

**NM1 - 13**

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**PERMITS,  
RENEWALS, &  
MODS**



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

GARY E. JOHNSON  
Governor  
Betty Rivera  
Cabinet Secretary

November 22, 2002

Lori Wrotenbery  
Director  
Oil Conservation Division

**CERTIFIED MAIL**  
**RETURN RECEIPT NO. 7001-1940-0004-2939-8201**

Mr. Charles Bettis  
Environmental Plus, Inc.  
P.O. Box 1558  
Eunice, NM 88231

**RE: Modification to NMOCD Rule 711 Permit NM-01-0013  
Environmental Plus Inc.  
SW/4 NW/4 and the NW/4 NW/4 of Section 14, and the SE/4 NE/4 and the NE/4  
NE/4 of Section 15, Township 22 South, Range 37 East, NMPM  
Lea County, New Mexico**

Dear Mr. Bettis:

The application to modify permit NM-01-0013 for the Environmental Plus, Inc. (EPI) commercial surface waste management facility is hereby approved in accordance with New Mexico Oil Conservation Division (OCD) Rule 711 under the conditions contained in the enclosed attachment. Currently EPI has financial assurance in the amount of \$56,250. According to the schedule outlined in the financial assurance section of the enclosed attachment, **\$75,000 is required by January 10, 2003**. The modification will change the lift thickness placed in the landfarm facility. The application consists of the permit application Form C-137 dated September 24, 2002 and supplemental information dated September 25, 2002. This modification supercedes Permit NM-01-0013 approved January 14, 2000.

All construction, operation, monitoring and reporting shall be as proposed in the C-137 application and as specified in the enclosed attachment. All modifications and alternatives to the approved landfarming methods must receive prior OCD approval. EPI is 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 permit does not relieve EPI of liability should your operation result in pollution of surface water, ground water, or the environment. In addition, OCD approval does not relieve EPI of responsibility for compliance with other federal, state or local laws and/or regulations.

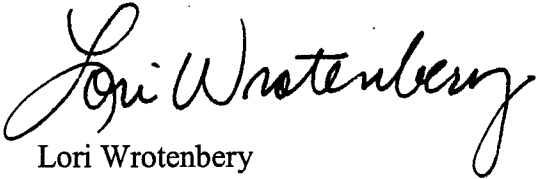
Please be advised that all tanks exceeding 16 feet in diameter and exposed pits, ponds or lagoons must be screened, netted or otherwise rendered non-hazardous to migratory birds. In addition, OCD Rule 310 prohibits oil from being stored or retained in earthen reservoirs or open receptacles.

The facility is subject to periodic inspections by the OCD. The conditions of this permit will be reviewed by the OCD no later than five (5) years from the date of this approval and the facility will be inspected at least once a year. In addition, the closure cost estimate will be reviewed according to prices and remedial work estimates at the time of the five (5) year review. The financial assurance may be adjusted to incorporate any closure cost changes.

Enclosed are two copies of the conditions of approval. **Please sign and return one copy to the OCD Santa Fe Office within five working days of receipt of this letter.**

If you have any questions please do not hesitate to contact Martyne J. Kieling at (505) 476-3488.

Sincerely,

A handwritten signature in cursive script, reading "Lori Wrotenberg".

Lori Wrotenberg  
Director

LW/mjk

xc with attachments:  
Hobbs OCD Office

**ATTACHMENT TO OCD 711 PERMIT MODIFICATION**  
**PERMIT NM-01-0013**  
**ENVIRONMENTAL PLUS, INC.**  
**SW/4 NW/4 and the NW/4 NW/4 of Section 14, and the SE/4 NE/4 and the NE/4 NE/4 of**  
**Section 15, Township 22 South, Range 37 East, NMPM**  
**Lea County, New Mexico**  
**(November 22, 2002)**

**LANDFARM OPERATION**

1. The facility must be fenced and have a sign at the entrance. The sign must be legible from at least 50 feet and contain the following information: a) name of the facility; b)OCD permit number; c) location by section, township and range; and d) emergency phone number.
2. Disposal may occur only when an attendant is on duty. The facility must be secured when no attendant is present.
3. All contaminated soils received at the facility must be spread and disked within 72 hours of receipt.
4. Soils must be spread on the surface in lifts of eight inches or less.
5. Soils must be disked a minimum of one time every two weeks (biweekly) to enhance biodegradation of contaminants.
6. Moisture may be added as necessary to enhance bioremediation and to control blowing dust. There may be no ponding, pooling or run-off of water allowed. Any ponding of precipitation must be removed within twenty-four (24) hours of discovery.
7. Contaminated soils may not be placed within one hundred (100) feet of the boundary of the facility.
8. Contaminated soils may not be placed within twenty (20) feet of any pipeline crossing the landfarm or within twenty (20) feet of any well or well pad located within the landfarm. In addition, no equipment may be operated within ten (10) feet of a pipeline. All pipelines crossing the facility must have surface markers identifying the location of the pipelines.
9. The OCD must be notified prior to the installation of any pipelines or wells or other construction within the boundaries of the facility.
10. The portion of the facility containing contaminated soils must be bermed to prevent runoff and runon. A perimeter berm must be maintained such that it is capable of containing precipitation from a one-hundred year flood for the specific region. Individual cell berms must be maintained around each cell.

