

**GW - 192**

**PERMITS,  
RENEWALS,  
& MODS  
Application**

ATTACHMENT TO THE DISCHARGE PERMIT  
MILLER CHEMICALS, INC. HOBBS FACILITY (GW-192)  
DISCHARGE PERMIT APPROVAL CONDITIONS  
2006 APR 20 11 12 AM  
March 29, 2006

Please remit a check for \$1700.00 made payable to Water Quality Management Fund:

Water Quality Management Fund  
c/o: Oil Conservation Division  
1220 S. Saint Francis Drive  
Santa Fe, New Mexico 87505

- 1. Payment of Discharge Plan Fees:** All discharge permits are subject to WQCC Regulations. Every billable facility that submits a discharge permit application will be assessed a filing fee of \$100.00, plus a renewal flat fee (*see* WQCC Regulation 20.6.2.3114 NMAC). The Oil Conservation Division ("OCD") has received the required \$100.00 filing fee. However, the owner/operator still owes the required \$1700.00 renewal permit fee for oilfield service companies.
- 2. Permit Expiration and Renewal:** Pursuant to WQCC Regulation 20.6.2.3109.H.4 NMAC, this permit is valid for a period of five years. **The permit will expire on June 29, 2010** and an application for renewal should be submitted no later than 120 days before that expiration date. Pursuant to WQCC Regulation 20.6.2.3106.F NMAC, if a discharger submits a discharge permit renewal application at least 120 days before the discharge permit expires and is in compliance with the approved permit, then the existing discharge permit will not expire until the application for renewal has been approved or disapproved.
- 3. Permit Terms and Conditions:** Pursuant to WQCC Regulation 20.6.2.3104 NMAC, when a permit has been issued, the owner/operator must ensure that all discharges shall be consistent with the terms and conditions of the permit. In addition, all facilities shall abide by the applicable rules and regulations administered by the OCD pursuant to the Oil and Gas Act, NMSA 1978, Sections 70-2-1 through 70-2-38.
- 4. Owner/Operator Commitments:** The owner/operator shall abide by all commitments submitted in its February 13, 2006 discharge permit renewal application, including attachments and subsequent amendments and these conditions for approval. Permit applications that reference previously approved plans on file with the division shall be incorporated in this permit and the owner/operator shall abide by all previous commitments of such plans and these conditions for approval.
- 5. Modifications:** WQCC Regulation 20.6.2.3109.G NMAC addresses possible future modifications of a permit. Pursuant to WQCC Regulation 20.6.2.3107.C NMAC, the owner/operator (discharger) shall notify the OCD of any facility expansion, production increase or process modification that would result in any significant modification in the discharge of water contaminants. Pursuant to WQCC Regulation 20.6.2.3109.E NMAC, the Division Director may require a permit modification if any water quality standard specified at 20.6.2.3103 NMAC is being or will be exceeded, or if a toxic pollutant as defined in WQCC Regulation 20.6.2.7 NMAC is present in ground water at any place of withdrawal for present or reasonably foreseeable future use, or that the Water Quality Standards for

Interstate and Intrastate streams as specified in 20.6.4 NMAC are being or may be violated in surface water in New Mexico.

**6. Waste Disposal and Storage:** The owner/operator shall dispose of all wastes at an OCD-approved facility. Only oil field RCRA-exempt wastes may be disposed of by injection in a Class II well. RCRA non-hazardous, non-exempt oil field wastes may be disposed of at an OCD-approved facility upon proper waste determination pursuant to 40 CFR part 261. Any waste stream that is not listed in the discharge permit application must be approved by the OCD on a case-by-case basis.

**A. OCD Rule 712 Waste:** Pursuant to OCD Rule 712 (19.15.9.712 NMAC) disposal of certain non-domestic waste without notification to the OCD is allowed at NMED-permitted solid waste facilities if the waste stream has been identified in the discharge permit and existing process knowledge of the waste stream does not change.

