

Permit Application

Lea County, New Mexico

**C.K. Disposal E & P Landfill and
Processing Facility**

Permit No. TBD

Volume I

November 2015

PSC Project # 01058015



PARKHILLSMITH&COOPER



HANCE SCARBOROUGH, LLP
ATTORNEYS AND COUNSELORS AT LAW

Michael L. Woodward
Attorney
mwoodward@hslawmail.com

January 30, 2017
RECEIVED 002
2017 FEB -1 - A 11:42

Via Overnight Delivery

ATTN: Ms. Florene Davidson
Commission Clerk
New Mexico Oil Conservation Commission
1220 South St. Francis Drive
Santa Fe, NM 87505

Re: Case No. 15617; State of New Mexico Energy Minerals and Natural Resources
Department Oil Conservation Commission; Application of CK Disposal, LLC for
a Permit to Operate a Commercial Surface Waste Management Facility, Lea
County, New Mexico.

Dear Ms. Davidson:

In connection with the Applicant's Pre-hearing Statement, please find enclosed six (6) copies of the permit application in the referenced matter. These copies are part of Applicant's Pre-hearing Statement, and will be exhibits of the Applicant at the hearing in the referenced matter. Due to the voluminous nature of these exhibits, we are having them delivered directly from the engineering firm that generated the copies. As referenced below, copies are also being sent to respective counsels for the parties.

Thank you for your attention to this matter, and please feel free to contact me should you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael L. Woodward', written over a horizontal line.

Michael L. Woodward

Enclosure – Six (6) copies of CK Disposal's Permit Application Volumes I & II.

Cc: David K. Brooks
Assistant General Counsel
Energy, Minerals and Natural Resources Department
1220 S. St. Francis Drive
Santa Fe, NM 87505

Enclosure – One Copy of CK Disposal's Permit Application Volumes I & II

January 30, 2017

Page 2

Henry M. Bohnhoff

Cynthia A. Loehr

Rodey Law Firm

201 3rd Street NW, Suite 2200

Albuquerque, NM 87102

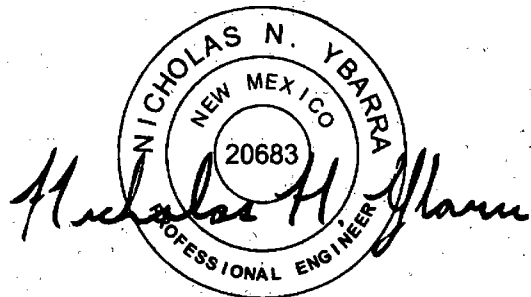
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11/06/2015

November 2015

PSC Project # 01058015



PARKHILLSMITH&COOPER

District I
1625 N. French Dr., Hobbs, NM 88240
District II
11 S. First St., Artesia, NM 88210
District III
1000 Rio Brazos Road, Aztec, NM 87410
District IV
1220 S. St. Francis Dr., Santa Fe, NM 87505

State of New Mexico
Energy Minerals and Natural Resources

Oil Conservation Division
1220 South St. Francis Dr.
Santa Fe, NM 87505



Form C-137
Revised August 1, 2011

Submit 1 Copy to Santa Fe Office

APPLICATION FOR SURFACE WASTE MANAGEMENT FACILITY

A meeting should be scheduled with the Division's Santa Fe office Environmental Bureau prior to pursuing an application for a surface waste management facility in order to determine if the proposed location is capable of satisfying the siting requirements of Subsections A and B of 19.15.36.13 NMAC for consideration of an application submittal.