11. All above-ground tanks, saddle tanks or drums located at the facility and containing materials other than fresh water must be placed on an impermeable pad with curb containment. The pad and curb containment must be able to hold one and one-third the volume of the largest tank or all interconnected tanks. The tanks and containers must be labeled as to contents and hazards.
12. Exempt contaminated soils must be placed in the landfarm so that they are physically separate (*i.e.*, bermed) from non-exempt contaminated soils. There may be no mixing of exempt and non-exempt soils.
13. Successive lifts of contaminated soils may not be spread until a laboratory measurement of total petroleum hydrocarbons (TPH) in the previous lift is less than 100 parts per million (ppm), the sum of all aromatic hydrocarbons (BTEX) is less than 50 ppm, and benzene is less than 10 ppm. Comprehensive records of the laboratory analyses and the sampling locations must be maintained at the facility. Authorization from the OCD must be obtained prior to application of successive lifts and/or removal of the remediated soils.
14. Enhanced bio-remediation through the application of microbes (bugs) and/or fertilizers requires prior approval from the OCD. Requests for application of microbes or fertilizers must include the location of the area designated for the program, the composition of additives, and the method, amount and frequency of application.
15. Any design changes to the landfarm facility must be submitted to the OCD Santa Fe office for approval and a copy must be sent to the Hobbs District office.
16. Landfarm inspection and maintenance must be conducted on at least a biweekly basis and immediately following each consequential rainstorm or windstorm. The OCD Santa Fe and Hobbs offices must be notified within 48 hours if any defect is noted. Repairs must be made as soon as possible. If the defect will jeopardize the integrity of the landfarm, additional wastes may not be placed into the landfarm until repairs have been completed.

#### **WASTE ACCEPTANCE CRITERIA**

1. The facility is authorized to accept only:
  - a. Oilfield wastes that are exempt from RCRA Subtitle C regulations and that do not contain Naturally Occurring Radioactive Material regulated pursuant to 20 NMAC 3.1 Subpart 1403 (NORM). All loads of these wastes received at the facility shall be accompanied by a "Generator Certificate of Waste Status" signed by the generator
  - b. "Non-hazardous" non-exempt oilfield wastes that do not contain NORM. These wastes may be accepted on a case-by-case basis after a hazardous waste determination is made. Samples, if required, must be obtained from the wastes

prior to removal from the generator's facility and without dilution in accordance with EPA SW-846 sampling procedures. All "non-hazardous" non-exempt wastes received at the facility must be accompanied by:

- i. An approved OCD Form C-138 "Request For Approval To Accept Solid Waste."
  - ii. A "Generator Certificate of Waste Status" signed by the generator.
  - iii. A verification of waste status issued by the appropriate agency, for wastes generated outside OCD jurisdiction. The agency verification is based on specific information on the subject waste submitted by the generator and demonstrating the exempt or non-hazardous classification of the waste.
- c. Non-oilfield wastes that are non-hazardous if ordered by the Department of Public Safety in a public health emergency. OCD approval must be obtained prior to accepting the wastes.
2. At no time may any OCD-permitted surface waste management facility accept wastes that are hazardous by either listing or characteristic testing.
  3. No free liquids or soils with free liquids may be accepted at the facility.
  4. Materials that may be accepted into the facility must pass a paint filter test by EPA Method 9095A or prior to receipt.
  5. The transporter of any wastes to the facility must supply a certification that wastes delivered are those wastes received from the generator and that no additional materials have been added.

#### **TREATMENT ZONE MONITORING**

1. A treatment zone not to exceed three (3) feet beneath the landfarm native ground surface must be monitored. A minimum of one random soil sample must be taken from each individual cell, with no cell being larger than five (5) acres, six (6) months after the first contaminated soils are received in the cell and then quarterly thereafter. The sample must be taken at two (2) to three (3) feet below the native ground surface.
2. The soil samples must be analyzed using EPA-approved methods for total petroleum hydrocarbons (TPH) and volatile aromatic organics (BTEX) quarterly and for major cations/anions and Water Quality Control Commission (WQCC) metals annually.
3. After soil samples are obtained, the boreholes must be filled with an impermeable material such as cement or bentonite.

## **REPORTING**

1. Analytical results from the treatment zone monitoring must be submitted to the OCD Santa Fe office **within 30 days** of receipt from the laboratory.
2. Environmental Plus, Inc. must notify the **OCD Santa Fe and Hobbs offices within 24 hours** of any fire, break, leak, spill, blowout or any other circumstance that could constitute a hazard or contamination in accordance with OCD Rule 116.
3. Records of landfarm inspection and maintenance must be kept and maintained for OCD review.
4. Comprehensive records of all material disposed of at the facility must be maintained at the facility. The records for each load will include: 1) generator; 2) origin; 3) date received; 4) quantity; 5) certification of waste status as exempt or non-exempt with any necessary supporting documentation to certify non-hazardous status for non-exempt waste; 6) NORM status declaration; 7) transporter; 8) exact cell location; and 9) any addition of microbes, moisture, fertilizers, *etc.*
5. Analytical results regarding remediated soil must be submitted to the OCD Santa Fe office with a copy to the Hobbs District office, along with any request to close the cell, apply successive lifts or remove the remediated material.
6. The OCD must be notified prior to the installation of any pipelines or wells or other construction within the boundaries of the facility.

## **FINANCIAL ASSURANCE**

1. Financial assurance in the amount of \$75,000 (the estimated cost of closure) in the form of a surety or cash bond or a letter of credit, which is approved by the Division, is required from Environmental Plus, Inc. for the commercial surface waste management facility.

**By January 10, 2003** or when the facility is filled to 100% of the permitted capacity, whichever comes first, EPI must submit financial assurance in the amount of **\$75,000**.

2. The facility is subject to periodic inspections by the OCD. The conditions of this permit and the facility will be reviewed no later than five (5) years from the date of this approval. In addition, the closure cost estimate will be reviewed according to prices and remedial work estimates at the time of review. The financial assurance may be adjusted to incorporate any closure cost changes.

