

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 15 OIL AND GAS
PART 35 WASTE DISPOSAL

19.15.35.1 ISSUING AGENCY: Energy, Minerals and Natural Resources Department, Oil Conservation Division.
[19.15.35.1 NMAC - Rp, 19.15.9.1 NMAC, 12/1/08]

19.15.35.2 SCOPE: 19.15.35 NMAC applies to persons engaged in oil and gas exploration, development, [and] production, storage, transportation, treatment and refinement and the oil field service industry within New Mexico.
[19.15.35.2 NMAC - Rp, 19.15.9.2 NMAC, 12/1/08]

19.15.35.3 STATUTORY AUTHORITY: 19.15.35 NMAC is adopted pursuant to the Oil and Gas Act, NMSA 1978, Section 70-2-6, Section 70-2-11 and Section 70-2-12, which authorizes the division to regulate the disposition of non-domestic waste resulting from the exploration, development, production or storage of oil or gas; from the oil field service industry; the transportation of oil or gas; the treatment of gas; or the refinement of oil.
[19.15.35.3 NMAC - Rp, 19.15.9.3 NMAC, 12/1/08]

19.15.35.4 DURATION: Permanent.
[19.15.35.4 NMAC - Rp, 19.15.9.4 NMAC, 12/1/08]

19.15.35.5 EFFECTIVE DATE: December 1, 2008, unless a later date is cited at the end of a section.
[19.15.35.5 NMAC - Rp, 19.15.9.5 NMAC, 12/1/08]

19.15.35.6 OBJECTIVE: To establish requirements for the disposal of oil field waste and establish procedures for the disposal of certain [non-domestic] oil field waste at solid waste facilities permitted by the New Mexico environment department and for the disposal of regulated NORM associated with the oil and gas industry.
[19.15.35.6 NMAC - Rp, 19.15.9.6 NMAC, 12/1/08]

19.15.35.7 DEFINITIONS:

A. "Discharge plan" means a plan the operator submits and the division approves pursuant to NMSA 1978, Section 70-2-12(B)(22) and WQCC rules.

B. "EPA clean" means the cleanliness standards established by the EPA in 40 C.F.R. section 261.7(b).

C. "NESHAP" means the National Emission Standards for Hazardous Air Pollutants of the EPA, 40 C.F.R. Part 61.

D. "Solid waste facility" means a facility permitted or authorized as a solid waste facility by the New Mexico environment department pursuant to the Solid Waste Act, NMSA 1978, Sections 74-9-1 *et seq.* and New Mexico environmental improvement board rules to accept industrial solid waste or other special waste.

E. "TCLP" means the testing protocol established by the EPA in 40 C.F.R. Part 261, entitled "Toxicity Characteristic Leaching Procedure" or an alternative hazardous constituent analysis the division has approved.

~~F. "Waste" means non-domestic waste resulting from the exploration, development, production or storage of oil or gas pursuant to NMSA 1978, Section 70-2-12(B)(21) and non-domestic waste arising from the oil field service industry, and certain non-domestic waste arising from the transportation, treatment or refinement of oil or gas pursuant to NMSA 1978, Section 70-2-12(B)(22).]~~

[19.15.35.7 NMAC - Rp, 19.15.9.712 NMAC, 12/1/08]

19.15.35.8 DISPOSITION OF OIL FIELD WASTE: Except as authorized by 19.15.17 NMAC, 19.15.26.8 NMAC, 19.15.30 NMAC, 19.15.34 NMAC, 19.15.35 NMAC or 19.15.36 NMAC, persons, including transporters, shall not dispose of oil field waste:

A. on or below the surface of the ground, in a pit or in a pond, lake, depression or watercourse;

B. in another place or in a manner that may constitute a hazard to fresh water, public health or the environment; or

C. in a permitted pit or registered or permitted surface waste management facility without permission

of the owner or operator of the pit or facility.