1. Application: ☒ New ☐ Modification ☐ Renewal
2. Type: ☒ Evaporation ☒ Injection ☐ Treating Plant ☒ Landfill ☐ Landfarm ☐ Other
3. Facility Status: ☒ Commercial ☐ Centralized

4. Operator: C.K. Disposal LLC

Address: 5909 86th Street, Lubbock, Texas 79424

Contact Person: Bryce Karger Phone: 480-437-0044

5. Location: /4 /4 Section 5 Township 336 Range 38E

Is this an existing facility? ☐ Yes ☒ No If yes, provide permit number

7. Attach the names and addresses of the applicant and principal officers and owners of 25 percent or more of the applicant. Specify the office held by each officer and identify the individual(s) primary responsible for overseeing management of the facility.
8. Attach a plat and topographic map showing the surface waste management facility's location in relation to governmental surveys (quarter-quarter section, township and range); highways or roads giving access to the surface waste management facility site; watercourses; fresh water sources, including wells and springs; and inhabited buildings within one mile of the site's perimeter.
9. Attach the names and addresses of the surface owners of the real property on which the surface waste management facility is sited and surface owners of the real property within one mile of the site's perimeter.
10. Attach a description of the surface waste management facility with a diagram indicating the location of fences and cattle guards, and detailed construction/installation diagrams of pits, liners, dikes, piping, sprayers, tanks, roads, fences, gates, berms, pipelines crossing the surface waste management facility, buildings and chemical storage areas.
11. Attach engineering designs, certified by a registered professional engineer, including technical data on the design elements of each applicable treatment, remediation and disposal method and detailed designs of surface impoundments.
12. Attach a plan for management of approved oil field wastes that complies with the applicable requirements contained in 19.15.36.13, 19.15.36.14, 19.15.36.15 and 19.15.36.17 NMAC.
13. Attach an inspection and maintenance plan that complies with the requirements contained in Subsection L of 19.15.36.13 NMAC.
14. Attach a hydrogen sulfide prevention and contingency plan that complies with those provisions of 19.15.3.118 NMAC that apply to surface waste management facilities.

15. Attach a closure and post closure plan, including a responsible third party contractor's cost estimate, sufficient to close the surface waste management facility in a manner that will protect fresh water, public health, safety and the environment (the closure and post closure plan shall comply with the requirements contained in Subsection D of 19.15.36.18 NMAC).

16. Attach a contingency plan that complies with the requirements of Subsection N of 19.15.36.13 NMAC and with NMSA 1978, Sections 12-12-1 through 12-12-30, as amended (the Emergency Management Act).

17. Attach a plan to control run-on water onto the site and run-off water from the site that complies with the requirements of Subsection M of 19.15.36.13 NMAC.

18. In the case of an application to permit a new or expanded landfill, attach a leachate management plan that describes the anticipated amount of leachate that will be generated and the leachate's handling, storage, treatment and disposal, including final post closure options.

19. In the case of an application to permit a new or expanded landfill, attach a gas safety management plan that complies with the requirements of Subsection O of 19.15.36.13 NMAC

20. Attach a best management practice plan to ensure protection of fresh water, public health, safety and the environment.

21. Attach a demonstration of compliance with the siting requirements of Subsections A and B of 19.15.36.13 NMAC.

22. Attach geological/hydrological data including:

(a) a map showing names and location of streams, springs or other watercourses, and water wells within one mile of the site;

(b) laboratory analyses, performed by an independent commercial laboratory, for major cations and anions; benzene, toluene, ethyl benzene and xylenes (BTEX); RCRA metals; and total dissolved solids (TDS) of ground water samples of the shallowest fresh water aquifer beneath the proposed site;

(c) depth to, formation name, type and thickness of the shallowest fresh water aquifer;

(d) soil types beneath the proposed surface waste management facility, including a lithologic description of soil and rock members from ground surface down to the top of the shallowest fresh water aquifer;

(e) geologic cross-sections;

(f) potentiometric maps for the shallowest fresh water aquifer; and

(g) porosity, permeability, conductivity, compaction ratios and swelling characteristics for the sediments on which the contaminated soils will be placed.

23. In the case of an existing surface waste management facility applying for a minor modification, describe the proposed change and identify information that has changed from the last C-137 filing.

