

NM1-62

**Permit
Tentative
Decision**

State of New Mexico
Energy, Minerals and Natural Resources Department

Susana Martinez
Governor

Ken McQueen
Cabinet Secretary

Matthias Sayer
Deputy Cabinet Secretary

David Catanach
Director, Oil Conservation Division



January 10, 2017

Arif Mussani
Sundance West, Inc.
1006 6th Street
Eunice, New Mexico 88231

CERTIFIED MAIL RECEIPT #7009 0960 0001 0919 5945

RE: Tentative Decision Regarding Commercial Surface Waste Management Facility Permit NM1-62. South ½ of Section 30, Township 21 South, Range 38 East NMPM, Lea County, New Mexico

Mr. Mussani,

Pursuant to applicable parts of the Oil Conservation Commission regulations 19.15.36 NMAC, the Oil Conservation Division (OCD) has completed its review of your application for a commercial waste management facility at the location described above. OCD has decided on permit approval with conditions. Attached is a draft permit with general and specific conditions. OCD will be posting this decision along with the draft permit on our website.

Given OCD's determination, you are now required to issue division-approved notice of this decision by:

- (1) giving written notice by certified mail, return receipt requested, of the division's proposed decision to the surface owners within one-half mile of the proposed facility boundary;
- (2) publishing notice in a newspaper of general circulation in Lea County. (The OCD requests notice be published in both the Hobbs and Eunice newspapers);
- (3) giving notice by first class mail or email to persons identified by OCD who have requested notification of applications generally (listing attached), along with Lea County, the City of Eunice, the New Mexico State Land Office, and the US Bureau of Land Management.

This notice must include your firm's name and mailing address, the proposed facility's location, a brief description of the proposed facility, the depth to shallowest groundwater beneath the proposed facility, the estimated or measured concentration of total dissolved solids in that groundwater, a statement that this decision is available on OCD's website or upon written request to division clerk Florene Davidson at the address below, a description of all alternatives, exceptions, or waivers requested as part of your application, and a statement as to the procedures for requesting a hearing on your application.

If you have any questions, please contact me at (505) 476-3465 or by email at jim.griswold@state.nm.us. On behalf of the Oil Conservation Division, I wish to thank you and your staff for your cooperation during this process.

Respectfully,

Jim Griswold
Environmental Bureau Chief

Email Notice List

Sundance West, Inc. application for surface waste management facility

cass@pinnacleic.net
criley@valhi.net
steven.huddleson@state.nm.us
hbohnhoff@rodey.com
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January 10, 2017

Arif Mussani
Sundance West, Inc.
1006 6th Street
Eunice, New Mexico 88231

RE: Commercial Surface Waste Management Facility Permit NM1-62. South ½ of Section 30, Township 21 South, Range 38 East NMPM, Lea County, New Mexico

Mr. Mussani,

Pursuant to applicable parts of the Oil Conservation Commission regulations 19.15.36 NMAC, the Oil Conservation Division (OCD) has completed its review of your application for a commercial waste management facility at the location described above. OCD hereby approves permit NM1-62 with conditions. Attached are the general and specific conditions.

If you have any questions, please contact Jim Griswold of my staff at (505) 476-3465 or by email at jim.griswold@state.nm.us. On behalf of the Oil Conservation Division, I wish to thank you and your staff for your cooperation during this permit review.

Respectfully,

David Catanach
Director

DC/jg

Attachment – NM1-62 Permit Conditions

SURFACE WASTE MANAGEMENT FACILITY PERMIT CONDITIONS
NM1-62
Sundance West, Inc.
South ½ of Section 30, Township 21 South, Range 38 East NMPM

January 10, 2017

Upon confirmation Sundance West, Inc. of 1006 6th Street, Eunice, New Mexico 88231 (the operator) has provided financial assurance required under Section 1.H of this permit, 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 NM1-62 to Sundance West, Inc. (operator), 1006 6th Street, Eunice, New Mexico 88231 for the construction, operation, and eventual closure of a commercial facility to be located upon a 320 acre tract in an unincorporated portion of Lea County, New Mexico approximately three miles east of Eunice.