## **CLOSURE**

1. The OCD Santa Fe and Hobbs offices must be notified when operation of the facility is to be discontinued for a period in excess of six (6) months or when the facility is to be dismantled. Within six (6) months of discontinuing use or within 30 days of deciding to dismantle the facility a closure plan must be submitted to the OCD Santa Fe office for approval. The operator must complete cleanup of constructed facilities and restoration of the facility site within six (6) months of receiving the closure plan approval, unless an extension of time is granted by the Director.
2. Within six (6) months of discontinuing use or within 30 days of deciding to dismantle the facility a closure plan to include the following procedures must be submitted to the OCD Santa Fe office for approval:
  - a. When the facility is to be closed no new material may be accepted.
  - b. Existing landfarm soils will be remediated until they meet the OCD standards in effect at the time of closure.
  - c. The soils beneath the landfarm cells must be characterized as to the total petroleum hydrocarbons (TPH) and volatile aromatic organics (BTEX) content in order to determine potential migration of contamination beneath the facility.
  - d. Contaminated soils exceeding OCD closure standards for the site must be removed or remediated.
  - e. The area will be contoured, seeded with native grasses and allowed to return to its natural state. If the landowner desires to keep existing structures, berms, or fences for future alternative uses the structures, berms, or fences may be left in place.
  - f. Closure will be pursuant to all OCD requirements in effect at the time of closure, and any other applicable local, state and/or federal regulations.

## **CERTIFICATION**

Environmental Plus, Inc., by the officer whose signature appears below, accepts this permit and agrees to comply with all terms and conditions contained herein. Environmental Plus, Inc. further acknowledges that these conditions and requirements of this permit may be changed administratively by the Division for good cause shown as necessary to protect fresh water, human health and the environment.

Accepted; ENVIRONMENTAL PLUS, INC.

Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_



**ATTACHMENT TO OCD 711 PERMIT MODIFICATION  
PERMIT NM-01-0013**

**ENVIRONMENTAL PLUS, INC.**

**SW/4 NW/4 and the NW/4 NW/4 of Section 14, and the SE/4 NE/4 and the NE/4 NE/4 of  
Section 15, Township 22 South, Range 37 East, NMPM  
Lea County, New Mexico  
(November 22, 2002)**

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1. The facility must be fenced and have a sign at the entrance. The sign must be legible from at least 50 feet and contain the following information: a) name of the facility; b)OCD permit number; c) location by section, township and range; and d) emergency phone number.
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1. Financial assurance in the amount of \$75,000 (the estimated cost of closure) in the form of a surety or cash bond or a letter of credit, which is approved by the Division, is required from Environmental Plus, Inc. for the commercial surface waste management facility.

**By January 10, 2003** or when the facility is filled to 100% of the permitted capacity, whichever comes first, EPI must submit financial assurance in the amount of **\$75,000**.

2. The facility is subject to periodic inspections by the OCD. The conditions of this permit and the facility will be reviewed no later than five (5) years from the date of this approval. In addition, the closure cost estimate will be reviewed according to prices and remedial work estimates at the time of review. The financial assurance may be adjusted to incorporate any closure cost changes.

## **CLOSURE**

1. The OCD Santa Fe and Hobbs offices must be notified when operation of the facility is to be discontinued for a period in excess of six (6) months or when the facility is to be dismantled. Within six (6) months of discontinuing use or within 30 days of deciding to dismantle the facility a closure plan must be submitted to the OCD Santa Fe office for approval. The operator must complete cleanup of constructed facilities and restoration of the facility site within six (6) months of receiving the closure plan approval, unless an extension of time is granted by the Director.
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  - f. Closure will be pursuant to all OCD requirements in effect at the time of closure, and any other applicable local, state and/or federal regulations.

## **CERTIFICATION**

Environmental Plus, Inc., by the officer whose signature appears below, accepts this permit and agrees to comply with all terms and conditions contained herein. Environmental Plus, Inc. further acknowledges that these conditions and requirements of this permit may be changed administratively by the Division for good cause shown as necessary to protect fresh water, human health and the environment.

Accepted; ENVIRONMENTAL PLUS, INC.

Signature Sherry K. Mason Title President Date 12-3-2002

oGrid 195265



STATE OF NEW MEXICO  
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION

2040 S. PACHECO  
SANTA FE, NEW MEXICO 87505  
(505) 827-7131

January 14, 2000

**CERTIFIED MAIL**  
**RETURN RECEIPT NO. Z-559-573-257**

Mr. Charles Bettis  
Environmental Plus, Inc.  
P.O. Box 1558  
Eunice, NM 88231

**RE: OCD Rule 711 Permit Approval NM-01-0013**  
**Environmental Plus Inc.**  
**SW/4 NW/4 and the NW/4 NW/4 of Section 14, and the SE/4 NE/4 and the NE/4**  
**NE/4 of Section 15, Township 22 South, Range 37 East, NMPM**  
**Lea County, New Mexico**

Dear Mr. Bettis:

The permit application for the Environmental Plus, Inc. (EPI) commercial surface waste management facility located in the SW/4 NW/4 and the NW/4 NW/4 of Section 14, and the SE/4 NE/4 and the NE/4 NE/4 of Section 15, Township 22 South, Range 37 East, NMPM, Lea County, New Mexico, is hereby approved in accordance with New Mexico Oil Conservation Division (OCD) Rule 711 under the conditions contained in the enclosed attachment. **This permit approval is conditional upon the receipt and approval by the Director of financial assurance in the amount of \$75,000.** According to the schedule outlined in the financial assurance section of the enclosed attachment, **\$25,000** is required within thirty (30) days of the date of this permit approval letter. The application consists of the permit application Form C-137 dated October 3, 1997, request for expansion dated January 15, 1999, supplemental information dated October 19, 1999, the original permit application dated February 15, 1993, and the original permit approval dated August 11, 1993.

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. EPI is 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 permit does not relieve EPI of liability should your operation result in pollution of surface water, ground water, or the environment. In addition, OCD approval does not relieve EPI of responsibility for compliance with other federal, state or local laws and/or regulations.

