finalized contingency plan with current contact information. Note, the contingency plan on file is in a draft format.

After review, Milestone agrees to items 1 and 4. We have follow-up responses for items 2, 3, and 5.

Item 2

As Milestone understands, the revision to the permit was completed pursuant to NMAC 19.15.36.12.A(3). For this item, the OCD has revised the permit to allow Milestone's Surface Waste Management Facility to only accept exempt oil field waste. Milestone have reviewed this rule and request that the acceptable waste be revised to reflect the language noted in NMAC 19.15.36.13.F(1-3). Per the rule, NMAC 19.15.36.13 provides "Siting and Operational Requirements Applicable to ALL Surface Waste Management Facilities". Per NMAC 19.15.36.13.F(1-3):

Surface waste management facilities shall accept only exempt or non-hazardous waste, except as provided in Paragraph (3) of Subsection F of 19.15.36.13 NMAC. The operator shall not accept hazardous waste at a surface waste management facility. The operator shall not accept wastes containing NORM at a surface waste management facility except as provided in 19.15.35 NMAC. The operator shall require the following documentation for accepting oil field wastes, and both the operator and the generator shall maintain and make the documentation available for division inspection.

(1) Exempt oil field wastes. The operator shall require a certification on form C-138, signed by the generator or the generator's authorized agent, that represents and warrants that the oil field wastes are generated from oil and gas exploration and production operations, are exempt waste and are not mixed with nonexempt waste. The operator shall have the option to accept such certifications on a monthly, weekly or per load basis. The operator shall maintain and shall make the certificates available for the division's inspection.

(2) Non-exempt, non-hazardous, oil field wastes. The operator shall require a form C-138, oil field waste document, signed by the generator or its authorized agent. This form shall be accompanied by acceptable documentation to determine that the oil field waste is non-hazardous.

(3) Emergency non-oil field wastes. The operator may accept non-hazardous, non-oil field wastes in an emergency if ordered by the department of public safety. The operator shall complete a form C-138, oil field waste document, describing the waste, and maintain the same, accompanied by the department of public safety order, subject to division inspection.

Therefore, we request the language be revised to reflect NMAC 19.15.36.13.F(1-3) as this rule is applicable to ALL Surface Waste Management Facilities. We are happy to have a discussion to this request.

Item 3

Can the OCD provide an example of the language that was modified to reflect the correct

verbiage of Chapter 70, Article 2 NMSA 1978? The draft permit provided was not submitted in a track changes or other visually editable medium which indicates which language was modified and where.

Item 5

Milestone will submit a revised and finalized Contingency Plan with the response to the Annual Report requirements.

We look forward to working with you and the OCD to complete these items. As always, please let me know if you have any questions.

Kind regards

Alan

Alan Luwe

Director, Corporate Development – Energy Waste and Industrial

alanluwe@milestone-es.com

[O] 832-739-6721 | [M] 832-721-1906

From: Jones, Brad, EMNRD <brad.a.jones@emnrd.nm.gov>

Sent: Wednesday, March 20, 2024 3:23 PM

To: Alan Luwe <alanluwe@milestone-es.com>

Subject: Milestone Environmental Services LLC - Draft Revised Permit NM1-64

Alan,

Please see the attached. In accordance with 19.15.36.12.A(3) NMAC, the OCD has completed the review of permit NM1-64 and has provide a revised draft version of the update permit. If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Brad Jones

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Alan Luwe

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From: [Jones, Brad, EMNRD](#)
To: [Alan Luwe](#)
Cc: [Barr, Leigh, EMNRD](#)
Subject: Milestone Environmental Services LLC - April 24, 2024 Revised Permit NM1-64
Date: Friday, April 26, 2024 9:31:00 AM
Attachments: [2024 0424 NM1-64 Miltstone Environmental Services LLC revised permit.pdf](#)

Alan,

Please see the attached. In accordance with 19.15.36.12.A(3) NMAC, the OCD is providing Milestone a copy of the April 24, 2024, Revised Permit NM1-64. If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Brad Jones

Brad A. Jones Environmental Scientist Specialist - Advanced
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EMNRD - Oil Conservation Division
1220 S. Saint Francis Drive | Santa Fe, New Mexico 87505
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State of New Mexico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Dylan M. Fuge
Deputy Secretary

Dylan Fuge, Division Director (Acting)
Oil Conservation Division



By Electronic Mail Only

April 24, 2024

Mr. Alan Luwe
Milestone Environmental Services, LLC
840 Gessner, Suite 600
Houston, Texas 77024
alanluwe@milestone-es.com

RE: Revised Permit NM1-64, Milestone Environmental Services, LLC (OGRID 328435)

Dear Mr. Luwe:

Pursuant to 19.15.36.12.A(3) NMAC, the Oil Conservation Division (OCD) completed a review of Permit NM1-64, issued to Milestone Environmental Services, LLC (Milestone). As communicated in the letter that OCD sent Milestone on March 20, 2024, the OCD determined that Permit NM1-64 needed to be modified to fix identified errors and to add a permit condition. Milestone was given the opportunity to go to hearing; however, Milestone sent the OCD an email on April 18, 2024, indicating that Milestone agrees to accept the changes to Permit NM1-64.