**B. Waste Storage:** The owner/operator shall store all waste in an impermeable bermed area. Waste generated during emergency response operations may be stored for up to 72 hours. All waste storage areas shall be identified in the discharge permit application. Any waste storage area not identified in the permit shall be approved on a case-by-case basis only. The owner/operator shall not store oil field waste on-site for more than 180 days unless approved by the OCD.

**7. Drum Storage:** The owner/operator must store all drums, including empty drums, containing materials other than fresh water on an impermeable pad with curbing. The owner/operator must store empty drums on their sides with the bungs in place and lined up on a horizontal plane. The owner/operator must store chemicals in other containers, such as tote tanks, sacks, or buckets on an impermeable pad with curbing.

**8. Process, Maintenance and Yard Areas:** The owner/operator shall either pave and curb or have some type of spill collection device incorporated into the design at all process, maintenance, and yard areas which show evidence that water contaminants from releases, leaks and spills have reached the ground surface.

**9. Above Ground Tanks:** The owner/operator shall ensure that all above ground tanks have impermeable secondary containment (e.g., liners and berms), which will contain a volume of at least one-third greater than the total volume of the largest tank or all interconnected tanks. The owner/operator shall retrofit all existing tanks before discharge permit renewal. Tanks that contain fresh water or fluids that are gases at atmospheric temperature and pressure are exempt from this condition.

**10. Labeling:** The owner/operator shall clearly label all tanks, drums, and containers to identify their contents and other emergency notification information. The owner/operator may use a tank code numbering system, which is incorporated into their emergency response plans.

**11. Below-Grade Tanks/Sumps and Pits/Ponds.**

A. All below-grade tanks and sumps must be approved by the OCD prior to installation and must incorporate secondary containment with leak detection into the design. The owner/operator shall retrofit all existing systems without secondary containment and leak detection before discharge permit

renewal. All existing below-grade tanks and sumps without secondary containment and leak detection must be tested annually or as specified herein. Systems that have secondary containment with leak detection shall have a monthly inspection of the leak detection system to determine if the primary containment is leaking. Small sumps or depressions in secondary containment systems used to facilitate fluid removal are exempt from these requirements if fluids are removed within 72 hours.

B. All pits and ponds, including modifications and retrofits, shall be designed by a certified registered professional engineer and approved by the OCD prior to installation. In general, all pits or ponds shall have approved hydrologic and geologic reports, location, foundation, liners, secondary containment with leak detection, monitoring and closure plans. All pits or ponds shall be designed, constructed and operated so as to contain liquids and solids in a manner that will protect fresh water, public health, safety and the environment for the foreseeable future. The owner/operator shall retrofit all existing systems without secondary containment and leak detection before discharge permit renewal.

C. The owner/operator shall ensure that all exposed pits, including lined pits and open top tanks (8 feet in diameter or larger) shall be fenced, screened, netted, or otherwise rendered non-hazardous to wildlife, including migratory birds.

D. The owner/operator shall maintain the results of tests and inspections at the facility covered by this discharge permit and available for OCD inspection. The owner/operator shall report the discovery of any system which is found to be leaking or has lost integrity to the OCD within 15 days. The owner/operator may propose various methods for testing such as pressure testing to 3 pounds per square inch greater than normal operating pressure and/or visual inspection of cleaned tanks and/or sumps, or other OCD-approved methods. The owner/operator shall notify the OCD at least 72 hours prior to all testing.

## **12. Underground Process/Wastewater Lines:**

A. The owner/operator shall test all underground process/wastewater pipelines at least once every five (5) years to demonstrate their mechanical integrity, except lines containing fresh water or fluids that are gases at atmospheric temperature and pressure. Pressure rated pipe shall be tested by pressuring up to one and one-half times the normal operating pressure, if possible, or for atmospheric drain systems, to 3 pounds per square inch greater than normal operating pressure, and pressure held for a minimum of 30 minutes with no more than a 1% loss/gain in pressure. The owner/operator may use other methods for testing if approved by the OCD.

