

**NM1 - 15**

**PERMITS,  
RENEWALS, &  
MODS**



STATE OF NEW MEXICO  
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION

2040 S. PACHECO  
SANTA FE, NEW MEXICO 87505

December 10, 1999

OGrid 195271

**CERTIFIED MAIL**

**RETURN RECEIPT NO. P-326-936-664**

Ms. Daniele Berardelli  
Rhino Environmental Services, Inc.  
P.O. Box 4232  
Anthony, NM 88021

**RE: OCD Rule 711 Permit Approval NM-01-0015  
Goo Yea Landfarm, Inc.  
Commercial Landfarm  
SE/4 of Section 14, Township 11 South, Range 38 East, NMPM,  
Lea County, New Mexico**

Dear Ms. Berardelli:

The permit application for the Goo Yea Landfarm, Inc. (Goo Yea) commercial surface waste management facility located in the SE/4 of Section 14, Township 11 South, Range 38 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 \$75,230.** 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 September 10, 1997, the inspection report response letter dated September 10, 1997, the original permit application dated November 16, 1992, and the original permit approval dated January 13, 1995.

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

Ms. Danielle Berardelli  
December 10, 1999  
Page 2

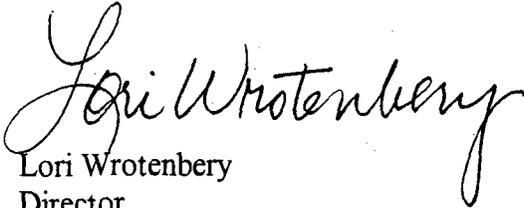
Please be advised that all tanks exceeding 16 feet in diameter and exposed pits, ponds or lagoons must be screened, netted or otherwise rendered nonhazardous to migratory birds. In addition, OCD Rule 310 prohibits oil from being stored or retained in earthen reservoirs or open receptacles.

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,



Lori Wrotenbery  
Director

LW/mjk

xc with attachments:  
Hobbs OCD Office

**ATTACHMENT TO OCD 711 PERMIT APPROVAL  
PERMIT NM-01-0015  
GOO YEA LANDFARM, INC.  
SE/4 of Section 14, Township 11 South, Range 38 East, NMPM,  
Lea County, New Mexico  
(December 10, 1999)**

**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. A buffer zone must exist on the east side of the facility so that no contaminated soils are placed within five hundred (500) feet of the New Mexico/Texas state line.
9. 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.
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. Goo Yea Landfarm, 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.*
4. 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.
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. Financial assurance in the amount of **\$75,230** (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

Goo Yea Landfarm, Inc. for the commercial surface waste management facility.

**By January 10, 2000** Goo Yea 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, Goo Yea must submit financial assurance in the amount of **\$37,615.**

**By January 10, 2002** or when the facility is filled to 75% of the permitted capacity, whichever comes first, Goo Yea must submit financial assurance in the amount of **\$56,423.**

**By January 10, 2003** or when the facility is filled to 100% of the permitted capacity, whichever comes first, Goo Yea must submit financial assurance in the amount of **\$75,230.**

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 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. The operator must 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. 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**

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

GOO YEA LANDFARM, 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  
December 10, 1999

RECEIVED  
DEC 20 1999  
OIL CONSERVATION DIVISION

**CERTIFIED MAIL**  
**RETURN RECEIPT NO. P-326-936-664**

Ms. Daniele Berardelli  
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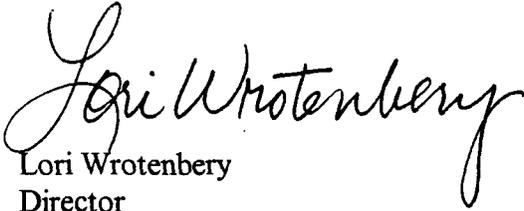
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Lori Wrotenbery  
Director

LW/mjk

xc with attachments:  
Hobbs OCD Office

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**By January 10, 2002** or when the facility is filled to 75% of the permitted capacity, whichever comes first, Goo Yea must submit financial assurance in the amount of **\$56423.**

**By January 10, 2003** or when the facility is filled to 100% of the permitted capacity, whichever comes first, Goo Yea must submit financial assurance in the amount of **\$75,230.**

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**

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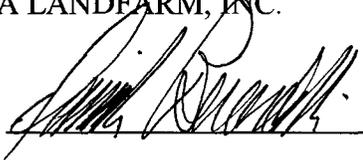
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### **CERTIFICATION**

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

GOO YEA LANDEARM, INC.

