

NM2 - 10

**PERMITS,
RENEWALS,
& MODS**



STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION

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

February 23, 1998

CERTIFIED MAIL
RETURN RECEIPT NO. P-326-936-400

Mr. Timothy Kinney
Giant Industries Arizona, Inc.
5764 Highway 64
Farmington, NM 87401

**RE: Giant Industries Arizona, Inc.
OCD Rule 711 Permit Approval NM-02-0010
NW/4 SE/4 of Section 16, Township 25 North, Range 12 West, NMPM,
San Juan County, New Mexico.**

Dear Mr. Kinney:

The permit application for the Giant Industries Arizona, Inc. (Giant) centralized surface waste management landfarm facility located in the NW/4 SE/4 of Section 16, Township 25 North, Range 12 West, NMPM, San Juan County, New Mexico, is hereby approved in accordance with the 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 of a \$25,000 bond.** Construction of the facility and/or receipt of contaminated soil shall not commence until the \$25,000 bond has been approved by the Director. The application consists of the original application dated October 8, 1997, and the materials dated November 3, 1997, December 10, 1997, January 8, 1998, and February 11, 1998, 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. Giant 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 does not relieve Giant Industries Arizona, Inc. of liability should your operation result in actual pollution of surface water, ground water, or the environment. In addition, OCD approval does not relieve Giant Industries Arizona, Inc. of responsibility for compliance with other federal, state or local laws and/or regulations.

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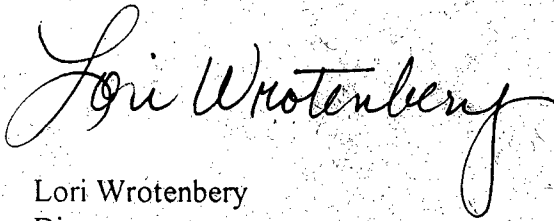
Please be advised that all tanks exceeding 16 feet in diameter and exposed pits, ponds or lagoons must be screened, netted or otherwise rendered nonhazardous to migratory birds. In addition, OCD Rule 310 prohibits oil from being stored or retained in earthen reservoirs, or open receptacles.

The facility is subject to periodic inspections by the OCD. The conditions of this permit and the facility will be inspected and reviewed by the OCD no later than five (5) years from the date of this approval.

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

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

Sincerely,



Lori Wrotenbery
Director

LR/mjk

xc with attachments:
Aztec OCD Office

ATTACHMENT TO OCD 711 PERMIT APPROVAL
PERMIT NM-02-0010
GIANT INDUSTRIES ARIZONA, INC.
(February 23, 1998)

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. Contaminated soils will not be placed within twenty-five (25) feet of the boundary of the facility and the landfarm facility will not be constructed within one hundred (100) feet of adjacent landowners' property.
3. Contaminated soils will not be placed within twenty (20) 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.
4. The portion of the facility containing contaminated soils will be bermed to prevent runoff and runoff. A berm will be constructed and maintained such that it is capable of containing precipitation from a one-hundred year flood for that specific region.
5. All above ground tanks located at the facility and containing materials other than fresh water will be bermed to contain one and one-third the volume of the largest tank 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. Exempt contaminated soils will be placed in the landfarm so that they are physically

separate (ie. bermed) from non-exempt contaminated soils. There will be no mixing of exempt and nonexempt soils.

6. 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 and/or removal of the remediated soils.
7. The facility is authorized to accept only:
 - a. Oilfield contaminated solids which are exempt from RCRA Subtitle C regulations. These wastes should be accompanied by a OCD Form C-144 "Generator Certificate of Waste Status" from the generator.
 - b. "Non-hazardous" non-exempt oilfield contaminated solids from OCD permitted facilities 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 ordered by the Department of Public Safety on an emergency basis as the waste poses an eminent danger to public health. The wastes should 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.
8. At no time will any OCD permitted landfarms accept wastes which are hazardous by either testing or listing.
9. All loads received at the facility will be accompanied by the following:
 - a. A OCD Form C-144 "Generator Certificate of Waste Status" signed by the waste generator or "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.
 - c. All generators submitting waste to a OCD Permitted 711 Waste Management Facility must include a Naturally Occurring Radioactive Material (NORM) status declaration which is included in the OCD Form C-144 "Generator Certificate of Waste Status". The generator must declare that the waste if not exempted pursuant to 20 NMAC 3.1 subpart 1403, was surveyed for NORM and does not contain a maximum radiation exposure reading or NORM concentrations do not exceed that listed in 20 NMAC 3.1 Subpart 1403 C and D.
10. 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.
 11. 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.
 12. 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 will include the location of the area designated for the bio-remediation program, composition of additives, and the method, amount and frequency of application.
 13. No free liquids or soils with free liquids will be accepted at the facility.
 14. 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 generator, 2) the origin, 3) date received, 4) quantity, 5) certification of exempt status or analysis for hazardous constituents if non-exempt, 6) transporter, and 7) 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 landfarm native ground surface will be monitored. A minimum of one random soil sample will 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 (2) to three (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 or bentonite.

REPORTING

1. Analytical results from the treatment zone monitoring will be submitted to the OCD Santa Fe office for annual review by February 23, of each year.
2. The applicant will notify the OCD Aztec District office within 24 hours 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.
3. Authorization from the OCD Santa Fe office will be obtained prior to application of successive lifts and/or removal of the remediated soils.
4. The OCD will be notified prior to the installation of any pipelines or wells within the boundaries of the facility.
5. The OCD Santa Fe and Aztec District office will be notified when operation of the facility is discontinued for a period in excess of six (6) months or when the facility is to be dismantled. A closure plan for the facility will be provided.

BOND

1. 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 centralized surface waste management facility.

CLOSURE

1. The OCD Santa Fe and Aztec District office will be notified when operation of the facility is discontinued for a period in excess of six (6) months or when the facility is to be dismantled. Upon cessation of landfarming operations for six (6) consecutive months, the operator shall complete cleanup of constructed facilities and restoration of the facility site within the following six (6) months, unless an extension of time is granted by the Director.
2. A closure plan for the facility will be provided including the following OCD closure procedures:
 - a. When the facility is to be closed no new material will be accepted;
 - b. Existing landfarm soils will be remediated until they meet the OCD standards in effect at the time of closure;
 - c. The area will be reseeded with natural grasses and allowed to return to its natural state;
 - d. 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

Giant Industries Arizona, Inc., by the officer whose signature appears below, accepts this permit and agrees to comply with all terms and conditions contained herein. Giant Industries Arizona, 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:

GIANT INDUSTRIES ARIZONA, INC.

by _____
Title