

NM2 - 15

**PERMITS,
RENEWALS,
& MODS**



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

GARY E. JOHNSON

Governor

Jennifer A. Salisbury

Cabinet Secretary

Lori Wrotenbery

Director

Oil Conservation Division

August 18, 2000

CERTIFIED MAIL

RETURN RECEIPT NO. Z-559-573-336

Mr. Kyle Landreneau
Equilon Enterprises L.L.C.
28510 C Tomball Parkway PMB Suite 406
Tomball, TX 77375

**RE: OCD Rule 711 Permit Approval NM-02-0015
 Equilon Enterprises, L.L.C.
 Centralized Landfarm #2
 NW/4 NE/4 of Section 24, Township 24 South, Range 36 East, NMPM,
 Lea County, New Mexico**

Dear Mr. Landreneau:

The permit application for the Equilon Enterprises L.L.C. (Equilon) centralized surface waste management facility (Landfarm #2) located in the NW/4 NE/4 of Section 24, Township 24 South, Range 36 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 \$25,000 for this facility or a \$50,000 blanket financial assurance for all of Equilon's centralized surface waste management facilities.** The application consists of the permit application Form C-137 dated November 11, 1999, the public notice dated March 16, 2000, and supplemental materials dated December 22, 1999 and March 27, 2000.

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

Mr. Kyle Landreneau
August 18, 2000
Page 2

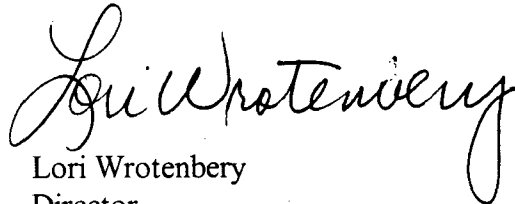
Please be advised that all tanks exceeding 16 feet in diameter and exposed pits, ponds or lagoons must be screened, netted or otherwise rendered nonhazardous to migratory birds. In addition, OCD Rule 310 prohibits oil from being stored or retained in earthen reservoirs or open receptacles.

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.

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, reading "Lori Wrotenbery".

Lori Wrotenbery
Director

LW/mjk

xc with attachments:
Hobbs OCD Office

ATTACHMENT TO OCD 711 PERMIT APPROVAL
PERMIT NM-02-0015
EQUILON ENTERPRISES L.L.C.
Landfarm #2
NW/4 NE/4 of Section 24, Township 24 South, Range 36 East, NMPM,
Lea County, New Mexico
(August 18, 2000)

LANDFARM CONSTRUCTION

1. Construction must commence on the landfarm area within one (1) year of the permit approval date. If construction does not commence within one (1) year of the permit approval date, this permit will be of no effect.
2. 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.
3. Contaminated soils may not be placed within five (5) feet of the boundary of the facility and the facility may not be constructed within one hundred (100) feet of adjacent landowners' property.
4. Contaminated soils may not be placed within twenty (20) feet of any pipeline crossing 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.
5. The portion of the facility containing contaminated soils must be bermed to prevent runoff and runoff. A perimeter berm no less than two (2) feet above grade with a base of at least four (4) feet must be constructed and maintained such that it is capable of containing precipitation from a one-hundred year flood for the specific region. Individual cells must be contained with a berm no less than two (2) feet above grade with a base of at least four (4) feet.
6. 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.

LANDFARM OPERATION

1. Disposal may occur only when an attendant is on duty. The facility must be secured when no attendant is present.
2. All contaminated soils received at the facility must be spread and disked within 72 hours of receipt.
3. Soils must be spread on the surface in lifts of six inches or less.
4. Soils must be disked a minimum of one time every two weeks (biweekly) to enhance biodegradation of contaminants.
5. 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.
6. 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 5000 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. Authorization from the OCD must be obtained prior to application of successive lifts and/or removal of the remediated soils.
7. Prior to removal of remediated soils from the facility the soils must be tested for TPH, BTEX and benzene content. The remediated soils may only be moved to another location when the level of TPH in the remediated soil is less than 100 ppm, BTEX is less than 50 ppm, and benzene is less than 10 ppm. Comprehensive records of the laboratory analyses, destination, and volume of remediated soils removed from the facility will be maintained at the facility for OCD review. Authorization from the OCD Santa Fe office must be obtained prior to removal of the remediated soils to sensitive areas.

Equilon may request alternate remediation levels for soils to be used or deposited at a location if remediation standards described in the OCD surface impoundment closure guidelines are met. Alternate remediation levels shall be subject to approval on a case-by-case basis. Request shall be submitted to the Santa Fe OCD office for Review.

8. Soils to be left in place may be considered remediated when a laboratory measurement of TPH in the previous lift is less than 5000 ppm, the sum of all 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.