The waste management facility is intended for the permanent disposal of exempt and non-exempt/non-hazardous oil field waste and will include a processing area on 80 acres and a landfill on 180 acres. The remaining 60 acres incorporates associated infrastructure and buffer areas. The landfill will have a waste capacity of approximately 17.4 million cubic yards.

B. Scope of Permit. OCD regulates the disposition of water produced or used in connection with the exploration and production of oil and gas and to direct disposal of that water 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 of October 11, 2016 including any attachments and/or amendments all of which are incorporated into this Permit by reference.

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 once OCD receives adequate financial assurance [see Section 1.H below] and will expire ten years thereafter. 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. The operator must provide financial assurance in a form acceptable to OCD for the waste management facility's estimated closure and post-closure cost. The estimated amount currently required is \$982,791.00 which includes the cost of closure construction and post-closure operations for Phase I 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.

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 wastes 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 area 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 landfill, evaporation ponds, stabilization and solidification area, or process area the operator shall furnish OCD with a complete set of construction drawings including a major milestone schedule for construction. These construction drawings must substantially comply with the engineering design provided with the application and show the location of

pond discharge for the purposes of identifying the location of the sacrificial liner. The major milestone schedule shall be updated throughout construction activities.

D. If disposal wells are to be incorporated into facility operations at a later date, those wells must be separately permitted under provisions of the New Mexico Underground Injection Control program.

E. Based upon the nature of the waste material and the lack of internal moisture, the operator in its application has stated the production of landfill gas should be negligible and thus no gas control system is required. However, continuous hydrogen sulfide monitors will be located across the facility with a 10 ppm alarm threshold. If OCD determines landfill gases are unreasonably problematic, a gas control system/plan will need to be implemented with OCD approval.

F. Given the significant depth to the uppermost aquifer beneath the facility, a groundwater monitoring program relative to that aquifer (19.15.36.14 B NMAC) is not herein required. However, as provided in the application, the operator shall monitor the vadose zone within a group of ten wells for the presence and quality of water that might emanate from the facility or otherwise appear as the result of stormwater infiltration. The operator shall notify the OCD prior to the installation of vadose zone monitoring wells not already in place. The final number and location of such wells may be modified by conditions encountered in the field. All groundwater samples must also be analyzed by EPA Method 8260 (full list) for volatile organic compounds in addition to those parameters outlined in the application.

G. The operator has proposed an alternative landfill design which incorporates a geonet layer rather than compacted soil within the leak detection portion (19.15.36.14 C.(3) NMAC), another geonet layer rather than compacted soil within the leachate collection and removal portion (19.15.36.14 C.(5) NMAC), and an evapotranspiration layer for the top landfill cover thereby eliminating the need for a synthetic hydraulic barrier layer beneath the cover and above the waste (19.15.36.14 C.(8) NMAC). The OCD hereby approves these alternatives as they are supported by numeric modeling provided within the application as allowed under 19.15.36.14 C.(9) and appear to provide equivalent protection of fresh water, public health and the environment.

H. The operator in its application requested an exception to 19.15.36.13 I NMAC with respect to the protection of migratory birds. That exception is hereby granted. Rather than installing netting over the evaporation ponds, the owner/operator shall remove all oil from the water prior to discharge to the ponds and undertake daily inspections of the ponds for the presence of either oil or birds. Any oil found on the ponds will be removed immediately. If a consistent bird presence is noted, the operator will be required to implement more aggressive protective actions which may include the use of netting or screens.

Griswold, Jim, EMNRD

From: Griswold, Jim, EMNRD
Sent: Thursday, January 19, 2017 3:39 PM
To: 'Pamela Gonzales'
Subject: RE: Proposed language for Sundance West Public Notice

Pamela,

Please proceed using the edited notice you provided. Thank you.

Jim Griswold

Environmental Bureau Chief

Oil Conservation Division

1220 South St. Francis Drive

Santa Fe, New Mexico 87505

505.476.3465

email: jim.griswold@state.nm.us

From: Pamela Gonzales [mailto:PGonzales@team-psc.com]
Sent: Thursday, January 19, 2017 2:47 PM
To: Griswold, Jim, EMNRD <Jim.Griswold@state.nm.us>
Subject: RE: Proposed language for Sundance West Public Notice

Jim,
Thank you for the language, attached is the notice in redline. If you are in agreement with the edits, I will go final and publish the notice.