24. The division may require additional information to demonstrate that the surface waste management facility's operation will not adversely impact fresh water, public health, safety or the environment and that the surface waste management facility will comply with division rules and orders

25. CERTIFICATION

I hereby certify that the information submitted with this application is true, accurate and complete to the best of my knowledge and belief.

Name: Nicholas N. Ybarra

Title: Associate

Signature: Nicholas N. Ybarra

Date: 11-6-2015

E-mail Address: nnybarra@yahoo.com

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PARKHILLSMITH&COOPER

NMAC 19.15.36.8 – SURFACE WASTE MANAGEMENT FACILITY PERMITS AND APPLICATION REQUIREMENTS

- 1.0 NMAC 19.15.36.8 - INTRODUCTION
 - 1.1 NMAC 19.15.36.8.A – Permit Required
 - 1.2 NMAC 19.15.36.8.B – Permitting Requirements
 - 1.3 NMAC 19.15.36.8.C – Application Requirements for New Facilities
 - 1.4 NMAC 19.15.36.8.D – Application Requirements for Minor Modifications
 - 1.5 NMAC 19.15.36.8.E - Determination that Application is Administratively Complete

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Table 2 – ADJACENT LANDOWNERS (1-MILE FROM PERMIT BOUNDARY) AND NOTIFICATION LIST

NMAC 19.15.36.9 - NOTICE REQUIREMENTS FOR NEW SURFACE WASTE MANAGEMENT FACILITIES, MAJOR MODIFICATIONS OR RENEWALS AND ISSUANCE OF A TENTATIVE DECISION

- 1.0 NMAC 19.15.36.9 – Notice Requirements for New Surface Waste Management Facilities, Major Modifications or Renewals and Issuance of a Tentative Decision
 - 1.1 NMAC 19.15.36.9.A – Application for New Surface Waste Management Facility Permit, Permit Renewal or Major Modification
 - 1.2 NMAC 19.15.36.9.B – Division Application Notice
 - 1.3 NMAC 19.15.36.9.C – Application Comments
 - 1.4 NMAC 19.15.36.9.D – Tentative Decision After Comments
 - 1.5 NMAC 19.15.36.9.E – Notice of the Tentative Decision
 - 1.6 NMAC 19.15.36.9.F – Application Notice Requirements

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- 1.0 NMAC 19.15.36.10 – COMMENTS AND HEARING ON APPLICATION
 - 1.1 NMAC 19.15.36.10.A – File Comments or Requesting a Hearing
 - 1.2 NMAC 19.15.36.10.B – If Scheduled, Hearing Shall be Conducted According to 19.15.14.1206 through 19.15.14.1215 NMAC

NMAC 19.15.36.11 – FINANCIAL ASSURANCE REQUIREMENTS

- 1.0 NMAC 19.15.36.11 – FINANCIAL ASSURANCE REQUIREMENTS
 - 1.1 NMAC 19.15.36.11.A – Financial Assurance Requirements for Centralized Facilities
 - 1.2 NMAC 19.15.36.11.B – Financial Assurance Requirements for New Commercial Facilities
 - 1.3 NMAC 19.15.36.11.C – Terms of Financial Assurance
 - 1.4 NMAC 19.15.36.11.D – Forfeiting Financial Assurance
 - 1.5 NMAC 19.15.36.11.E – Forms of Financial Assurance
 - 1.6 NMAC 19.15.36.11.F – Replacement of Financial Assurance
 - 1.7 NMAC 19.15.36.11.G – Review of Adequacy of Financial Assurance

NMAC 19.15.36.12 - PERMIT APPROVAL, DENIAL, REVOCATION, SUSPENSION, MODIFICATION OR TRANSFER

- 1.0 NMAC 19.15.36.12 – PERMIT APPROVAL, DENIAL, REVOCATION, SUSPENSION MODIFICATION OR TRANSFER
 - 1.1 NMAC 19.15.36.12.A – Granting of Permit
 - 1.2 NMAC 19.15.36.12.B – Denial of Permit
 - 1.3 NMAC 19.15.36.12.C – Additional Requirements
 - 1.4 NMAC 19.15.36.12.D – Revocation, Suspension or Modification of a Permit
 - 1.5 NMAC 19.15.36.12.E – Transfer of a Permit