Mr. Charlie Bettis  
January 14, 2000  
Page 2

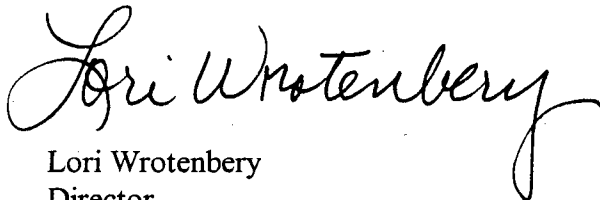
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If you have any questions please do not hesitate to contact Martyne J. Kieling at (505) 827-7153.

Sincerely,

A handwritten signature in cursive script that reads "Lori Wrotenbery". The signature is fluid and extends across the width of the text area.

Lori Wrotenbery  
Director

LW/mjk

xc with attachments:  
Hobbs OCD Office

**ATTACHMENT TO OCD 711 PERMIT APPROVAL**

**PERMIT NM-01-0013**

**ENVIRONMENTAL PLUS, INC.**

**SW/4 NW/4 and the NW/4 NW/4 of Section 14, and the SE/4 NE/4 and the NE/4 NE/4 of  
Section 15, Township 22 South, Range 37 East, NMPM**

**Lea County, New Mexico**

**(January 14, 2000)**

**LANDFARM OPERATION**

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15. Any design changes to the landfarm facility must be submitted to the OCD Santa Fe office for approval and a copy must be sent to the Hobbs District office.
16. Landfarm inspection and maintenance must be conducted on at least a biweekly basis and immediately following each consequential rainstorm or windstorm. The OCD Santa Fe and Hobbs offices must be notified within 48 hours if any defect is noted. Repairs must be made as soon as possible. If the defect will jeopardize the integrity of the landfarm, additional wastes may not be placed into the landfarm until repairs have been completed.

## WASTE ACCEPTANCE CRITERIA

1. The facility is authorized to accept only:
  - a. Oilfield wastes that are exempt from RCRA Subtitle C regulations and that do not

contain Naturally Occurring Radioactive Material regulated pursuant to 20 NMAC 3.1 Subpart 1403 (NORM). All loads of these wastes received at the facility shall be accompanied by a "Generator Certificate of Waste Status" signed by the generator

- b. "Non-hazardous" non-exempt oilfield wastes that do not contain NORM. These wastes may be accepted on a case-by-case basis after a hazardous waste determination is made. Samples, if required, must be obtained from the wastes prior to removal from the generator's facility and without dilution in accordance with EPA SW-846 sampling procedures. All "non-hazardous" non-exempt wastes received at the facility must be accompanied by:
    - i. An approved OCD Form C-138 "Request For Approval To Accept Solid Waste."
    - ii. A "Generator Certificate of Waste Status" signed by the generator.
    - iii. A verification of waste status issued by the appropriate agency, for wastes generated outside OCD jurisdiction. The agency verification is based on specific information on the subject waste submitted by the generator and demonstrating the exempt or non-hazardous classification of the waste.
  - c. Non-oilfield wastes that are non-hazardous if ordered by the Department of Public Safety in a public health emergency. OCD approval must be obtained prior to accepting the wastes.
- 2. At no time may any OCD-permitted surface waste management facility accept wastes that are hazardous by either listing or characteristic testing.
  - 3. No free liquids or soils with free liquids may be accepted at the facility.
  - 4. Materials that may be accepted into the facility must pass a paint filter test by EPA Method 9095A prior to receipt.
  - 5. The transporter of any wastes to the facility must supply a certification that wastes delivered are those wastes received from the generator and that no additional materials have been added.

#### **TREATMENT ZONE MONITORING**

- 1. A treatment zone not to exceed three (3) feet beneath the landfarm native ground surface must be monitored. A minimum of one random soil sample must be taken from each

individual cell, with no cell being larger than five (5) acres, six (6) months after the first contaminated soils are received in the cell and then quarterly thereafter. The sample must be taken at two (2) to three (3) feet below the native ground surface.

2. The soil samples must be analyzed using EPA-approved methods for total petroleum hydrocarbons (TPH) and volatile aromatic organics (BTEX) quarterly and for major cations/anions and Water Quality Control Commission (WQCC) metals annually.
3. After soil samples are obtained, the boreholes must be filled with an impermeable material such as cement or bentonite.

### **REPORTING**

1. Analytical results from the treatment zone monitoring must be submitted to the OCD Santa Fe office **within thirty (30) days** of receipt from the laboratory.
2. Environmental Plus, Inc. must notify the **OCD Santa Fe and Hobbs offices within 24 hours** of any fire, break, leak, spill, blowout or any other circumstance that could constitute a hazard or contamination in accordance with OCD Rule 116.
3. Records of landfarm inspection and maintenance must be kept and maintained for OCD review.
4. Comprehensive records of all material disposed of at the facility must be maintained at the facility. The records for each load will include: 1) generator; 2) origin; 3) date received; 4) quantity; 5) certification of waste status as exempt or non-exempt with any necessary supporting documentation to certify non-hazardous status for non-exempt waste; 6) NORM status declaration; 7) transporter; 8) exact cell location; and 9) any addition of microbes, moisture, fertilizers, *etc.*
5. Analytical results regarding remediated soil must be submitted to the OCD Santa Fe office with a copy to the Hobbs District office, along with any request to close the cell, apply successive lifts or remove the remediated material.
6. The OCD must be notified prior to the installation of any pipelines or wells or other construction within the boundaries of the facility.

### **FINANCIAL ASSURANCE**

1. Financial assurance in the amount of **\$94,770** (the estimated cost of closure) in the form of a surety or cash bond or a letter of credit, which is approved by the Division, is required from Environmental Plus, Inc. for the commercial surface waste management facility.

**By January 10, 2000** EPI must submit financial assurance in the amount of **\$25,000**.

**By January 10, 2001** or when the facility is filled to 50% of the permitted capacity, whichever comes first, EPI must submit financial assurance in the amount of **\$37,500**.

**By January 29, 2002** or when the facility is filled to 75% of the permitted capacity, whichever comes first, EPI must submit financial assurance in the amount of **\$56,250**.