[19.15.35.8] 19.15.35.8 DISPOSAL OF CERTAIN [NON-DOMESTIC] OIL FIELD WASTE AT SOLID WASTE FACILITIES:

A. A person may dispose of certain ~~[non-domestic waste arising from the exploration, development, production or storage of oil or gas; certain non-domestic waste arising from the oil field service industry; and certain non-domestic waste arising from oil or gas' transportation, treatment or refinement]~~ oil field waste at a solid waste facility in accordance with [19.15.35.8] 19.15.35.8 NMAC.

B. Procedure.

(1) A person may dispose of oil field waste listed in Paragraph (1) of Subsection [D] C of [19.15.35.8] 19.15.35.8 NMAC at a solid waste facility without the division's prior written authorization.

(2) A person may dispose of oil field waste listed in Paragraph (2) of Subsection [D] C of [19.15.35.8] 19.15.35.8 NMAC at a solid waste facility after testing and the division's prior written authorization. Before the division grants authorization, the applicant for the authorization shall provide copies of test results to the division and to the solid waste facility where the applicant will dispose of the oil field waste. In appropriate cases and so long as a representative sample is tested, the division may authorize disposal of a waste stream listed in Paragraph (2) of Subsection [D] C of [19.15.35.8] 19.15.35.8 NMAC without individual testing of each delivery.

(3) A person may dispose of oil field waste listed in Paragraph (3) of Subsection [D] C of [19.15.35.8] 19.15.35.8 NMAC at a solid waste facility on a case-by-case basis after testing the division may require and the division's prior written authorization. Before the division grants authorization, the applicant for the authorization shall provide copies of test results to the division and to the solid waste facility where it will dispose of the oil field waste.

(4) Simplified procedure for holders of discharge plans. Holders of an approved discharge plan may amend the discharge plan to provide for disposal of oil field waste listed in Paragraph (2) of Subsection [D] C of [19.15.35.8] 19.15.35.9 NMAC and, as applicable, Paragraph (3) of Subsection [D] C of [19.15.35.8] 19.15.35.8 NMAC. If the division approves the amendment to the discharge plan, the holder may dispose of oil field wastes listed in Paragraphs (2) and (3) of Subsection [D] C of [19.15.35.8] 19.15.35.8 NMAC at a solid waste facility without obtaining the division's prior written authorization.

C. The following provisions apply to the types of oil field waste described below as specified.

(1) The person disposing of the oil field waste does not have to test the following oil field waste before disposal:

(a) barrels, drums, five-gallon buckets or one-gallon containers so long as they are empty and EPA-clean;

(b) uncontaminated brush and vegetation arising from clearing operations;

(c) uncontaminated concrete;

(d) uncontaminated construction debris;

(e) non-friable asbestos and asbestos contaminated waste material, so long as the disposal complies with applicable federal regulations and state rules for non-friable asbestos materials and so long as the facility operator removes the asbestos from steel pipes and boilers and, if applicable, recycles the steel;

(f) detergent buckets, so long as the buckets are completely empty;

(g) fiberglass tanks so long as the tank is empty, cut up or shredded and EPA clean;

(h) grease buckets, so long as empty and EPA clean;

(i) uncontaminated ferrous sulfate or elemental sulfur so long as recovery and sale as a raw material is not possible;

(j) metal plate and metal cable;

(k) office trash;

(l) paper and paper bags, so long as the paper bags are empty;

(m) plastic pit liners, so long as the person cleans them well;

(n) soiled rags or gloves, which if wet pass the paint filter test prior to disposal; or

(o) uncontaminated wood pallets.

(2) The person disposing of the oil field waste shall test the following oil field wastes for the substances indicated prior to disposal:

(a) activated alumina for TPH and BTEX;

(b) activated carbon for TPH and BTEX;

(c) amine filters, which the facility operator air-dries for at least 48 hours before testing, for BTEX;