NMAC 19.15.36.13 - SITING AND OPERATIONAL REQUIREMENTS APPLICABLE TO ALL PERMITTED SURFACE WASTE MANAGEMENT FACILITIES

- 1.0 NMAC 19.15.36.13 – SITING AND OPERATIONAL REQUIREMENTS APPLICABLE TO ALL PERMITTED SURFACE WASTE MANAGEMENT FACILITIES: EXCEPT AS OTHERWISE PROVIDED IN 19.15.36 NMAC - INTRODUCTION
 - 1.1 NMAC 19.15.36.13.A – Depth to Ground
 - 1.2 NMAC 19.15.36.13.B – No Surface Waste Management Facility Shall be Located:
 - 1.3 NMAC 19.15.36.13.C – No Surface Waste Management Facility Shall Exceed 500 Acres
 - 1.4 NMAC 19.15.36.13.D – The Operator Shall Not Accept Oil Field Wastes Transported by Motor Vehicle
 - 1.5 NMAC 19.15.36.13.E – The Operator Shall Not Place Oil Field Waste Containing Free Liquids in a Landfill or Landfarm Cell
 - 1.6 NMAC 19.15.36.13.F – Surface Waste Management Facilities Shall Accept Only Exempt or Non-Hazardous Waste
 - 1.7 NMAC 19.15.36.13.G – Operator of a Commercial Facility Records
 - 1.8 NMAC 19.15.36.13.H – Disposal at a Commercial Facility
 - 1.9 NMAC 19.15.36.13.I – Migratory Bird Projection
 - 1.10 NMAC 19.15.36.13.J – Surface Waste Management Sign
 - 1.11 NMAC 19.15.36.13.K – The Operators Shall Comply with the Spill Reporting and Corrective Action Provisions of 19.15.30 NMAC or 19.15.29 NMAC
 - 1.12 NMAC 19.15.36.13.L – Operator Inspection and Maintenance Plan

- 1.13 NMAC 19.15.36.13.M – Operator Plan to Control Run-On Water onto the Site and Run-Off Water from the Site
- 1.14 NMAC 19.15.36.13.N – Contingency Plan
- 1.15 NMAC 19.15.36.13.O – Gas Safety Management Plan
- 1.16 NMAC 19.15.36.13.P – Training Program

NMAC 19.15.36.14 - SPECIFIC REQUIREMENTS APPLICABLE TO LANDFILLS

1.0 NMAC 19.15.36.14 - INTRODUCTION

- 1.1 NMAC 19.15.36.14.A(1) – Working Face and Compaction
- 1.2 NMAC 19.15.36.14.A(2) - Access Control
- 1.3 NMAC 19.15.36.14.A(3) – Fire Prevention and Extinguishing
- 1.4 NMAC 19.15.36.14.A(4) – Litter and Odor Control
- 1.5 NMAC 19.15.36.14.A(5) – Prohibited Excavation of Closed Cells
- 1.6 NMAC 19.15.36.14.A(6) – Daily Cover Requirements
- 1.7 NMAC 19.15.36.14.A(7) – Intermediate Cover Requirements
- 1.8 NMAC 19.15.36.14.A(8) – Closure Requirements
- 1.9 NMAC 19.15.36.14.B(1)&(2) – Vadose Monitoring Program
- 1.10 NMAC 19.15.36.14.C – Landfill Design Specifications
- 1.11 NMAC 19.15.36.14.C(1) – Base Layer
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- 1.13 NMAC 19.15.36.14.C(3) – Geonet/Geocomposite
- 1.14 NMAC 19.15.36.14.C(4) – Upper Geomembrane Liner
- 1.15 NMAC 19.15.36.14.C(5) – Leachate Collection and Removal System
- 1.16 NMAC 19.15.36.14.C(6) – Protective Soil Layer
- 1.17 NMAC 19.15.36.14.C(7) – Placement of Waste
- 1.18 NMAC 19.15.36.14.C(8)&(9) – Landfill Final Cover Design
- 1.19 NMAC 19.15.36.14.C(10) – External Piping
- 1.20 NMAC 19.15.36.14.D(1)(a)-(c) – Liner Specifications and Requirements
- 1.21 NMAC 19.15.36.14.E – Requirements for the Soil Component
- 1.22 NMAC 19.15.36.14.F – Leachate Collection and Removal System Placement
- 1.23 NMAC 19.15.36.14.G – Landfill Gas Control System
- 1.24 NMAC 19.15.36.14.H(1)-(4) – Landfill Gas Response Plan