B. The owner/operator shall maintain underground process and wastewater pipeline schematic diagrams or plans showing all drains, vents, risers, valves, underground piping, pipe type, rating, size, and approximate location. All new underground piping must be approved by the OCD prior to installation. The owner/operator shall report any leaks or loss of integrity to the OCD within 15 days of discovery. The owner/operator shall maintain the results of all tests at the facility covered by this discharge permit and

they shall be available for OCD inspection. The owner/operator shall notify the OCD at least 72 hours prior to all testing.

**13. Class V Wells:** The owner/operator shall close all Class V wells (e.g., septic systems, leach fields, dry wells, etc.) that inject non-hazardous industrial wastes or a mixture of industrial wastes and domestic wastes unless it can be demonstrated that ground water will not be impacted in the reasonably foreseeable future. Leach fields and other wastewater disposal systems at OCD-regulated facilities that inject non-hazardous fluid into or above an underground source of drinking water are considered Class V injection wells under the EPA UIC program. Class V wells that inject domestic waste only, must be permitted by the New Mexico Environment Department (NMED).

**14. Housekeeping:** The owner/operator shall inspect all systems designed for spill collection/prevention and leak detection at least monthly to ensure proper operation and to prevent over topping or system failure. All spill collection and/or secondary containment devices shall be emptied of fluids within 72 hours of discovery. The owner/operator shall maintain all records at the facility and available for OCD inspection.

**15. Spill Reporting:** The owner/operator shall report all unauthorized discharges, spills, leaks and releases and conduct corrective action pursuant to WQCC Regulation 20.5.12.1203 NMAC and OCD Rule 116 (19.15.3.116 NMAC). The owner/operator shall notify both the OCD District Office and the Santa Fe Office within 24 hours and file a written report within 15 days.

**16. OCD Inspections:** The OCD may place additional requirements on the facility and modify the permit conditions based on OCD inspections.

**17. Storm Water:** The owner/operator shall implement and maintain run-on and runoff plans and controls. The owner/operator shall not discharge any water contaminant that exceeds the WQCC standards specified in 20.6.2.3101 NMAC or 20.6.4 NMAC (Water Quality Standards for Interstate and Intrastate Streams) including any oil sheen in any storm water run-off. The owner/operator shall notify the OCD within 24 hours of discovery of any releases and shall take immediate corrective action(s) to stop the discharge.

**18. Unauthorized Discharges:** The owner/operator shall not allow or cause water pollution, discharge or release of any water contaminant that exceeds the WQCC standards listed in 20.6.2.3101 NMAC or 20.6.4 NMAC (Water Quality Standards for Interstate and Intrastate Streams) unless specifically listed in the permit application and approved herein. *An unauthorized discharge is a violation of this permit.*

**19. Vadose Zone and Water Pollution:** The owner/operator shall address any contamination through the discharge permit process or pursuant to WQCC 20.6.2.4000-.4116 NMAC (Prevention and Abatement of Water Pollution). The OCD may require the owner/operator to modify its permit for investigation, remediation, abatement, and monitoring requirements for any vadose zone or water pollution. Failure to perform any required investigation, remediation, or abatement and submit subsequent reports will be a violation of the permit.

**20. Additional Site Specific Conditions: N/A**

**21. Transfer of Discharge Permit:** The owner/operator shall notify the OCD prior to any transfer of ownership, control or possession of a facility with an approved discharge permit. The purchaser shall submit a written commitment to comply with the terms and conditions of the previously approved discharge permit and shall seek OCD approval prior to transfer.

**22. Closure:** The owner/operator shall notify the OCD when operations of the facility are to be discontinued for a period in excess of six months. Prior to closure of the facility, the operator shall submit a closure plan for approval. Closure and waste disposal shall be in accordance with the statutes, rules and regulations in effect at the time of closure.

**23. Certification: Certification:** Miller Chemicals, Inc., by the officer whose signature appears below, accepts this permit and agrees to comply with all submitted commitments, including these terms and conditions contained herein. Miller Chemicals, Inc. further acknowledges that the OCD may, for good cause shown, as necessary to protect fresh water, public health, safety, and the environment, change the conditions and requirements of this permit administratively.