9. 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.
10. 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.
11. 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.
12. Landfarm inspection must be conducted on at least a weekly basis and immediately following each consequential rainstorm or windstorm. If any defect is noted, repairs must be made as soon as possible. If the defect will jeopardize the integrity of the landfarm the OCD Santa Fe and Hobbs offices must be notified within 24 hours and additional wastes may not be placed into the landfarm until repairs have been completed.
13. Within 24 hours of receiving notification from the OCD that an objectionable odor has been detected or reported, the facility must implement the following response procedure:
 - a. log date and approximate time of notice that an odor exists;
 - b. log investigative steps taken, including date and time, and conclusions reached; and
 - c. log actions taken to alleviate the odor, which may include adjusting chemical treatment, air sparging, solidification, landfarming, or other similar responses.

A copy of the log, signed and dated by the facility manager, must be maintained for OCD review.

WASTE ACCEPTANCE CRITERIA

1. The facility is authorized to accept only exempt and "non-hazardous" non-exempt oilfield wastes that are generated in the State of New Mexico by Equilon Enterprise, L.L.C.
2. 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 (NORM) regulated pursuant to 20 NMAC 3.1 Subpart 1403.

- b. "Non-hazardous" non-exempt oilfield wastes on a case-by-case basis after conducting a hazardous waste characterization including corrosivity, reactivity, ignitability, and toxic constituents. The samples for these analyses must be obtained from the wastes prior to removal from the point of origin and without dilution in accordance with EPA SW-846 sampling procedures. The test for hazardous characteristics for a particular waste may be effective for an extended period of time from the date of analysis if approved by the OCD. In addition the generator must certify that this waste does not contain Naturally Occurring Radioactive Material (NORM) regulated pursuant to 20 NMAC 3.1 Subpart 1403.
3. At no time may any OCD-permitted surface waste management facility accept wastes that are hazardous by either listing or characteristic testing
4. No free liquids or soils with free liquids may be accepted at the facility.
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.
6. Comprehensive records of all material disposed of at the surface waste management facility must be maintained by the permit holder.

TREATMENT ZONE MONITORING

1. One (1) background soil sample must be taken from undisturbed ground within 20 feet of the landfarm boundary two (2) feet below the native ground surface prior to operation. The sample must be analyzed for total petroleum hydrocarbons (TPH), volatile aromatic organics (BTEX), major cations/anions and Water Quality Control Commission (WQCC) metals.
2. 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.
3. 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.
4. 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 including a sample location map will be submitted to the OCD Santa Fe office **by August 18 of each year**.
2. Background sample analytical results must be submitted to the OCD Santa Fe office **within thirty (30) days** of receipt from the laboratory.
3. The applicant must notify the **OCD Hobbs District office 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.
4. All records of testing and monitoring must be retained for a period of five (5) years.
5. 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. Pursuant to OCD Rule 711.B.3.a., financial assurance in a form approved by the Director is required from Equilon Enterprises, L.L.C. in the amount of **\$25,000** for this facility or **\$50,000** for all of Equilon Enterprises, L.L.C.'s centralized surface waste management facilities in the state.
2. Financial assurance must be submitted by **September 18, 2000**.
3. 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.

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 after 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. 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 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 treatment zone soils beneath the landfarm cells will 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. 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.
 - e. 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

Equilon Enterprises, L.L.C., by the officer whose signature appears below, accepts this permit and agrees to comply with all terms and conditions contained herein. Equilon Enterprises, L.L.C. 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:

EQUILON ENTERPRISES, L.L.C.

Signature _____ Title _____ Date _____



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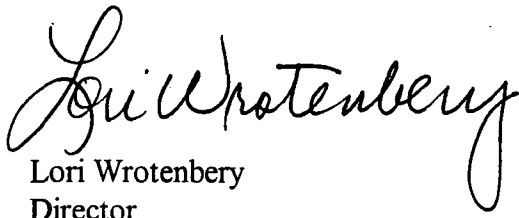
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Lori Wrotenbery
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LW/mjk

xc with attachments:
Hobbs OCD Office

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PERMIT NM-02-0015
EQUILON ENTERPRISES L.L.C.**

Landfarm #2

**NW/4 NE/4 of Section 24, Township 24 South, Range 36 East, NMPM,
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(August 18, 2000)**

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CERTIFICATION

Equilon Enterprises, L.L.C., by the officer whose signature appears below, accepts this permit and agrees to comply with all terms and conditions contained herein. Equilon Enterprises, L.L.C. 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:

EQUILON ENTERPRISES, L.L.C.

Signature  Title G.M. OPERATIONS Date 8/13/00