NMAC 19.15.36.15 – SPECIFIC REQUIREMENTS APPLICABLE TO LANDFARMS

1.0 NMAC 19.15.36.15 – SPECIFIC REQUIREMENTS APPLICABLE TO LANDFARMS

NMAC 19.15.36.15 – SMALL LANDFARMS

1.0 NMAC 19.15.36.16 – SMALL LANDFARMS

**NMAC 19.15.36.17 – SPECIFIC REQUIREMENTS APPLICABLE EVAPORATION, STORAGE,
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- 1.0 NMAC 19.15.36.17 – INTRODUCTION
 - 1.1 NMAC 19.15.36.17.A – Engineered Design Plans
 - 1.2 NMAC 19.15.36.17.B – Construction Standards
 - 1.3 NMAC 19.15.36.17.C – Operating Standards
 - 1.4 NMAC 19.15.36.17.D – Below-Grade Tanks and Sumps
 - 1.5 NMAC 19.15.36.17.E – Closure Required

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- 1.0 NMAC 19.15.36.18 - INTRODUCTION
 - 1.1 NMAC 19.15.36.18.A – Surface Waste Management Facility Closure by Operator
 - 1.2 NMAC 19.15.36.18.B – Release of Financial Assurance
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 - 1.4 NMAC 19.15.36.18.D – Cell Closure and Post-Closure
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 - 1.2 NMAC 19.15.36.19.B – Exceptions to, Waivers of, or Approved Alternatives to Requirements in an Emergency without Notice or Hearing

NMAC 19.15.36.20 – TRANSITIONAL PROVISIONS

- 1.0 NMAC 19.15.36.20 – TRANSITIONAL PROVISIONS

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 - 2.2 Submittals
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 - 3.6 Installation Procedures
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- 4.0 LEACHATE COLLECTION SYSTEM
 - 4.1 Granular Drainage Media
 - 4.2 Geocomposite Drainage Materials
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 - 1.1 Definitions
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 - 2.2 Earthwork Construction
 - 2.3 Survey and Final Topography
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 - 1.2 Hydrologic Evaluation of Landfill Performance (HELP) Model
 - 1.3 Liner System Design
 - 1.4 Liner Simulation Results
- 2.0 LANDFILL CAP DESIGN – 19.15.36.14(C)(9)
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ATTACHMENT G – HYDROGEOLOGY REPORT

ATTACHMENT H – VADOSE MONITORING PLAN

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 - 1.26 Existing Site Hydrology
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 - 4.2 Waste Characteristics
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- 4.6 Gas Safety
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- 7.0 INSPECTION AND MAINTENANCE
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 - 1.1 Closure Procedures
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APPENDICES

- APPENDIX A – COST ESTIMATE

APPENDIX A
HELP MODEL USER GUIDE

APPENDIX B

PRESCRIPTIVE LINER HELP MODEL DEMONSTRATION

APPENDIX C

ALTERNATE LINER HELP MODEL DEMONSTRATION