Provided herewith, the OCD issues revised Permit NM1-64 with the following understanding:

- Milestone will work with the OCD to update their financial assurance (FA) which is required for closure and post-closure activities. Note at this time, the OCD did not change the original March 6, 2020, FA amount in Condition 1H due to Milestone's ongoing efforts to update their closure and post-closure plan.
- Milestone will submit, in conjunction with their Annual Report, an updated Contingency Plan.

Should Milestone have any questions regarding the revised permit, please contact Brad Jones of my staff at brad.a.jones@emnrd.nm.gov or (505) 469-7486. On behalf of the OCD, I wish to thank Milestone for their cooperation during this permit review.

Respectfully,

Leigh Barr

Leigh Barr
Administrative Permitting Supervisor

Milestone Environmental Services, LLC
NM1-64 Surface Waste Management Permit
April 24, 2024
Page 2 of 5

SURFACE WASTE MANAGEMENT FACILITY PERMIT CONDITIONS
NM1-64
Milestone Environmental Services, LLC
Unit H of Section 25, Township 24 South, Range 34 East NMPM
Revised April 24, 2024

Milestone Environmental Services, LLC of 840 Gessner Road, Suite 600 in Houston, Texas 77024 (the operator) is permitted to construct and operate a surface waste management facility as described in the Application filed by the operator and in accordance with (a) the terms of this Permit, (b) the rules governing solid waste management facilities 19.15.36 NMAC, and (c) all other applicable provisions of the Oil and Gas Act and the rules promulgated under the Act. The operator is responsible for insuring any oil and gas operations located within the overall facility area do not interfere with the proper operation of the facility as described in the Application and authorized by this Permit. Any change to the operations proposed or any change to the area covered will require a modification to the Permit including any necessary changes to the amount of financial assurance. The Oil Conservation Division (OCD) of the Energy, Minerals, and Natural Resources Department will determine if any Permit changes constitute a "major modification" under 19.15.36 NMAC.

1. GENERAL PROVISIONS

A. Permittee and Permitted Facility. OCD issues surface oil field waste management permit NM1-64 to Milestone Environmental Services, LLC for the construction, operation, and eventual closure of a commercial facility to be located upon a 10-acre tract in an unincorporated portion of Lea County, New Mexico approximately 14 miles west of Jal on the north side of NM 128.

The waste management facility is intended for the permanent disposal of exempt oil field waste, specifically, operation of a properly permitted Underground Injection Control (UIC) Class II disposal well for the injection of slurry into the subsurface. An associated surface facility will be used for the processing of the waste before injection. Residual waste materials not injected will be transported for proper disposal elsewhere and not permanently stored at the facility.

B. Scope of Permit. OCD regulates the disposition, handling, transport, storage, recycling, treatment and disposal of produced water during, or for reuse in, the exploration, drilling, production, treatment or refinement of oil or gas, including disposal by injection pursuant to authority delegated under the federal Safe Drinking Water Act, in a manner which will afford reasonable protection against contamination of fresh water supplies pursuant to authority granted in the Oil & Gas Act (Chapter 70, Article 2 NMSA 1978). Under that Act, OCD also regulates the disposition of nondomestic wastes resulting from exploration, production, or storage of crude oil and natural gas to protect public health and the environment. Similarly, OCD regulates the disposition of nondomestic wastes resulting from the oil field service industry, the transportation of crude oil and natural gas, the treatment of natural gas, and the refinement of crude oil to protect public health and the environment pursuant to jurisdiction and authority granted by the same Act.

This permit does not convey any property rights of any sort or any exclusive privilege to the operator and does not authorize any injury to property or persons, any invasion of other private rights, or any infringement of state, federal, or local laws, rules, or regulations.