**Conditions accepted by:**

**Miller Chemical, Inc.**

Andy R. Miller  
Company Representative- print name

Andy R. Miller  
Company Representative- signature

President  
Title

4-12-06  
Date



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

**BILL RICHARDSON**

Governor

**Joanna Prukop**

Cabinet Secretary

**Mark E. Fesmire, P.E.**

Director

**Oil Conservation Division**

March 29, 2006

Mr. Steve C. Tigert  
Miller Chemicals, Inc.  
P.O. Box 298  
Artesia, NM 88211-0298

Re: Discharge Permit GW-192  
Miller Chemicals Hobbs Facility

Dear Mr. Tigert:

Pursuant to Water Quality Control Commission (WQCC) Regulations 20.6.2.3104 - 20.6.2.3114 NMAC, the Oil Conservation Division (OCD) hereby approves the discharge permit for the Miller Chemicals, Inc. (owner/operator) Hobbs Facility GW-192 located in Section 21, Township 18 South, Range 38 East, NMPM, Eddy County, New Mexico, under the conditions specified in the enclosed **Attachment To The Discharge Permit**. Enclosed are two copies of the conditions of approval. **Please sign and return one copy to the New Mexico Oil Conservation Division (OCD) Santa Fe Office within 30 working days of receipt of this letter including permit fees.**

Please be advised that approval of this permit does not relieve the owner/operator of responsibility should operations result in pollution of surface water, ground water or the environment. Nor does approval of the permit relieve the owner/operator of its responsibility to comply with any other applicable governmental authority's rules and regulations.

If you have any questions, please contact Ed Martin of my staff at (505-476-3492) or [ed.martin@state.nm.us](mailto:ed.martin@state.nm.us). On behalf of the staff of the OCD, I wish to thank you and your staff for your cooperation during this discharge permit review.

Sincerely,

Wayne Price

Environmental Bureau Chief

Copy: OCD, Artesia

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renewal. All existing below-grade tanks and sumps without secondary containment and leak detection must be tested annually or as specified herein. Systems that have secondary containment with leak detection shall have a monthly inspection of the leak detection system to determine if the primary containment is leaking. Small sumps or depressions in secondary containment systems used to facilitate fluid removal are exempt from these requirements if fluids are removed within 72 hours.

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C. The owner/operator shall ensure that all exposed pits, including lined pits and open top tanks (8 feet in diameter or larger) shall be fenced, screened, netted, or otherwise rendered non-hazardous to wildlife, including migratory birds.

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## **12. Underground Process/Wastewater Lines:**

A. The owner/operator shall test all underground process/wastewater pipelines at least once every five (5) years to demonstrate their mechanical integrity, except lines containing fresh water or fluids that are gases at atmospheric temperature and pressure. Pressure rated pipe shall be tested by pressuring up to one and one-half times the normal operating pressure, if possible, or for atmospheric drain systems, to 3 pounds per square inch greater than normal operating pressure, and pressure held for a minimum of 30 minutes with no more than a 1% loss/gain in pressure. The owner/operator may use other methods for testing if approved by the OCD.

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they shall be available for OCD inspection. The owner/operator shall notify the OCD at least 72 hours prior to all testing.

**13. Class V Wells:** The owner/operator shall close all Class V wells (e.g., septic systems, leach fields, dry wells, etc.) that inject non-hazardous industrial wastes or a mixture of industrial wastes and domestic

wastes unless it can be demonstrated that ground water will not be impacted in the reasonably foreseeable future. Leach fields and other wastewater disposal systems at OCD-regulated facilities that inject non-hazardous fluid into or above an underground source of drinking water are considered Class V injection wells under the EPA UIC program. Class V wells that inject domestic waste only, must be permitted by the New Mexico Environment Department (NMED).

**14. Housekeeping:** The owner/operator shall inspect all systems designed for spill collection/prevention and leak detection at least monthly to ensure proper operation and to prevent over topping or system failure. All spill collection and/or secondary containment devices shall be emptied of fluids within 72 hours of discovery. The owner/operator shall maintain all records at the facility and available for OCD inspection.