Signature  Title Manager Date 12/17/99

State of New Mexico  
**ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT**  
Santa Fe, New Mexico 87505



January 13, 1995

**CERTIFIED MAIL**  
**RETURN RECEIPT NO. P-176-012-088**

Mr. Dan Field  
Goo-Yea Landfarm, Inc.  
P.O. Box 1105  
Lovington, New Mexico 88260

**RE: Goo-Yea Commercial Landfarm  
Lea County, New Mexico**

Permit # NM-711-01-0015

Dear Mr. Field:

The Oil Conservation Division (OCD) has received your request dated October 10, 1994 to transfer ownership of the previously approved Tierra Environmental Corporation (Tierra) Landfarm, located in the SE/4 of Section 14, Township 11 South, Range 38 East, NMPM, Lea County, New Mexico, to Goo-Yea Landfarm, Inc. (Goo-Yea). Your request is hereby approved in accordance with OCD Rule 711 under the conditions contained in the enclosed attachment. The application consists of the original application dated July 23, 1993 (submitted by Tierra), supplemental material to the application dated September 22, 1993 (submitted by Tierra), the transfer request submitted by Goo-Yea dated October 10, 1994 and Tierra's concurrence with the transfer dated October 26, 1994.

Pursuant to OCD Rule 711 a twenty five thousand dollar (\$25,000) surety or cash bond, in a form approved by the Division, is required prior to commencing construction of the commercial disposal facility. Please be advised OCD Rule 711 is currently being modified to change bonding requirements such that the surety or cash bond required for each commercial facility is equal to the estimated closure cost of the facility. This facility will be subject to this modification and you will be required to conform to the new bonding requirement when the rule change is completed.

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.

**VILLAGRA BUILDING - 408 Galisteo**

Forestry and Resources Conservation Division  
P.O. Box 1948 87504-1948  
827-5830

Park and Recreation Division  
P.O. Box 1147 87504-1147  
827-7465

**2040 South Pacheco**

Office of the Secretary  
827-5950

Administrative Services  
827-5925

Energy Conservation & Management  
827-5900

Mining and Minerals  
827-5970

Oil Conservation  
827-7131

Mr. Dan Field  
January 13, 1995  
Page 2

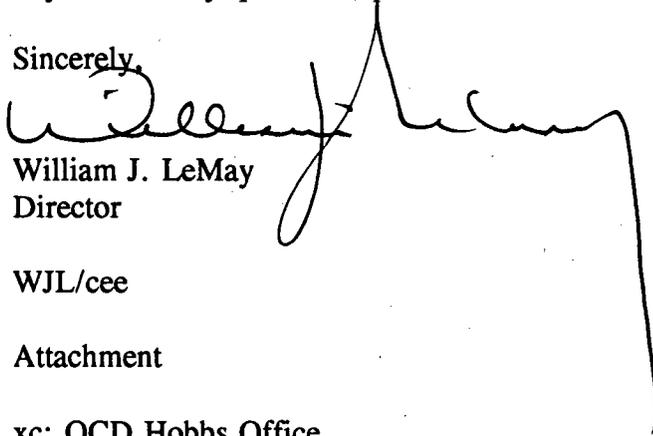
Please be advised approval of this facility does not relieve you of liability should your operation result in actual pollution of surface waters, ground water or the environment actionable under other laws and/or regulations.

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

The permit was approved for a period of five (5) years. This approval will expire on October 14, 1998 and you should submit an application for renewal in ample time before that date. The Division shall have 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 Chris Eustice at (505) 827-7153.

Sincerely,

A handwritten signature in black ink, appearing to read "William J. LeMay". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

William J. LeMay  
Director

WJL/cee

Attachment

xc: OCD Hobbs Office

ATTACHMENT TO OCD PERMIT APPROVAL  
GOO-YEA LANDFARM, INC.  
COMMERCIAL LANDFARM  
(January 13, 1994)

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 will 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. A buffer zone will exist on the east side of the facility so that no contaminated soils are placed within five hundred (500) feet of the New Mexico/Texas stateline. A buffer zone on the north, west and south side of the facility will be of sufficient size to allow for a road and drainage around the facility.
4. The OCD will be notified of the installation of any pipelines or wells within the boundaries of the facility.
5. All aboveground 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 occur only 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 in six inch lifts or less.
4. Soils will be disked a minimum of once every two weeks to enhance biodegradation of the 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 concentration is less than 10 ppm. Comprehensive records of laboratory analysis and the sampling locations will be maintained at the facility. Authorization from the OCD will be obtained prior to the spreading of successive lifts and/or removal of the remediated soils.
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 soils 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 affective 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 process 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. These 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 waste.
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 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 generators facility and without dilution in accordance with EPA SW-846 sampling procedures.