Thank you,

Pamela Gonzales

Project Assistant

GORDON ENVIRONMENTAL | PSC

213 S. Camino del Pueblo

Bernalillo, NM 87004

505.867.6990

[Gordon Environmental has merged with PSC](#)

From: Griswold, Jim, EMNRD [mailto:Jim.Griswold@state.nm.us]
Sent: Thursday, January 19, 2017 2:40 PM
To: Pamela Gonzales <PGonzales@team-psc.com>
Subject: Proposed language for Sundance West Public Notice

Pam,

Thanks for the effort in speaking with Charles and myself this morning. I am writing to provide draft language with respect to item 19.15.39.9 D.(7) NMAC. I reviewed our regulations and offer the following:

A person who wishes to comment or request a hearing shall file comments or request for a hearing on the proposed approval with the division clerk within 90 days after the date of this newspaper publication. A request for hearing shall be in writing and state specifically the reasons why a hearing should be held. The OCD director may deny a request for hearing if the director determines the person lacks standing. A hearing may be held if the director determines there is significant public interest or there are comments with technical merit. Additional information is outlined in 19.15.4 NMAC and 19.15.36 NMAC.

Jim Griswold

Environmental Bureau Chief

Oil Conservation Division

1220 South St. Francis Drive

Santa Fe, New Mexico 87505

505.476.3465

email: jim.griswold@state.nm.us

Griswold, Jim, EMNRD

From: Dacia Tucholke <dtucholke@team-psc.com>
Sent: Friday, February 10, 2017 12:25 PM
To: Griswold, Jim, EMNRD
Cc: Charles Fiedler; Heather Sutton; Pamela Gonzales
Subject: Notice - Sundance West
Attachments: Notice_HobbsNewsSun_pg.8_01-26-2017.pdf

Good Afternoon Jim,

The Sundance West Notice of Tentative Decision was published on January 26th in the Hobbs News-Sun, and a PDF of the Notice is attached. In addition, we sent out the certified Notice mailings on the same day to the required property owners and government entities, etc.; and in addition sent the Notice via email to the parties identified by the OCD (also on the same day as publication). We also published Notice in the "Eunice Cardinal" newspaper on 02/02/2017, and we are working on obtaining a copy of that article as it is a small local paper not available online.

Once we have all of the certified mail receipts, affidavit of publication, etc., we will submit the "proof of notice" documentation required by 19.15.36.9.F NMAC to OCD.

Please contact me if you have any questions.

Thank you,

Dacia

Dacia Tucholke

Project Manager

GORDON ENVIRONMENTAL | PSC

213 S. Camino del Pueblo
Bernalillo, NM 87004
505.867.6990

[Gordon Environmental has merged with PSC](#)

ACCUWEATHER® FIVE-DAY FORECAST FOR HOBBS

Today

Mostly sunny

50°

RealFeel: 50°

Tonight

Cold with a starlit sky

24°

RealFeel: 19°

Friday

Sunshine and chilly

47° 24°

RealFeel: 46°/21°

Saturday

Partly sunny and cool

51° 26°

RealFeel: 62°/22°

Sunday

Plenty of sun

58° 30°

RealFeel: 63°/27°

Monday

Partial sunshine

63° 35°

RealFeel: 62°/31°

The patented AccuWeather.com RealFeel Temperature® is an exclusive index of effective temperature based on eight weather factors.