C. Owner/Operator Commitments. The operator must ensure all operations are consistent with the terms and conditions of this permit and in conformance with all pertinent rules and regulations under the Oil & Gas Act. Furthermore, the operator shall abide by the approval conditions contained herein, along with all commitments submitted in its permit application received by the OCD on June 25, 2019, and dated June 13, 2019, including any attachments and/or amendments all of which are incorporated into this Permit by reference.

Milestone Environmental Services, LLC
NM1-64 Surface Waste Management Permit
April 24, 2024
Page 3 of 5

D. Modifications. The operator must notify the OCD in advance of any increase in the land area the facility occupies, any change in the design capacity, any change in the nature of the oil field waste streams, or addition of a new treatment process. As a result, the OCD Director may require a modification in the permit conditions.

E. Definitions. Terms not specifically defined in the permit shall have the same meanings as those in the Oil & Gas Act or the rules adopted pursuant to the Act, as the context requires.

F. General Performance Standards. The operator must operate in accordance with the permit conditions, comply with the Oil & Gas Act and rules issued pursuant to the Act, protect public health and the environment, prevent the waste of oil and gas, and prevent the contamination of fresh waters.

G. Effective Date, Expiration, Renewal, and Penalties for Operating Without a Permit. This permit is effective as of March 6, 2020, and will expire ten years hereafter on March 6, 2030. If it so desires, the owner/operator may submit an application for renewal to OCD no later than 120 calendar days before the expiration date. If the operator submits such a renewal application before the required date and is in compliance with the existing permit, then that existing permit will not expire until the OCD approves or denies the renewal application. Operating with an expired permit will subject the owner/operator to civil and/or criminal penalties (see Section 70-2-31 NMSA 1978).

H. Financial Assurance. Closure of the facility as described by the application will be complete demolition and/or removal of all surface equipment along with proper plugging and abandonment of the injection well. The operator must immediately provide financial assurance in a form acceptable to OCD for the waste management facility's estimated closure and post-closure cost with the exception of the plugging and abandonment of the injection well. The estimated amount currently required is \$375,260.00 which includes the cost of closure and post-closure efforts described in the application. On an annual basis, or should unforeseen conditions arise, the operator will update the closure/post-closure estimate and thus the amount of financial assurance.

2. GENERAL FACILITY OPERATIONS

A. Labeling. The operator must clearly label all tanks, drums, and other containers to identify the contents along with other emergency notification information. The operator may use a tank coding system if it is incorporated into their emergency response planning.

B. Inspections and Maintenance of Secondary Containment Systems. The operator must inspect all secondary containment systems and sumps at least monthly to ensure proper operation and to prevent over filling or system failure. The operator must empty all secondary containment systems of any fluids within 48 hours of discovery, notify the OCD, and initiate corrective actions. The operator must keep written records of its inspections and of any fluid analyses. The operator shall maintain and make the documentation available for OCD inspection.

C. Release Reporting and Corrective Action for Releases. The operator must comply with the spill reporting and corrective action provisions of the Oil & Gas Regulations (19.15.29 and 19.15.30 NMAC) as may be amended from time to time.

D. Annual Report. The operator must submit an annual report to the OCD by September 1st of each year providing the following information for the preceding year: 1) all inspection forms including those for leak detection systems along with analytical results, 2) hydrogen sulfide monitoring results, 3) process piping integrity test results, 4) training records, 5) complaint logs and resolutions, and 6) a summary of the nature and amount of any reportable releases.

Milestone Environmental Services, LLC
NM1-64 Surface Waste Management Permit
April 24, 2024
Page 4 of 5

3. MATERIAL STORAGE

A. Process, Maintenance, and Material Storage Areas. The operator must pave and curb all process, maintenance, and material storage areas at the facility excluding evaporation ponds, below-grade tanks, and sumps, or incorporate another appropriate spill collection device for these areas approved by the OCD.

B. Above Ground Tanks. The operator must place above ground tanks on impermeable pads and surround the tanks with lined berms or other impermeable secondary containment system having a capacity of at least one and one-third times the capacity of the largest tank, or the combined volume of any interconnected tanks. This does not apply to tanks containing fresh water.

4. WASTE MANAGEMENT

A. Waste Streams. This permit authorizes the operator to handle the RCRA exempt streams. OCD approval must be obtained to receive any waste stream not specified in its application prior to collection, storage, treatment, or disposal.

B. Waste Storage. The operator must store waste at the facility only in clearly marked storage areas that have been specified in the application except any waste that may be generated during emergency response operations. However, such emergency waste may be stored elsewhere for no more than 72 hours. OCD may approve additional storage on a case-by-case basis.

The operator must not store non-oil field waste generated at the facility by the operator for more than 180 calendar days from the date any container is filled without OCD approval.