9. The transporter of all wastes to the facility will supply 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 biodegradation and to control blowing dust. There will be no ponding, pooling or runoff 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 the application of microbes must include the location of the area designated for the bioremediation 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 materials received at the facility will be maintained at the facility. The records for each load will include: a) the origin, b) date received, c) quantity, d) exempt or non-exempt status and analyses for hazardous constituents if required, e) transporter, and f) exact cell location and any addition of microbes, moisture, fertilizers, etc.

#### TREATMENT ZONE MONITORING

1. One (1) background sample will be taken from the center portion of the landfarm two (2) feet below the native ground surface. The sample will be analyzed for total petroleum hydrocarbons (TPH), general chemistry, and heavy metals using EPA approved methods.
2. A treatment zone not to exceed three (3) feet beneath the landfarm will be monitored. A minimum of one random soil sample will be taken from each cell, with no cell being larger than five 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 general chemistry and heavy metals annually.
4. After obtaining the soil samples the bore holes will be filled with an impermeable material such as bentonite cement.

## REPORTING

1. Analytical results from the treatment zone monitoring will be submitted to the OCD Santa Fe Office within thirty (30) days of receipt from the laboratory.
2. The OCD will 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

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 commercial surface disposal facility.

## CLOSURE

1. The operator will notify the OCD of cessation of operations. Upon cessation of landfarming 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 is granted by the Director of the OCD.
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 indigenous grasses and allowed to return to its natural state.
3. Closure will be pursuant to all OCD requirements in affect at the time of closure, and any other applicable state or federal regulations.



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

October 14, 1993

CERTIFIED MAIL  
RETURN RECEIPT NO. P-667-241-137

Mr. Phillip C. Nobis  
Tierra Environmental Corporation  
909 W. Apache  
Farmington, New Mexico 87401

RE: **TIERRA COMMERCIAL LANDFARM  
OCD RULE 711 PERMIT APPROVAL  
LEA COUNTY, NEW MEXICO**

Dear Mr. Nobis:

The **permit application for the Tierra Environmental Corporation Landfarm** located in the SE/4, Section 14, Township 11 South, Range 38 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 July 21, 1993, and the materials dated September 22, 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.

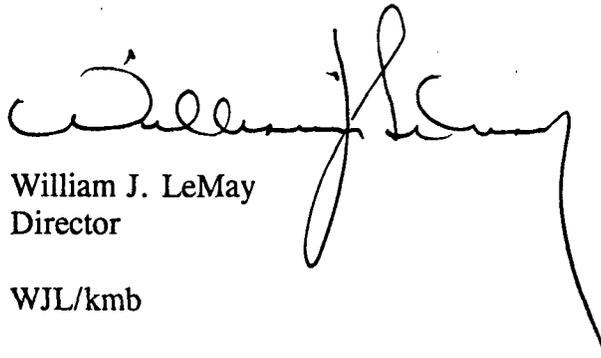
Mr. Phillip Nobis  
October 14, 1993  
Page 2

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. In addition, OCD Rule 310 prohibits oil from being stored or retained in earthen reservoirs, or in open receptacles.

This permit approval is for a period of five (5) years. This approval will expire on October 14, 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,

A handwritten signature in cursive script, appearing to read "William J. LeMay". The signature is written in black ink and is positioned above the typed name and title.

William J. LeMay  
Director

WJL/kmb

Attachment

xc: Jerry Sexton, OCD Hobbs Office

**ATTACHMENT TO OCD 711 PERMIT APPROVAL  
TIERRA ENVIRONMENTAL CORPORATION  
COMMERCIAL LANDFARM  
(October 14, 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. A buffer zone will exist on the east side of the facility so that no contaminated soils are placed within five-hundred (500) feet of the New Mexico/Texas stateline (east boundary). A buffer zone on the north, west and south side of the facility will be of sufficient size to allow for a road and drainage around the facility.
4. The OCD will be notified of the installation of any pipelines or wells within the boundaries of the facility.
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 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 approximately two and one-half (2 1/2) 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 Tierra.
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.