ACCUWEATHER UV INDEX

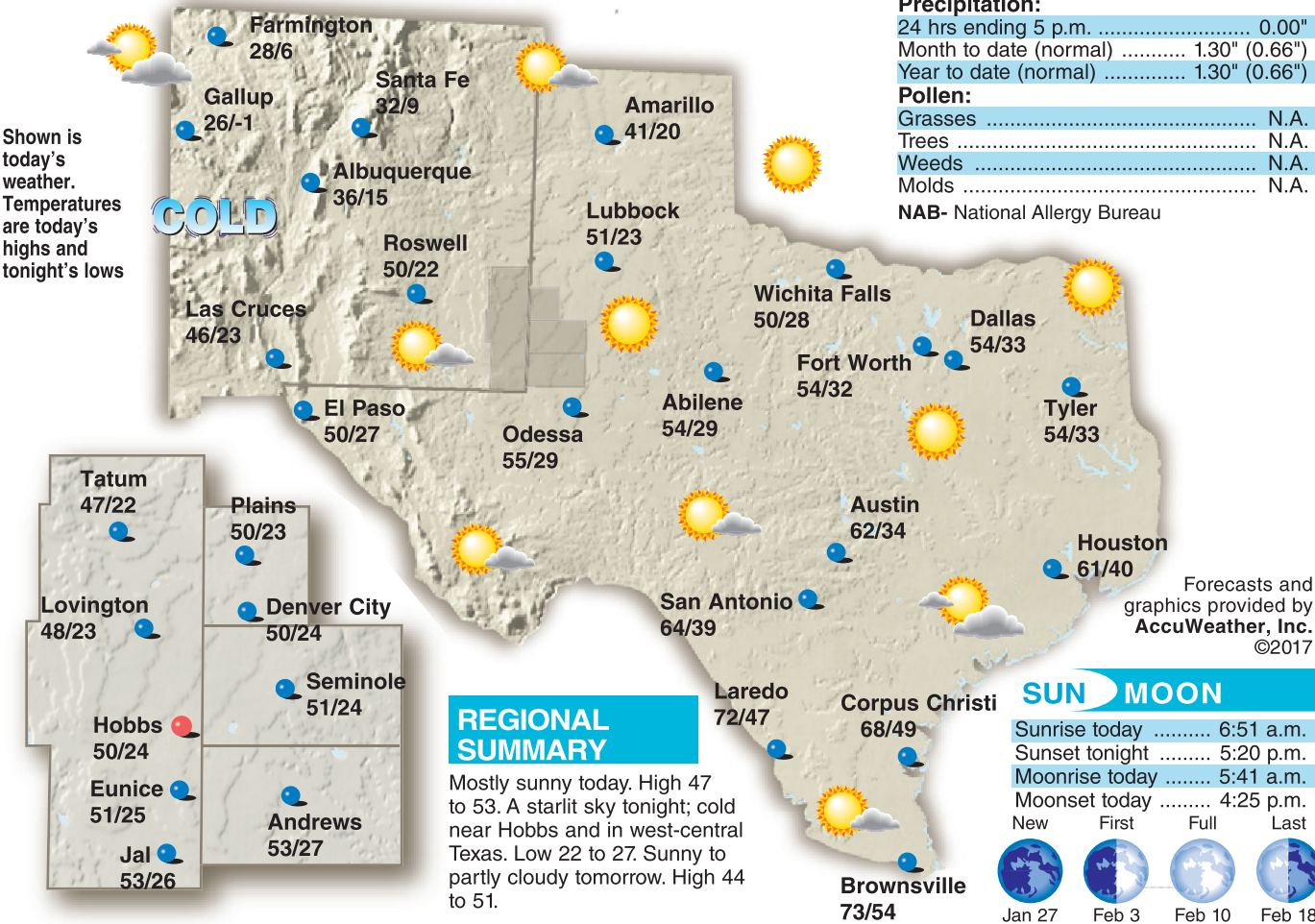
Highest today 5 Moderate
 The higher the AccuWeather.com UV Index™ number, the greater the need for eye and skin protection.