C. Class V Wells. Leach fields and other wastewater disposal systems at OCD-regulated facilities which inject non-hazardous fluids into or above an underground source of drinking water are Underground Injection Control Class V wells pursuant to 20.6.2.5002 NMAC. This permit does not authorize the use of a Class V injection well for the disposal of industrial waste at the facility. Other Class V wells, including wells used only for the injection of domestic wastes, must be permitted by the New Mexico Environment Department.

5. BELOW GRADE TANKS AND SUMPS

Below grade tanks and sumps must have secondary containment systems with leak detection and meet construction and operating requirements of 19.15.17 NMAC.

6. ADDITIONAL FACILITY-SPECIFIC CONDITIONS

A. Prior to construction activities within the facility, the operator shall determine that all abandoned oil wells within the tract are properly plugged in accordance with OCD regulations. If any wells are found to be unplugged or improperly plugged, the operator shall take the appropriate corrective actions.

B. Naturally Occurring Radioactive Material (NORM) waste cannot be accepted at the facility unless in compliance with 19.15.35 NMAC.

C. At least 30 days prior to the start of construction of the facility the operator shall furnish OCD with a complete set of construction drawings including specific stormwater control and a major milestone schedule for construction. These construction drawings must substantially comply with the engineering design provided with the application. The major milestone schedule shall be updated throughout construction activities.

D. As a UIC Class II disposal well is integral to the facility's operation, that well(s) must be separately permitted under provisions of the New Mexico Underground Injection Control program.

Milestone Environmental Services, LLC
NM1-64 Surface Waste Management Permit
April 24, 2024
Page 5 of 5

- E.** The operator in its application has stated there is no process at the facility which would create a potentially hazardous volume of hydrogen sulfide. However, continuous hydrogen sulfide monitors must be carried by employees and visitors at all times. If OCD determines gases are problematic, the operator will be required to develop hydrogen sulfide prevention and contingency plans for OCD approval in accordance with 19.15.11 NMAC.
- F.** Stormwater controls must prevent flow into the facility's below grade mud collecting structure and onto the drying slab. The overall control plan must have the capacity to properly manage the peak discharge from a 25-year storm event.
- G.** The below grade collecting structure must be built and operated in a manner that prevents overtopping due to wave action or rainfall and maintain adequate freeboard. The operator also must install a high-level cutoff switch with alarm.
- H.** Leak detection for the below grade collecting structure, drying slab and unloading trench shall consist of a series of vadose zone monitoring wells. These wells will be gauged for the presence of liquids on at least a monthly basis. If liquid is detected in any well it shall be immediately sampled with the sample(s) submitted for appropriate laboratory analysis in consultation with the OCD. The operator has agreed to coating the inside of the collecting structure. This coating must be compatible with the contained materials and resistant to ultraviolet light.
- I.** In lieu of netting over the below grade collecting structure and in addition to placement of flagging, reflectors, and artificial birds; the operator shall on a monthly basis inspect for, and within 30 days of discovery, report discovery of dead migratory birds or other wildlife to the appropriate wildlife agency and to the OCD Environmental Bureau in Santa Fe in order to facilitate assessment and implementation of measures to prevent incidents from reoccurring (19.15.17.11 E NMAC).
- J.** The operator must provide annual training for key personnel which includes general operations, permit conditions, emergencies, sampling methods, and identification of hazardous, exempt, and non-exempt waste. The operator must also maintain records of this training for five years and are subject to OCD inspection.
- K.** Upon facility closure after demolition but before backfilling and leveling, the operator must sample soil across the site in accordance with 19.15.36.18 D (4) NMAC and 19.15.17.13 C NMAC.
- L.** The operator must provide the OCD with a finalized contingency plan required by 19.15.36.13 N NMAC by September 1st 2024.

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District II
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District III
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State of New Mexico
Energy, Minerals and Natural Resources
Oil Conservation Division
1220 S. St Francis Dr.
Santa Fe, NM 87505

CONDITIONS

Action 337952

CONDITIONS

Operator: Milestone Environmental Services, LLC 840 Gessner Road Houston, TX 77024	OGRID: 328435
	Action Number: 337952
	Action Type: [C-137] Non-Fee SWMF Submittal (SWMF NON-FEE SUBMITTAL)

CONDITIONS

Created By	Condition	Condition Date
bjones	OCD emailed the revised April 24, 2024, permit NM1-64 to Alan Luwe (Milestone) on April 26, 2024. The email approval is included in the submittal. If you have any questions, please contact me.	4/26/2024