- (d) friable asbestos and asbestos-contaminated waste material, which the facility operator removes asbestos from steel pipes and boilers and, if applicable, recycles the steel before disposal, where the disposal otherwise complies with applicable federal regulations and state rules for friable asbestos materials pursuant to NESHAP;
- (e) cooling tower filters, which the facility operator drains and then air-dries for at least 48 hours before testing, for TCLP/chromium;
- (f) dehydration filter media, which the facility operator drains and then air-dries for at least 48 hours before testing, for TPH and BTEX;
- (g) gas condensate filters, which the facility operator drains and then air-dries for at least 48 hours before testing, for BTEX;
- (h) glycol filters, which the facility operator drains and then air-dries for at least 48 hours before testing, for BTEX;
- (i) iron sponge, which the facility operator oxidizes completely, for ignitability testing;
- (j) junked pipes, valves and metal pipe for NORM;
- (k) molecular sieves, which the facility operator cools in a non-hydrocarbon inert atmosphere and hydrates in ambient air for at least 24 hours before testing, for TPH and BTEX;
- (l) pipe scale and other deposits removed from pipeline and equipment for TPH, TCLP/metals and NORM;
- (m) produced water filters, which the facility operator drains and then air-dries for at least 48 hours before testing, for corrosivity;
- (n) sandblasting sand for TCLP/metals or, if the division requires, TCLP/total metals; or
- (o) waste oil filters, which the facility operator drains thoroughly of oil at least 24 hours before testing and recycles the oil and metal parts, for TCLP/metals.

(3) A person may dispose of the following oil field wastes on a case-by-case basis with the division's approval:

- (a) sulfur contaminated soil;
- (b) catalysts;
- (c) contaminated soil other than petroleum contaminated soil;
- (d) petroleum contaminated soil in the event of a director-declared emergency;
- (e) contaminated concrete;
- (f) demolition debris not otherwise specified in [19-15-35-8] 19.15.35.8 NMAC;
- (g) unused dry chemicals; in addition to testing the division requires, the person applying for division approval shall forward a copy of the material safety data sheet to the division and the solid waste facility on each chemical proposed for disposal;
- (h) contaminated ferrous sulfate or elemental sulfur;
- (i) unused pipe dope;
- (j) support balls;
- (k) tower packing materials;
- (l) contaminated wood pallets;
- (m) partial sacks of unused drilling mud; in addition to testing the division requires, the person applying for division approval shall forward a copy of the material safety data sheet to division and the solid waste facility at which the it will dispose of the partial sacks; or
- (n) other oil field wastes as applicable.

D. Testing.

(1) The person applying for division approval to dispose of oil field waste in a solid waste facility shall conduct testing required by [19-15-35-8] 19.15.35.8 NMAC according to the Test Methods for Evaluating Solid Waste, EPA No. SW-846 and shall direct questions concerning the standards or a particular testing facility to the division.

- (2) The testing facility shall conduct testing according to the test method listed:
- (a) TPH: EPA method 418.1 or 8015 (DRO and GRO only) or an alternative, division-approved hydrocarbon analysis;
 - (b) TCLP: EPA Method 1311 or an alternative hazardous constituent analysis approved by the division;
 - (c) paint filter test: EPA Method 9095A;

- (d) ignitability test: EPA Method 1030;
 - (e) corrosivity: EPA Method 1110;
 - (f) reactivity: test procedures and standards the division establishes on a case-by-case basis; and
 - (g) NORM. 20.3.14 NMAC.
- (3) To be eligible for disposal pursuant to ~~[19.15.35.8]~~ 19.15.35.8 NMAC, the concentration of substances the testing facility identifies during testing shall not exceed the following limits:
- (a) benzene: 9.99 mg/kg;
 - (b) BTEX: 499.99 mg/kg (sum of all);
 - (c) TPH: 1000 mg/kg;
 - (d) hazardous air pollutants: the standards set forth in NESHAP; and
 - (e) TCLP:
 - (i) arsenic: 5 mg/l,
 - (ii) barium: 100 mg/l,
 - (iii) cadmium: 1 mg/l,
 - (iv) chromium: 5 mg/l,
 - (v) lead: 5 mg/l,
 - (vi) mercury: 0.2 mg/l,
 - (vii) selenium: 1 mg/l, and
 - (viii) silver: 5 mg/l.

[19.15.35.8 NMAC - Rp, 19.15.9.712 NMAC, 12/1/08]