**By December 29, 2003** or when the facility is filled to 100% of the permitted capacity, whichever comes first, EPI must submit financial assurance in the amount of **\$75,000**.

2. The facility is subject to periodic inspections by the OCD. The conditions of this permit and the facility will be reviewed no later than five (5) years from the date of this approval. In addition, the closure cost estimate will be reviewed according to prices and remedial work estimates at the time of review. The financial assurance may be adjusted to incorporate any closure cost changes.

### **CLOSURE**

1. The OCD Santa Fe and Hobbs offices must be notified when operation of the facility is to be discontinued for a period in excess of six (6) months or when the facility is to be dismantled. Within six (6) months of discontinuing use or within 30 days of deciding to dismantle the facility a closure plan must be submitted to the OCD Santa Fe office for approval. The operator must complete cleanup of constructed facilities and restoration of the facility site within six (6) months of receiving the closure plan approval, unless an extension of time is granted by the Director.
2. Within six (6) months of discontinuing use or within 30 days of deciding to dismantle the facility a closure plan to include the following procedures must be submitted to the OCD Santa Fe office for approval:
  - a. When the facility is to be closed no new material may be accepted.

- b. Existing landfarm soils will be remediated until they meet the OCD standards in effect at the time of closure.
- c. The soils beneath the landfarm cells must be characterized as to the total petroleum hydrocarbons (TPH) and volatile aromatic organics (BTEX) content in order to determine potential migration of contamination beneath the facility.
- d. Contaminated soils exceeding OCD closure standards for the site must be removed or remediated.
- e. The area will be contoured, seeded with native grasses and allowed to return to its natural state. If the landowner desires to keep existing structures, berms, or fences for future alternative uses the structures, berms, or fences may be left in place.
- f. Closure will be pursuant to all OCD requirements in effect at the time of closure, and any other applicable local, state and/or federal regulations.

### **CERTIFICATION**

Environmental Plus, Inc., by the officer whose signature appears below, accepts this permit and agrees to comply with all terms and conditions contained herein. Environmental Plus, Inc. further acknowledges that these conditions and requirements of this permit may be changed administratively by the Division for good cause shown as necessary to protect fresh water, human health and the environment.

Accepted:

ENVIRONMENTAL PLUS, INC.

Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_



STATE OF NEW MEXICO  
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION

2040 S. PACHECO  
SANTA FE, NEW MEXICO 87505  
(505) 827-7131

January 14, 2000

**CERTIFIED MAIL**  
**RETURN RECEIPT NO. Z-559-573-257**

Mr. Charles Bettis  
Environmental Plus, Inc.  
P.O. Box 1558  
Eunice, NM 88231

**RE:   OCD Rule 711 Permit Approval NM-01-0013**  
**Environmental Plus Inc.**  
**SW/4 NW/4 and the NW/4 NW/4 of Section 14, and the SE/4 NE/4 and the NE/4**  
**NE/4 of Section 15, Township 22 South, Range 37 East, NMPM**  
**Lea County, New Mexico**

Dear Mr. Bettis:

The permit application for the Environmental Plus, Inc. (EPI) commercial surface waste management facility located in the SW/4 NW/4 and the NW/4 NW/4 of Section 14, and the SE/4 NE/4 and the NE/4 NE/4 of Section 15, Township 22 South, Range 37 East, NMPM, Lea County, New Mexico, is hereby approved in accordance with New Mexico Oil Conservation Division (OCD) Rule 711 under the conditions contained in the enclosed attachment. **This permit approval is conditional upon the receipt and approval by the Director of financial assurance in the amount of \$75,000.** According to the schedule outlined in the financial assurance section of the enclosed attachment, **\$25,000** is required within thirty (30) days of the date of this permit approval letter. The application consists of the permit application Form C-137 dated October 3, 1997, request for expansion dated January 15, 1999, supplemental information dated October 19, 1999, the original permit application dated February 15, 1993, and the original permit approval dated August 11, 1993.

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. EPI is 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 permit does not relieve EPI of liability should your operation result in pollution of surface water, ground water, or the environment. In addition, OCD approval does not relieve EPI of responsibility for compliance with other federal, state or local laws and/or regulations.

Mr. Charlie Bettis  
January 14, 2000  
Page 2

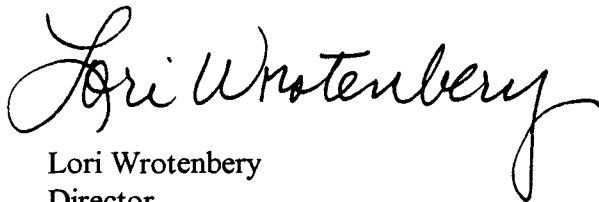
Please be advised that all tanks exceeding 16 feet in diameter and exposed pits, ponds or lagoons must be screened, netted or otherwise rendered nonhazardous to migratory birds. In addition, OCD Rule 310 prohibits oil from being stored or retained in earthen reservoirs or open receptacles.

The facility is subject to periodic inspections by the OCD. The conditions of this permit will be reviewed by the OCD no later than five (5) years from the date of this approval and the facility will be inspected at least once a year. In addition, the closure cost estimate will be reviewed according to prices and remedial work estimates at the time of the five (5) year review. The financial assurance may be adjusted to incorporate any closure cost changes.

Enclosed are two copies of the conditions of approval. **Please sign and return one copy to the OCD Santa Fe Office within five working days of receipt of this letter.**

If you have any questions please do not hesitate to contact Martyne J. Kieling at (505) 827-7153.

Sincerely,

A handwritten signature in cursive script that reads "Lori Wrotenbery". The signature is fluid and extends across the width of the text area.

