

STATE OF NEW MEXICO

ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION



BRUCE KING
GOVERNOR

July 21, 1992

POST OFFICE BOX 2088
STATE LAND OFFICE BUILDING
SANTA FE, NEW MEXICO 87504
(505) 827-5800

Mr. Richard P. Cheney, President
Tierra Environmental Company, Inc.
909 West Apache
Farmington, NM 87401

RE: Tierra Environmental Commercial Landfarm Application
San Juan County, NM

Dear Mr. Cheney:

Enclosed is approval of *Tierra Environmental Company, Inc.*'s application for a commercial landfarm under Division Rule 711. Please notice that the approval letter is dated August 11, 1992, and it is not effective until that date.

As you know Arthur and Inez Bichan have filed a protest and request for hearing on your application. Enclosed is a copy of the letter to them advising them of the approval and of their right to file a petition for hearing to rescind the approval. If they do so, the burden will be on them to show why the application should not be approved.

If they do not file their petition before August 10, 1992, your approval will become effective, and you may begin operation. If they do file their petition, your approval will be suspended.

Sincerely,

A handwritten signature in cursive script, appearing to read "Roger Anderson".

Roger Anderson,
Environmental Bureau Chief

STATE OF NEW MEXICO

ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

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BRUCE KING
GOVERNOR

ANITA LOCKWOOD
CABINET SECRETARY

August 11, 1992

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SANTA FE, NEW MEXICO 87504
(505) 827-5800

CERTIFIED MAIL
RETURN RECEIPT NO. P-670-683-652

Mr. Richard P. Cheney, President
Tierra Environmental Company Inc.
909 West Apache
Farmington, New Mexico 87401

**RE: Tierra Environmental Commercial Landfarm Application
OCD Rule 711 Permit Approval**

Dear Mr. Cheney:

The permit application for the Tierra Environmental Commercial Landfarm located in the NW/4 SE/4, Section 2, Township 29 North, Range 12 West, NMPM, San Juan County, New Mexico, is hereby approved in accordance with OCD Rule 711 under the conditions contained in the enclosed attachment. The application consists of the original application dated April 13, 1992, and the materials dated June 3, 1992 and June 22, 1992, submitted as supplements to the application.

The operation, monitoring and reporting shall be as specified in the enclosed attachment. All modifications and alternatives to the approved landfarming methods must receive prior OCD approval. You are required to notify the Director of any facility expansion or process modification and to file the appropriate materials with the Division.

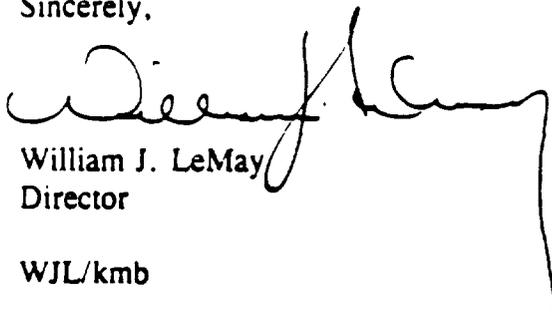
Please be advised approval of this facility does not relieve you of liability should your operation result in actual pollution of surface or ground waters or the environment actionable under other laws and/or regulations.

Please be advised that all tanks exceeding 16 feet in diameter and exposed pits, ponds or lagoons must be screened, netted or otherwise rendered nonhazardous to migratory birds.

Mr. Richard P. Cheney
August 11, 1992
Page 2

If you have any questions, please do not hesitate to contact Kathy Brown at (505) 827-5884.

Sincerely,



William J. LeMay
Director

WJL/kmb

Attachment

xc: Denny Foust, OCD Aztec Office

**ATTACHMENT TO OCD 711 PERMIT APPROVAL
TIERRA ENVIRONMENTAL INC.
COMMERCIAL LANDFARM
(August 11, 1992)**

LANDFARM OPERATION

1. All contaminated soils received at the facility will be spread and disked within 72 hours of receipt.
2. Soils will be spread on the surface in six inch lifts or less.
3. Soils will be disked a minimum of one time every two weeks (biweekly) to enhance biodegradation of contaminants.
4. Successive lifts of contaminated soils will not be spread until a laboratory measurement of Total Petroleum Hydrocarbons (TPH) in the previous lift is less than 100 parts per million (ppm), and the sum of all aromatic hydrocarbons (BTEX) is less than 50 ppm, and the benzene is less than 10 ppm. Comprehensive records of the laboratory analyses and the sampling locations will be maintained at the facility. Authorization from the OCD will be obtained prior to application of successive lifts.
5. Only solids which are non-hazardous by RCRA Subtitle C exemption or by characteristic testing will be accepted at the facility. Solids from operations not currently exempt under RCRA Subtitle C or mixed exempt/non-exempt solids will be tested for appropriate hazardous constituents. Test results must be submitted to the OCD along with a request to receive the non-exempt solids, and a written OCD approval (case specific) must be obtained prior to disposal. Any non-oilfield wastes which are RCRA Subtitle C exempt or are non-hazardous by characteristic testing will only be accepted on a case-by-case basis and with prior OCD approval.
6. Comprehensive records of all material disposed of at the facility will be maintained at the facility. The records for each load will include: 1) the origin, 2) analysis for hazardous constituents if required, 3) transporter, and 4) exact cell location and method of remediation.
7. Bio-remediation through the application of microbes will only be permitted in the designated 1-acre area. The microbes will be mixed with water and applied to the contaminated soils. There will be no ponding, pooling or run-off of water allowed during the application phase or afterwards. Any change in the composition (ie. chemical additives), process or location of the bio-remediation program must receive prior OCD approval.
8. No free liquids or soils with free liquids will be accepted at the facility.

TREATMENT ZONE MONITORING

1. A treatment zone not to exceed two (2) feet beneath the land farm will be monitored. A minimum of one random soil sample will be taken from each individual cell six (6) months after the first contaminated soils are received in the cell and then annually thereafter. The sample will be taken at two to three (2-3) feet below the native ground surface.
2. The soil samples will be analyzed for total petroleum hydrocarbons (TPH) and volatile aromatic organics (BTEX) using approved EPA methods.
3. After obtaining the soil samples the boreholes will be filled with an impermeable material such as bentonite cement.
4. Any cells that have moisture added to them will be analyzed on a quarterly basis following the requirements above.

REPORTING

1. Analytical results from the treatment zone monitoring will be submitted to the OCD Santa Fe Office within thirty (30) days of receipt from the laboratory.
2. The OCD will be notified of any break, spill, blow out, or fire or any other circumstance that could constitute a hazard or contamination in accordance with OCD Rule 116.

BOND

Pursuant to OCD Rule 711 a surety or cash bond in the amount of \$25,000, in a form approved by the Division, is required prior to commencing construction of the commercial surface disposal facility.

CLOSURE

When the facility is to be closed no new material will be accepted. Existing soils will be remediated until they meet the OCD standards in effect at the time of closure. The area will then be reseeded with natural grasses and allowed to return to its natural state. Closure will be pursuant to all OCD requirements in effect at the time of closure.