WINDS SPEED/DIRECTION

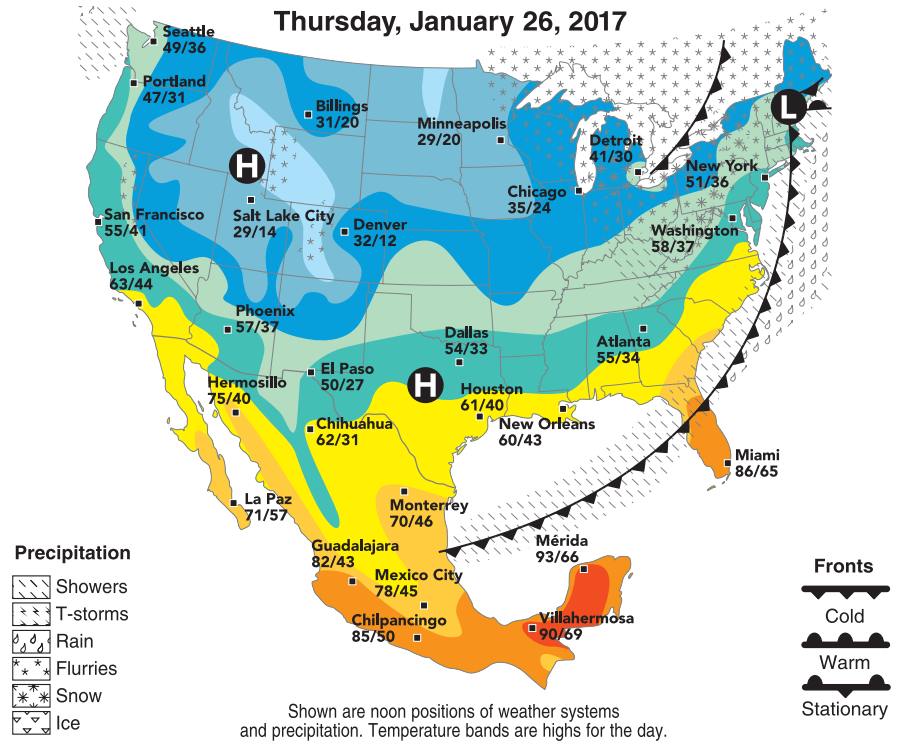
Today W, 6-12 mph
 Friday ENE, 6-12 mph
 Saturday NNW, 6-12 mph
 Sunday ENE, 4-8 mph

ALMANAC INFORMATION

Hobbs through 5 p.m. yesterday
Temperature:
 High/Low 50°/39°
 Record high 78°/1975
 Record low 4°/1926
Precipitation:
 24 hrs ending 5 p.m. 0.00"
 Month to date (normal) 1.30" (0.66")
 Year to date (normal) 1.30" (0.66")
Pollen:
 Grasses N.A.
 Trees N.A.
 Weeds N.A.
 Molds N.A.
 NAB- National Allergy Bureau



NATIONAL WEATHER



National Temperatures:			Regional Temperatures:		
City	Wed. Hi/Low/W	Today Hi/Low/W	City	Wed. Hi/Low/W	Today Hi/Low/W
Anchorage	33/23/sn	40/29/sn	Ablene	48/38/pc	54/29/s
Atlanta	71/44/pc	55/34/pc	Alamogordo	47/29/s	45/21/s
Baltimore	60/39/s	56/34/pc	Albuquerque	37/21/pc	36/15/s
Boston	44/35/pc	51/34/pc	Amarillo	40/23/pc	41/20/s
Buffalo	40/32/c	37/30/sn	Austin	69/59/pc	62/34/s
Charleston, SC	74/44/s	71/38/sh	Beaumont	78/64/pc	63/39/s
Chicago	42/35/sh	35/24/sf	Brownsville	85/68/pc	73/54/s
Cleveland	52/37/sh	41/31/sf	Carlsbad	55/40/s	53/25/s
Denver	30/10/pc	32/12/s	Clovis	45/21/s	43/18/s
Des Moines	34/33/sn	28/19/c	Corpus Christi	80/64/pc	68/49/s
Helena	22/10/pc	23/8/c	Dallas	53/47/pc	54/33/s
Honolulu	81/68/s	82/68/pc	El Paso	50/40/s	50/27/s
Indianapolis	55/37/r	37/27/sf	Farmington	32/20/sn	28/6/pc
Kansas City	34/33/c	33/21/pc	Fort Worth	53/46/pc	54/32/s
Las Vegas	51/35/s	48/35/s	Gallup	29/16/pc	26/-1/s
Los Angeles	60/42/s	63/44/s	Houston	75/67/pc	61/40/s
Miami	80/60/pc	86/65/s	Laredo	76/60/pc	72/47/s
Minneapolis	31/30/sn	29/20/c	Las Cruces	47/30/s	46/23/s
New Orleans	78/52/pc	60/43/s	Las Vegas, NM	35/17/s	33/8/s
New York	48/36/s	51/36/sh	Midland	55/39/pc	56/28/s
Oklahoma City	45/34/s	48/23/s	Odessa	53/42/pc	55/29/s
Omaha	32/30/sn	29/19/pc	Rio Rancho	38/20/pc	34/15/s
Philadelphia	54/41/s	56/36/pc	Roswell	54/37/s	50/22/pc
Phoenix	57/39/s	57/37/s	Ruidoso	34/19/pc	34/14/s
St. Louis	49/45/pc	37/28/c	San Antonio	71/59/pc	64/39/s
Salt Lake City	28/25/sn	29/14/c	Santa Fe	35/19/pc	32/9/s
San Francisco	56/42/pc	55/41/pc	T or C	45/28/s	44/21/pc
Seattle	45/35/sh	49/36/c	Tyler	59/54/pc	54/33/s
Tucson	54/31/s	56/32/s	Waco	58/51/pc	56/30/s
Washington, DC	60/45/s	58/37/pc	Wichita Falls	49/35/pc	50/28/s