Lori Wrotenbery  
Director

LW/mjk

xc with attachments:  
Hobbs OCD Office

**ATTACHMENT TO OCD 711 PERMIT APPROVAL**

**PERMIT NM-01-0013**

**ENVIRONMENTAL PLUS, INC.**

**SW/4 NW/4 and the NW/4 NW/4 of Section 14, and the SE/4 NE/4 and the NE/4 NE/4 of  
Section 15, Township 22 South, Range 37 East, NMPM  
Lea County, New Mexico  
(January 14, 2000)**

**LANDFARM OPERATION**

1. The facility must be fenced and have a sign at the entrance. The sign must be legible from at least fifty (50) feet and contain the following information: a) name of the facility; b) location by section, township and range; and c) emergency phone number.
2. Disposal may occur only when an attendant is on duty. The facility must be secured when no attendant is present.
3. All contaminated soils received at the facility must be spread and disked within 72 hours of receipt.
4. Soils must be spread on the surface in lifts of six inches or less.
5. Soils must be disked a minimum of one time every two weeks (biweekly) to enhance biodegradation of contaminants.
6. Moisture may be added as necessary to enhance bioremediation and to control blowing dust. There may be no ponding, pooling or run-off of water allowed. Any ponding of precipitation must be removed within twenty-four (24) hours of discovery.
7. Contaminated soils may not be placed within one hundred (100) feet of the boundary of the facility.
8. Contaminated soils may not be placed within twenty (20) feet of any pipeline crossing the landfarm or within twenty (20) feet of any well or well pad located within the landfarm. In addition, no equipment may be operated within ten (10) feet of a pipeline. All pipelines crossing the facility must have surface markers identifying the location of the pipelines.
9. The OCD must be notified prior to the installation of any pipelines or wells or other construction within the boundaries of the facility.



10. The portion of the facility containing contaminated soils must be bermed to prevent runoff and runoff. A perimeter berm must be maintained such that it is capable of containing precipitation from a one-hundred year flood for the specific region. Individual cell berms must be maintained around each cell.
11. All above-ground tanks, saddle tanks or drums located at the facility and containing materials other than fresh water must be placed on an impermeable pad with curb containment. The pad and curb containment must be able to hold one and one-third the volume of the largest tank or all interconnected tanks. The tanks and containers must be labeled as to contents and hazards.
12. Exempt contaminated soils must be placed in the landfarm so that they are physically separate (*i.e.*, bermed) from non-exempt contaminated soils. There may be no mixing of exempt and non-exempt soils.
13. Successive lifts of contaminated soils may not be spread until a laboratory measurement of total petroleum hydrocarbons (TPH) in the previous lift is less than 100 parts per million (ppm), the sum of all aromatic hydrocarbons (BTEX) is less than 50 ppm, and benzene is less than 10 ppm. Comprehensive records of the laboratory analyses and the sampling locations must be maintained at the facility. Authorization from the OCD must be obtained prior to application of successive lifts and/or removal of the remediated soils.
14. Enhanced bio-remediation through the application of microbes (bugs) and/or fertilizers requires prior approval from the OCD. Requests for application of microbes or fertilizers must include the location of the area designated for the program, the composition of additives, and the method, amount and frequency of application.
15. Any design changes to the landfarm facility must be submitted to the OCD Santa Fe office for approval and a copy must be sent to the Hobbs District office.
16. Landfarm inspection and maintenance must be conducted on at least a biweekly basis and immediately following each consequential rainstorm or windstorm. The OCD Santa Fe and Hobbs offices must be notified within 48 hours if any defect is noted. Repairs must be made as soon as possible. If the defect will jeopardize the integrity of the landfarm, additional wastes may not be placed into the landfarm until repairs have been completed.

#### **WASTE ACCEPTANCE CRITERIA**

1. The facility is authorized to accept only:
  - a. Oilfield wastes that are exempt from RCRA Subtitle C regulations and that do not

contain Naturally Occurring Radioactive Material regulated pursuant to 20 NMAC 3.1 Subpart 1403 (NORM). All loads of these wastes received at the facility shall be accompanied by a "Generator Certificate of Waste Status" signed by the generator

- b. "Non-hazardous" non-exempt oilfield wastes that do not contain NORM. These wastes may be accepted on a case-by-case basis after a hazardous waste determination is made. Samples, if required, must be obtained from the wastes prior to removal from the generator's facility and without dilution in accordance with EPA SW-846 sampling procedures. All "non-hazardous" non-exempt wastes received at the facility must be accompanied by:
    - i. An approved OCD Form C-138 "Request For Approval To Accept Solid Waste."
    - ii. A "Generator Certificate of Waste Status" signed by the generator.
    - iii. A verification of waste status issued by the appropriate agency, for wastes generated outside OCD jurisdiction. The agency verification is based on specific information on the subject waste submitted by the generator and demonstrating the exempt or non-hazardous classification of the waste.
  - c. Non-oilfield wastes that are non-hazardous if ordered by the Department of Public Safety in a public health emergency. OCD approval must be obtained prior to accepting the wastes.
- 2. At no time may any OCD-permitted surface waste management facility accept wastes that are hazardous by either listing or characteristic testing.
  - 3. No free liquids or soils with free liquids may be accepted at the facility.
  - 4. Materials that may be accepted into the facility must pass a paint filter test by EPA Method 9095A prior to receipt.
  - 5. The transporter of any wastes to the facility must supply a certification that wastes delivered are those wastes received from the generator and that no additional materials have been added.

#### **TREATMENT ZONE MONITORING**

- 1. A treatment zone not to exceed three (3) feet beneath the landfarm native ground surface must be monitored. A minimum of one random soil sample must be taken from each

individual cell, with no cell being larger than five (5) acres, six (6) months after the first contaminated soils are received in the cell and then quarterly thereafter. The sample must be taken at two (2) to three (3) feet below the native ground surface.

2. The soil samples must be analyzed using EPA-approved methods for total petroleum hydrocarbons (TPH) and volatile aromatic organics (BTEX) quarterly and for major cations/anions and Water Quality Control Commission (WQCC) metals annually.
3. After soil samples are obtained, the boreholes must be filled with an impermeable material such as cement or bentonite.