**15. Spill Reporting:** The owner/operator shall report all unauthorized discharges, spills, leaks and releases and conduct corrective action pursuant to WQCC Regulation 20.5.12.1203 NMAC and OCD Rule 116 (19.15.3.116 NMAC). The owner/operator shall notify both the OCD District Office and the Santa Fe Office within 24 hours and file a written report within 15 days.

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**17. Storm Water:** The owner/operator shall implement and maintain run-on and runoff plans and controls. The owner/operator shall not discharge any water contaminant that exceeds the WQCC standards specified in 20.6.2.3101 NMAC or 20.6.4 NMAC (Water Quality Standards for Interstate and Intrastate Streams) including any oil sheen in any storm water run-off. The owner/operator shall notify the OCD within 24 hours of discovery of any releases and shall take immediate corrective action(s) to stop the discharge.

**18. Unauthorized Discharges:** The owner/operator shall not allow or cause water pollution, discharge or release of any water contaminant that exceeds the WQCC standards listed in 20.6.2.3101 NMAC or 20.6.4 NMAC (Water Quality Standards for Interstate and Intrastate Streams) unless specifically listed in the permit application and approved herein. *An unauthorized discharge is a violation of this permit.*

**19. Vadose Zone and Water Pollution:** The owner/operator shall address any contamination through the discharge permit process or pursuant to WQCC 20.6.2.4000-.4116 NMAC (Prevention and Abatement of Water Pollution). The OCD may require the owner/operator to modify its permit for investigation, remediation, abatement, and monitoring requirements for any vadose zone or water pollution. Failure to perform any required investigation, remediation, or abatement and submit subsequent reports will be a violation of the permit.

**20. Additional Site Specific Conditions: N/A**

**21. Transfer of Discharge Permit:** The owner/operator shall notify the OCD prior to any transfer of ownership, control or possession of a facility with an approved discharge permit. The purchaser shall submit a written commitment to comply with the terms and conditions of the previously approved discharge permit and shall seek OCD approval prior to transfer.

**22. Closure:** The owner/operator shall notify the OCD when operations of the facility are to be discontinued for a period in excess of six months. Prior to closure of the facility, the operator shall submit a closure plan for approval. Closure and waste disposal shall be in accordance with the statutes, rules and regulations in effect at the time of closure.

**23. Certification: Certification:** Miller Chemicals, Inc., by the officer whose signature appears below, accepts this permit and agrees to comply with all submitted commitments, including these terms and conditions contained herein. Miller Chemicals, Inc. further acknowledges that the OCD may, for good cause shown, as necessary to protect fresh water, public health, safety, and the environment, change the conditions and requirements of this permit administratively.

**Conditions accepted by:**

**Miller Chemical, Inc.**

\_\_\_\_\_  
Company Representative- print name

\_\_\_\_\_  
Company Representative- signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

ACKNOWLEDGEMENT OF RECEIPT  
OF CHECK/CASH

I hereby acknowledge receipt of check No. [redacted] dated 2/14/06  
or cash received on \_\_\_\_\_ in the amount of \$ 100.00  
from Miller Chemicals Inc.  
for \_\_\_\_\_

Submitted by: <sup>(Facility Name)</sup> Lawrence R. Carrero Date: <sup>(DP No.)</sup> GW-192  
Submitted to ASD by: Lawrence Carrero Date: 2/21/06  
Received in ASD by: \_\_\_\_\_ Date: 11

Filing Fee  New Facility \_\_\_\_\_ Renewal \_\_\_\_\_  
Modification \_\_\_\_\_ Other \_\_\_\_\_  
(optional)

Organization Code 521.07 Applicable FY 2004

To be deposited in the Water Quality Management Fund.  
Full Payment  or Annual Increment \_\_\_\_\_