Sheriff's report

Lea County Sheriff's Department activity for 1-24-17

- 85 calls for service.
- Two accidents: without injuries Hwy. 18 MM 5; with injuries WIPP Rd. and Hwy. 62-180.
- Three criminal incidents: warrant service 1400 block S. Commercial; subject with gun 5100 block Plains Hwy.; sex offender registry 1400 block S. Commercial.

ARRESTS

- 11 arrests.
- Five misdemeanors: battery against a household member; failure to pay fines; battery against a household member; two failures to appear. Eight felonies.

FELONY ARRESTS

- Michael Burgin, 37, of Hobbs, was arrested Jan. 23 and charged with parole violation, a fourth-degree felony; and battery against a household member, a misdemeanor.
- Jimmie Dunlap, 56, of Hobbs, was arrested Jan. 23 and charged with fraud, a fourth-degree felony, and attempt to commit fraud, a misdemeanor.
- Clinton Holladay, 33, of Lovington, was arrested Jan. 23 and charged with two counts of probation violation, a felony.
- Zachary McVey, 37, of Hobbs, was arrested Jan. 23 and charged with failure to appear, a felony.
- Gerald Gill, 50, of Hobbs, was arrested Jan. 24 and charged with probation violation, a third-degree felony.
- Charles Lee, 29, of Albuquerque, was arrested Jan. 24 and charged with failure to appear for hearing, a fourth-degree felony; and failure to appear for hearing, a misdemeanor.
- Jose Villegas, 31, of Lovington, was arrested Jan. 24 and charged with fugitive from justice, a felony.

Fire reports

Hobbs Fire Department activity for 1-24-17

- 19 calls for service.
- One fire incident: grass fire Dal Paso and E. Kansas.
- Five non-emergency transports.
- 10 ambulance runs: 1100 block N. Grayson; 500 block W. Gold; 300 block N. Dalmont; 400 block W. Copper; 300 block N. Cecil; 1700 block N. Turner; 400 block E. Permian; 1500 block E. Alameda; 2800 block N. Dal Paso; 900 block W. Caprock.

Police reports

Lovington Police Department activity for 1-24-17 to

FOR THE RECORD

"Better Call Chris!"
CHRISTOPHER MILLS
 ATTORNEY AT LAW
 • FREE CONSULTATION • PAYMENT PLANS
 Serving the Community Since 2007
575.397.7550

1-25-17

- 34 calls for service.
- No accidents.
- Five criminal incidents: larceny 200 block W. Ave. D; fraud 700 block N. 17th; larceny 500 block W. Ave. I; fraud 1200 block W. Ave. Q; commercial burglary 1300 block S. Love.

Hobbs Police Department activity for 1-24-17

- 175 calls for service.
- Four accidents: without injuries 6900 block W. Millen; with injuries Linam and W. Lea; hit-and-run without injuries 2000 block N. Adobe; without injuries E. Sanger and N. Dal Paso.
- 18 criminal incidents: suspicious vehicle 1300 block N. Pine; counterfeit money or documents 700 block W. Marland; criminal damage to property reported; warrant service 300 block N. Dalmont; unwanted subjects 1400 block E. Dunnam; stolen vehicle 5000 block N. Lovington Hwy.; residential burglary 100 block S. Ave. A; two frauds reported; two lost or stolen property incidents reported; unwanted subjects 1500 block N. Yeso; hit-and-run accident without injuries 2000 block N. Adobe; two shoplifting incidents 3800 block N. Lovington Hwy.; probation violation 400 block W.

Ute; probation violation 1200 block S. Perry; warrant service 300 block N. Turner.