### **REPORTING**

1. Analytical results from the treatment zone monitoring must be submitted to the OCD Santa Fe office **within thirty (30) days** of receipt from the laboratory.
2. Environmental Plus, Inc. must notify the **OCD Santa Fe and Hobbs offices within 24 hours** of any fire, break, leak, spill, blowout or any other circumstance that could constitute a hazard or contamination in accordance with OCD Rule 116.
3. Records of landfarm inspection and maintenance must be kept and maintained for OCD review.
4. Comprehensive records of all material disposed of at the facility must be maintained at the facility. The records for each load will include: 1) generator; 2) origin; 3) date received; 4) quantity; 5) certification of waste status as exempt or non-exempt with any necessary supporting documentation to certify non-hazardous status for non-exempt waste; 6) NORM status declaration; 7) transporter; 8) exact cell location; and 9) any addition of microbes, moisture, fertilizers, *etc.*
5. Analytical results regarding remediated soil must be submitted to the OCD Santa Fe office with a copy to the Hobbs District office, along with any request to close the cell, apply successive lifts or remove the remediated material.
6. The OCD must be notified prior to the installation of any pipelines or wells or other construction within the boundaries of the facility.

## **FINANCIAL ASSURANCE**

1. Financial assurance in the amount of **\$94,770** (the estimated cost of closure) in the form of a surety or cash bond or a letter of credit, which is approved by the Division, is required from Environmental Plus, Inc. for the commercial surface waste management facility.

**By January 10, 2000** EPI must submit financial assurance in the amount of **\$25,000**.

**By January 10, 2001** or when the facility is filled to 50% of the permitted capacity, whichever comes first, EPI must submit financial assurance in the amount of **\$37,500**.

**By January 29, 2002** or when the facility is filled to 75% of the permitted capacity, whichever comes first, EPI must submit financial assurance in the amount of **\$56,250**.

**By December 29, 2003** or when the facility is filled to 100% of the permitted capacity, whichever comes first, EPI must submit financial assurance in the amount of **\$75,000**.

2. The facility is subject to periodic inspections by the OCD. The conditions of this permit and the facility will be reviewed no later than five (5) years from the date of this approval. In addition, the closure cost estimate will be reviewed according to prices and remedial work estimates at the time of review. The financial assurance may be adjusted to incorporate any closure cost changes.

## **CLOSURE**

1. The OCD Santa Fe and Hobbs offices must be notified when operation of the facility is to be discontinued for a period in excess of six (6) months or when the facility is to be dismantled. Within six (6) months of discontinuing use or within 30 days of deciding to dismantle the facility a closure plan must be submitted to the OCD Santa Fe office for approval. The operator must complete cleanup of constructed facilities and restoration of the facility site within six (6) months of receiving the closure plan approval, unless an extension of time is granted by the Director.
2. Within six (6) months of discontinuing use or within 30 days of deciding to dismantle the facility a closure plan to include the following procedures must be submitted to the OCD Santa Fe office for approval:
  - a. When the facility is to be closed no new material may be accepted.

- b. Existing landfarm soils will be remediated until they meet the OCD standards in effect at the time of closure.
- c. The soils beneath the landfarm cells must be characterized as to the total petroleum hydrocarbons (TPH) and volatile aromatic organics (BTEX) content in order to determine potential migration of contamination beneath the facility.
- d. Contaminated soils exceeding OCD closure standards for the site must be removed or remediated.
- e. The area will be contoured, seeded with native grasses and allowed to return to its natural state. If the landowner desires to keep existing structures, berms, or fences for future alternative uses the structures, berms, or fences may be left in place.
- f. Closure will be pursuant to all OCD requirements in effect at the time of closure, and any other applicable local, state and/or federal regulations.

#### **CERTIFICATION**

Environmental Plus, Inc., by the officer whose signature appears below, accepts this permit and agrees to comply with all terms and conditions contained herein. Environmental Plus, Inc. further acknowledges that these conditions and requirements of this permit may be changed administratively by the Division for good cause shown as necessary to protect fresh water, human health and the environment.

Accepted:

ENVIRONMENTAL PLUS, INC.

Signature Charlie Bethus Title V.P. Date 2-7-00



STATE OF NEW MEXICO

ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION



BRUCE KING  
GOVERNOR

ANITA LOCKWOOD  
CABINET SECRETARY

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

August 11, 1993

CERTIFIED MAIL

RETURN RECEIPT NO. P-667-242-004

Mr. Charles Bettis  
Environmental Plus, Inc.  
P.O. Box 969  
Eunice, New Mexico 88231

RE: **Environmental Plus, Inc.**  
**OCD Rule 711 Permit Approval (Landfarm)**  
**Lea County, New Mexico**

Dear Mr. Bettis:

The permit application for the Environmental Plus, Inc. (EPI) Landfarm located in the SW/4 NW/4 of Section 14, and the SE/4 NE/4 of Section 15, Township 22 South, Range 37 East, NMPM, Lea County, New Mexico, is hereby approved in accordance with the Oil Conservation Division (OCD) Rule 711 under the conditions contained in the enclosed attachment. The application consists of the original application dated February 15, 1993, and the materials dated July 3, 1993, and July 23, 1993, 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. In addition, the OCD approval does not relieve you of liability for compliance with any other laws and/or regulations.

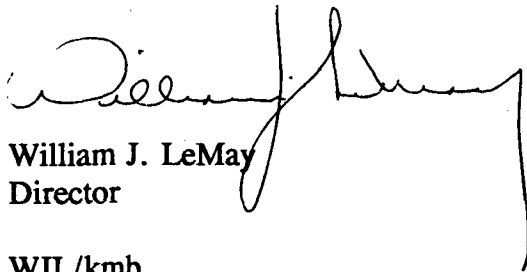
Mr. Charlie Bettis  
August 11, 1993  
Page 2

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.