**MILLER CHEMICALS INC.**  
**CHEMICALS AND CONSULTING**  
P.O. BOX 298 PH. 505-746-1919  
ARTESIA, NM 88211

SUNDOWN STATE BANK  
P.O. Box 1180  
Denver City, TX 78323

[redacted]  
88-143/1113  
4

2/14/2006

PAID TO THE ORDER OF NMED WATER QUALITY MANAGEMENT FUND

\$ \*\*100.00

One Hundred and 00/100\*\*\*\*\* DOLLARS

NMED WATER QUALITY MANAGEMENT FUND  
OIL CONSERVATION DIVISION  
1220 SOUTH ST. FRANCES DRIVE  
SANTA FE, NM 87505

MEMO DISCHARGE PLAN PERMIT

GW-192

*Carolyn Stubbs*

[redacted]

APPROVED FOR FILING  
OCT 1 1900

ATTACHMENT TO THE DISCHARGE PLAN RENEWAL GW-192  
MILLER CHEMICALS, INC.  
HOBBS FACILITY  
DISCHARGE PLAN APPROVAL CONDITIONS  
September 29, 2000

1. Payment of Discharge Plan Fees: The \$50.00 filing fee has been received by the OCD. There is a required flat fee equal to one-half of the original fee for oil and gas service companies. The renewal fee required for this facility is \$690.00 which may be paid in a single payment due at the time of approval, or in equal annual installments over the duration of the discharge plan, with the first payment due upon receipt of this approval. The filing fee is payable at the time of application and is due upon receipt of this approval.
2. Commitments: Miller Chemical, Inc. will abide by all commitments submitted in the discharge plan renewal application letter dated May 23, 2000 and these conditions for approval.
3. Waste Disposal: All wastes will be disposed of at an OCD approved facility. Only oilfield exempt wastes shall be disposed of down Class II injection wells. Non-exempt oilfield wastes that are non-hazardous may be disposed of at an OCD approved facility upon proper waste determination per 40 CFR Part 261.
4. Drum Storage: All drums containing materials other than fresh water must be stored on an impermeable pad with curbing. All empty drums will be stored on their sides with the bungs in and lined up on a horizontal plane. Chemicals in other containers such as sacks or buckets will also be stored on an impermeable pad and curb type containment.
5. Process Areas: All process and maintenance areas which show evidence that leaks and spills are reaching the ground surface must be either paved and curbed or have some type of spill collection device incorporated into the design.
6. Above Ground Tanks: All above ground tanks which contain fluids other than fresh water must be bermed to contain a volume of one-third more than the total volume of the largest tank or of all interconnected tanks. All new tanks or existing tanks that undergo a major modification, as determined by the Division, must be placed within an impermeable bermed enclosure.

7. Above Ground Saddle Tanks: Above ground saddle tanks must have impermeable pad and curb type containment unless they contain fresh water or fluids that are gases at atmospheric temperature and pressure.
8. Labeling: All tanks, drums and containers will be clearly labeled to identify their contents and other emergency notification information.
9. Below Grade Tanks/Sumps: All below grade tanks, sumps, and pits must be approved by the OCD prior to installation or upon modification and must incorporate secondary containment and leak-detection into the design. All pre-existing sumps and below-grade tanks must demonstrate integrity no later than (not applicable) and every year from tested date thereafter. Permittees may propose various methods for testing such as pressure testing to 3 pounds per square inch above normal operating pressure and/or visual inspection of cleaned out tanks and/or sumps, or other OCD approved methods. The OCD will be notified at least 72 hours prior to all testing. The test results will be submitted to OCD by (not applicable).
10. Underground Process/Wastewater Lines: All underground process/wastewater pipelines must be tested to demonstrate their mechanical integrity no later than November 30, 2000 and every five (5) years thereafter. Permittees may propose various methods for testing such as pressure testing to 3 pounds per square inch above normal operating pressure or other means acceptable to the OCD. The OCD will be notified at least 72 hours prior to all testing. The test results will be submitted to OCD by December 31, 2000.
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12. Housekeeping: All systems designed for spill collection/prevention will be inspected weekly and after each storm event to ensure proper operation and to prevent overtopping or system failure. A record of inspections will be retained on site for a period of five years.
13. Spill Reporting: All spills/releases will be reported pursuant to OCD Rule 116 and WQCC 1203 to the OCD Hobbs District Office.