ARRESTS

- Nine arrests.
- Seven misdemeanors — two shoplifting; possession of narcotic paraphernalia; criminal failure to appear; probation violation; driving on a revoked license; violation order of protection. Five felonies.
- FELONY ARRESTS**
- Joe Castro, 30, of Hobbs, was arrested Jan. 24 and charged with parole violation, a fourth-degree felony; and possession of narcotic paraphernalia, a petty misdemeanor.
- Albert Ordaz-Fonseca, 41, of Hobbs, was arrested Jan. 24 and charged with criminal sexual contact of a minor, a second-degree felony.
- Alejandro Roman, 38, of Hobbs, was arrested Jan. 24 and charged with breaking and entering, a fourth-degree felony; and violation order of protection, a misdemeanor.
- Gerret Jones, 23, of Hobbs, was arrested Jan. 24 and charged with conspiracy and perjury, both fourth-degree felonies. A \$5,000 bond was set.

ACCIDENTS

FAMILY FUN DAY
 DINOSAUR EXHIBITS
 FREE Activities\Crafts\Admission
SATURDAY JAN 28
10am-3pm
 11am & 1pm: (Theater)
 Featuring Paleontologist,
 Dr. Spencer G. Lucas from the
 New Mexico Museum of Natural History
 Dr. Lucas will give a presentation and sign his
 authored books(for sale in our Museum Store).
 10am - 2pm: Crafts & Exploration Tables
 2pm: Featured Film *The Good Dinosaur*
 575-392-6730 | nmjc.edu/museum
 Western Heritage Museum & Lea County Cowboy Hall of Fame

Jan. 24 — 10:55 a.m. at N. Linam and W. Lea; drivers Herb Allen and Luise Vanwinkle, both of Hobbs; Vanwinkle was cited for failure to yield.

Jan. 24 — 1:27 p.m. at 2000 block N. Adobe; driver unknown; Enforcement action pending.

Correction policy

The News-Sun is committed to accuracy in its news reports. Confirmed factual errors will be corrected in this space daily. If you find a mistake, call 391-5435.

Martinez nominates 2 former lawmakers as UNM regents

ALBUQUERQUE (AP) — Gov. Susana Martinez has nominated two former lawmakers to serve as University of New Mexico regents.

Martinez announced Tuesday that, pending state Senate confirmation, former Republican state lawmakers John Ryan of Albuquerque and Don Tripp of Socorro will be appointed to the Board of Regents. Ryan and Tripp will replace Regents Jack Fortner and Brad Hos-

mer. Governor spokesman Chris Sanchez says leaders of New Mexico's higher education institutions need to prioritize fiscal responsibility and data-driven reforms. He says Tripp and Ryan will bring a wealth of experience to the board. UNM is currently bracing for financial cuts as the state works to solve a budget crisis.

NOTICE OF APPLICATION
 SUNDANCE WEST – SURFACE WASTE MANAGEMENT FACILITY

Pursuant to 19.15.36.9(D), Oil Conservation Division Surface Waste Management Facilities regulations, Sundance West, Inc. is providing notice that the Oil Conservation Division (OCD) has issued a Tentative Decision to approve with conditions an Application for Permit of a new Surface Waste Management Facility (Sundance West Facility). The Application for Permit was submitted to OCD by Sundance West, Inc. on August 15, 2016. Comments regarding the Application may be submitted to OCD within 90 days of Notice.