This permit approval is for a period of five (5) years. This approval will expire on August 11, 1998 and you should submit an application for renewal in ample time before that date. The Division shall have the authority to administratively change this permit to protect fresh water, human health and the environment.

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: Jerry Sexton, OCD Hobbs Office  
Leo Simms et.al.  
Eddie W. Seay, Agent

**ATTACHMENT TO OCD 711 PERMIT APPROVAL**  
**ENVIRONMENTAL PLUS, INC.**  
**COMMERCIAL LANDFARM**  
(August 11, 1993)

**LANDFARM CONSTRUCTION**

1. The facility will be fenced and have a sign at the entrance. The sign will be legible from at least fifty (50) feet and contain the following information: a) name of the facility, b) location by section, township and range, and c) emergency phone number.
2. An adequate berm will be constructed and maintained to prevent runoff and runoff for that portion of the facility containing contaminated soils.
3. No contaminated soils will be placed within one-hundred (100) feet of the boundary of the facility.
4. No contaminated soils will be placed within fifty (50) feet of any pipelines crossing the landfarm. In addition, no equipment will be operated within ten (10) feet of a pipeline. All pipelines crossing the facility will have surface markers identifying the location of the pipelines.
5. All aboveground tanks located at the landfarm and containing materials other than fresh water will be bermed to contain one and one third the volume of the largest or all interconnected tanks.

**LANDFARM OPERATION**

1. Disposal will only occur when an attendant is on duty. The facility will be secured when no attendant is present.
2. All contaminated soils received at the facility will be spread and disked within 72 hours of receipt.
3. Soils will be spread on the surface in six inch lifts or less.
4. Soils will be disked a minimum of one time every two weeks (biweekly) to enhance biodegradation of contaminants.
5. 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.



6. The facility is authorized to accept only:
  - a. Oilfield contaminated solids which are exempt from RCRA Subtitle C regulations. These wastes will be accompanied by a "Certification of Waste Status" from the generator.
  - b. "Non-hazardous" non-exempt oilfield contaminated solids from on a case-by-case basis after conducting an analysis for hazardous characteristics and receiving OCD approval. The test for hazardous characteristics for a particular waste may be effective for one year from the date of analysis, if, the subsequent wastes from the same waste stream are accompanied by a statement from the generator that there has been no change in the processes employed or the chemicals stored/used at the facility generating the waste.
  - c. Other non-oilfield contaminated solids which are RCRA Subtitle C exempt or non-hazardous by characteristic testing, if requested by another regulatory agency on an emergency basis as the waste poses an eminent danger to public health. The wastes will be accompanied by a "Verification of Waste Status" demonstrating the exempt or non-hazardous classification of the solids and signed by the appropriate regulatory agency. OCD approval will be obtained prior to accepting the wastes.
7. **At no time will the landfarm accept wastes which are hazardous by either testing or listing.**
8. All loads received at the facility will be accompanied by the following:
  - a. A "Certification of Waste Status" signed by the waste generator or a "Verification of Waste Status" issued by the New Mexico Environment Department (NMED) or the appropriate agency from another state for wastes regulated by that agency. The state agency verification is based on specific information on the subject waste submitted by the generator and demonstrating the exempt or non-hazardous classification of the waste.
  - b. The analytical results of Hazardous Waste Characterization for non-exempt waste including corrosivity, reactivity, ignitability, and toxic constituents and a certification that no listed hazardous wastes are contained within the wastes. The samples for these analyses and results will be obtained from the wastes prior to removal from the generator's facility and without dilution in accordance with EPA SW-846 sampling procedures.

9. The transporter of all wastes to the facility will supply a certification that wastes delivered are those wastes received from the generator and that no additional materials have been added.
10. Moisture will be added as necessary to enhance bioremediation and to control blowing dust. There will be no ponding, pooling or run-off of water allowed. Any ponding of precipitation will be removed within seventy-two (72) hours of discovery.
11. Enhanced bio-remediation through the application of microbes (bugs) and/or fertilizers will only be permitted after prior approval from the OCD. Request for application of microbes must include the location of the area designated for the bio-remediation program, composition of additives, and the method, amount and frequency of application.
12. No free liquids or soils with free liquids will be accepted at the facility.
13. 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) date received 3) quantity, 4) Exempt or non-exempt status and analysis for hazardous constituents if required, 5) transporter, and 6) exact cell location and any addition of microbes, moisture, fertilizers, etc.

#### TREATMENT ZONE MONITORING

1. One (1) background soil sample will be taken from the center portion of the landfarm two (2) feet below the native ground surface prior to operation. The sample will be analyzed for total petroleum hydrocarbons (TPH), major cations/anions, volatile aromatic organics (BTEX), and heavy metals using approved EPA methods.
2. A treatment zone not to exceed three (3) feet beneath the land farm will be monitored. A minimum of one random soil sample should be taken from each individual cell, with no cell being larger than five (5) acres, six (6) months after the first contaminated soils are received in the cell and then quarterly thereafter. The sample will be taken at two to three (2-3) feet below the native ground surface.
3. The soil samples will be analyzed using approved EPA methods for TPH and BTEX quarterly, and for major cations/anions and heavy metals annually.
4. After obtaining the soil samples the boreholes will be filled with an impermeable material such as cement.

### REPORTING

1. Analytical results from the treatment zone monitoring will be submitted to the OCD Santa Fe Office for review within thirty (30) days of receipt from the laboratory. The results will be submitted on a regular schedule as determined by the EPI.
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

1. The operator will notify the Division of cessation of operations. Upon cessation of disposal operations for six (6) consecutive months, the operator will complete cleanup of constructed facilities and restoration of the facility site within the following six (6) months, unless an extension for time is granted by the Director.
2. 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.
3. Closure will be pursuant to all OCD requirements in effect at the time of closure, and any other applicable local, state and/or federal regulations.