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**PERMITS,
RENEWALS, &
MODS**

OGrid 195303



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 5, 1999

CERTIFIED MAIL
RETURN RECEIPT NO. P-326-936-507

Ms. Judy L. Roberts
J&L Landfarm.
8301 Eunice Highway
Hobbs, NM 88240

RE: OCD Rule 711 Permit Approval NM-01-0023
J&L Landfarm
Commercial Landfarm
N/2 N/2 of Section 9 and the N/2 N/2 of Section 10, Township 20 South, Range 38
East, NMPM, Lea County, New Mexico

Dear Ms. Roberts:

The permit application for the J&L Landfarm (J&L) commercial surface waste management landfarm facility located in the N/2 N/2 of Section 9 and the N/2 N/2 of Section 10, Township 20 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 \$168,000.**

According to the schedule outlined in the financial assurance section of the enclosed attachment, 25% of the \$168,000 bond (\$42,000) 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 May 10, 1998, the public notice dated November 10, 1998, and supplemental materials dated July 20, 1998 and November 12, 1998.

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

Ms. Judy L. Roberts
February 5, 1999
Page 2

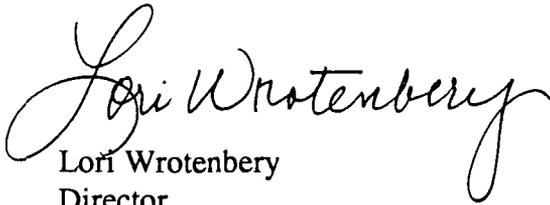
Please be advised that all tanks exceeding 16 feet in diameter and exposed pits, ponds or lagoons must be screened, netted or otherwise rendered nonhazardous to migratory birds. In addition, OCD Rule 310 prohibits oil from being stored or retained in earthen reservoirs, or open receptacles.

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

PERMIT NM-01-0023

J & L LANDFARM

**N/2 N/2 of Section 9 and the N/2 N/2 of Section 10, Township 20 South, Range 38 East,
NMPM, Lea County, New Mexico
(February 5, 1999)**

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 one hundred (100) feet of the boundary of the facility.
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 perimeter berm no less than five (5) feet above grade with a base of eight (8) feet and a crown of two (2) feet will be constructed and maintained such that it is capable of containing precipitation from a one-hundred year flood for the specific region. Individual cells will be contained with a berm five (5) feet above grade with a base of eight (8) feet and a crown of two (2) feet.
5. Diverted storm water runoff may be stored in above ground tanks and applied to the landfarm for dust suppression and to enhance bioremediation.
6. All above-ground tanks located at the facility and containing materials other than fresh water must be placed on an impermeable pad. The tanks will be labeled as to contents and hazards and 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 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 (*i.e.*, bermed) from non-exempt contaminated soils. There will be no mixing of exempt and non-exempt 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), 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 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. 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 twenty-four (24) hours of discovery.
8. Enhanced bio-remediation through the application of microbes (bugs) and/or fertilizers will only be permitted after prior approval from the OCD. Requests for application of microbes or fertilizers will include the location of the area designated for the program, the composition of additives, and the method, amount and frequency of application.

WASTE ACCEPTANCE CRITERIA

1. The facility is authorized to accept only:
 - a. Oilfield wastes that are exempt from RCRA Subtitle C regulations. 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 on a case-by-case basis after conducting a hazardous waste characterization including corrosivity, reactivity, ignitability, and toxic constituents. The samples for these analyses 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. All "non-hazardous" non-exempt wastes

received at the facility shall 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 will 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 will be accepted at the facility.
 4. The transporter of any 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.

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 eight (8) RCRA heavy metals using EPA-approved 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 EPA-approved methods for total petroleum hydrocarbons (TPH) and volatile aromatic organics (BTEX) quarterly and for major cations/anions and eight (8) RCRA 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 **within thirty (30) days** of receipt from the laboratory.
2. Background sample analytical results will be submitted to the OCD Santa Fe office **within thirty (30) days** of receipt from the laboratory.
3. In accordance with OCD Rule 116, the applicant will notify the **OCD Hobbs District office within 24 hours** of any fire, break, leak, spill, or blow out.
4. Comprehensive records of all material disposed of at the facility will be maintained at the facility. The records for each load will include: 1) generator; 2) origin; 3) date received; 4) quantity; 5) certification of exempt status or analysis for hazardous constituents if non-exempt; 6) NORM status declaration; 7) transporter; 8) exact cell location; and 9) any addition of microbes, moisture, fertilizers, *etc.*
5. The OCD will 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 **\$168,000** (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 J&L Landfarm for the commercial surface waste management facility.

By March 5, 1999 J&L Landfarm must submit financial assurance in the amount of **\$42,000**.

By March 5, 2000 or when the facility is filled to 50% of the permitted capacity, whichever comes first, J&L Landfarm must submit financial assurance in the amount of **\$84,000**.

By March 5, 2001 or when the facility is filled to 75% of the permitted capacity, whichever comes first, J&L Landfarm must submit financial assurance in the amount of **\$126,000**.

By March 5, 2002 or when the facility is filled to 100% of the permitted capacity, whichever comes first, J&L Landfarm must submit financial assurance in the amount of **\$168,000**.

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 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 to include the following procedures will 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 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. Contaminated soils exceeding OCD closure standards for the site will 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.

J&L Landfarm
711 Permit NM-01-0023
February 5, 1999
Page 6

CERTIFICATION

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

J & L LANDFARM

Signature _____ Title _____ Date _____

PERMIT NM-01-0023

J & L LANDFARM

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J&L Landfarm
711 Permit NM-01-0023
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Page 6

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Accepted:

J & L LANDFARM

Signature *Judy L Roberts* Title *owner* Date *2-8-99*