- Applicant's name and address: Sundance West, Inc., P.O. Box 1737, Eunice, NM 88231; Telephone: 575.265.1250.
- Facility location and address: The proposed Sundance West Facility is located approximately 3 miles east of Eunice, 18 miles south of Hobbs, and approximately 1.5 miles west of the Texas/ New Mexico (NM) state line in unincorporated Lea County, NM. The Sundance West Site is comprised of a 320-acre ± tract of land located in the South ½ of Section 30, Township 21 South, Range 38 East, Lea County, NM. Site access will be provided via NM 18 and Wallach Lane.
- Brief description of surface waste management facility: The proposed Sundance West Facility will include a liquid oil field waste Processing Area (80 acres ±) and an oil field waste Landfill (180 acres ±). At full build-out, the Processing Area will include an oil treatment facility consisting of an estimated 8 produced water load-out points, 45 produced water tanks, 10 evaporation ponds, 3 crude oil recovery tanks, and 2 oil sales tanks; as well as 1 stabilization and solidification area; and 1 customer jet wash (6 bays). The Landfill disposal footprint is 180 acres ± with a waste capacity (airspace) of approximately 17.4 million cubic yards. In addition, various support facilities, including: a Gatehouse/Office, waste acceptance/security features, roads, emergency shower and eyewash station, and stormwater detention basins are proposed for the new Facility.
- Depth and quality of shallowest aquifer: The permanent uppermost regional aquifer beneath the Sundance West site area lies at a depth of at least 675 to 1,075 feet (ft) below ground surface (bgs) in the Santa Rosa Formation of the Dockum Group. Total dissolved solids in this formation range from 2,000 to 3,000 mg/L near the Sundance West site.
- The Oil Conservation Division's proposed decision to approve the Sundance West Application is available on the Division's website (<http://www.emnrd.state.nm.us/OCD/env-draftpublicetc.html>), or, upon request, from the division clerk, Florene Davidson, (florene.davidson@state.nm.us), 1220 South St. Francis Dr., Santa Fe, NM 87505, P: (505)476-3458, F: (505)476-3462
- The following is a description of alternatives, exceptions or waivers that are under consideration for the Sundance West Application in accordance with 19.15.36.19 NMAC. Sundance West is requesting alternatives to the requirements consistent with the flexibility provided for:
 - Landfill Gas Control requirements per 19.15.36.13.O NMAC
 - Vadose Zone monitoring per 19.15.36.14.B(1-2) NMAC
 - Geonet Detection and Drainage Layers per 19.15.36.14.C
 - Final Cover per 19.15.36.14.C(9) NMAC
 - Bird Control Alternatives per 19.15.36.19 NMAC
- A person who wishes to comment or request a hearing shall file comments or request for a hearing on the proposed approval with the division clerk within 90 days after the date of this newspaper publication. A request for hearing shall be in writing and state specifically the reasons why a hearing should be held. The OCD director may deny a request for hearing if the director determines the person lacks standing. A hearing may be held if the director determines there is significant public interest or there are comments with technical merit. Additional information is outlined in 19.15.4 NMAC and 19.15.36 NMAC.

Interested parties may also contact Jim Griswold, Bureau Chief, Oil Conservation Division at (505) 476-3465 for further information.



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April 17, 2017

Mr. David Catanach
Division Director
Oil Conservation Division
N.M. Energy, Minerals and Natural Resources Department
1220 South St. Francis Dr.
Santa Fe, NM 87505

Re: January 10, 2017 Tentative Decision Regarding Commercial Surface Waste Management Facility Permit NM1-62 for Sundance West, Inc.; South ½ Section 30, Township 21, Range 38 East NMPM, Lea County, New Mexico

Dear Mr. Catanach,

Please accept this correspondence as the comments of Waste Control Specialists LLC ("WCS") on the above referenced Tentative Decision to issue a permit to Sundance West for a commercial surface waste management facility.

WCS owns property adjacent to and east of the existing Sundance Services, Inc. disposal facility in Lea County, New Mexico. The existing Sundance disposal facility is located between the proposed new Sundance West facility and WCS' property. The Sundance legacy facility has operated since approximately 1978, and has disposed of a large volume of oil and gas waste in both solid and liquid form into unlined surface disposal units. The historical operations at Sundance's facility have previously affected WCS property with the release of oil and gas waste onto WCS' property. WCS is concerned that the existing facility will continue to potentially impact WCS' property and surrounding environment going forward if Sundance is not required to cease operations, close the legacy facility and remediate contamination before opening a new facility.

Accordingly, WCS respectfully requests that prior to constructing and operating a new facility, Sundance be required to:

Corporate
5430 LBJ Freeway, Ste. 1700
Three Lincoln Centre
Dallas, TX 75240
Ph. 972-715-9800
Fx. 972-448-1419

Facility
P.O. Box 1129
Andrews, TX 79714
Ph. 888-789-2783
Fx. 505-394-3427

- 1) Close the legacy Sundance facility in accordance with an approved closure plan; and,
- 2) Investigate and remediate all onsite and offsite contamination of soils and shallow groundwater.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rod Baltzer".

Rod Baltzer
President