14. Transfer of Discharge Plan: The OCD will be notified prior to any transfer of ownership, control, or possession of a facility with an approved discharge plan. A written commitment to comply with the terms and conditions of the previously approved discharge plan must be submitted by the purchaser and approved by the OCD prior to transfer.
15. Storm Water Plan: The facility will have an approved storm water run-off plan.
16. Closure: The OCD will be notified when operations of the Hobbs Facility are discontinued for a period in excess of six months. Prior to closure of the Hobbs Facility, the Director will submit a closure plan for approval. Closure and waste disposal will be in accordance with the statutes, rules and regulations in effect at the time of closure.
17. Conditions accepted by: Miller Chemicals, Inc., by the officer whose signature appears below, accepts this permit and agrees to comply with all terms and conditions contained herein. Miller Chemicals, 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.

**Miller Chemicals, Inc.**

Print Name: Andy R. Miller  
Signature: Andy R. Miller  
Title: President  
Date: 10/5/00



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

**GARY E. JOHNSON**  
Governor  
**Jennifer A. Salisbury**  
Cabinet Secretary

**Lori Wrotenberg**  
Director  
**Oil Conservation Division**

September 29, 2000

**CERTIFIED MAIL**  
**RETURN RECEIPT NO. 5051-6038**

**Mr. Andy R. Miller**  
**Miller Chemicals, Inc.**  
**P.O. Box 298**  
**Artesia, NM 88211-0298**

**RE: Discharge Plan Renewal GW-192**  
**Miller Chemicals, Inc.**  
**Hobbs Facility**  
**Lea County, New Mexico**

Dear Mr. Miller:

The ground water discharge plan renewal application GW-192 for the Hobbs Facility located in the NE/4 NE/4 of Section 4, Township 19 South, Range 38 East, NMPM, Lea County, New Mexico, is **hereby approved** under the conditions contained in the enclosed attachment. Enclosed are two copies of the conditions of approval. **Please sign and return one copy to the New Mexico Oil Conservation Division (OCD) Santa Fe office within 10 working days of receipt of this letter.**

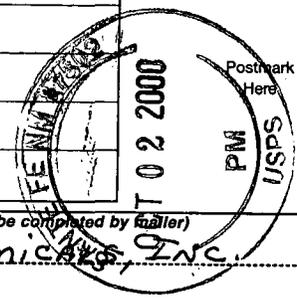
The original discharge plan application was submitted on January 31, 1995 and approved June 29, 1995. The discharge plan renewal application letter, dated May 23, 2000, submitted pursuant to Section 3106 of the New Mexico Water Quality Control Commission (WQCC) Regulations also includes all earlier applications and all conditions later placed on those approvals. The discharge plan is renewed pursuant to Section 3109.C. Please note Section 3109.G, which provides for possible future amendment of the plan. Please be advised that approval of this plan does not relieve Miller Chemicals, Inc. of liability should operations result in pollution of surface water, ground water or the environment.

Please be advised that all exposed pits, including lined pits and open tanks (exceeding 16 feet in diameter) shall be screened, netted or otherwise rendered nonhazardous to wildlife including migratory birds.

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Name (Please Print Clearly) (To be completed by mailer)  
**MILLER CHEMICALS, INC.**  
Street, Apt. No.; or PO Box No.  
**P.O. Box 298**  
City, State, ZIP+4  
**ARTESIA, NM 88211-0298**

7099 3220 0000 0000 5051 6038

PS Form 3800, July 1999 See Reverse for Instructions

Andy R. Miller  
GW-192  
September 29, 2000  
Page 2

Please note that Section 3104 of the regulations provides: "When a plan has been approved, discharges must be consistent with the terms and conditions of the plan." Pursuant to Section 3107.C, Miller Chemicals, Inc. is required to notify the Director of any facility expansion, production increase or process modification that would result in any change in the discharge of water quality or volume.

Pursuant to Section 3109.H.4, this renewal plan is for a period of five years. This renewal will expire on **June 29, 2005**, and Miller Chemicals, Inc. should submit an application in ample time before this date. Note that under Section 3106.F of the regulations, if a discharger submits a discharge plan renewal application at least 120 days before the discharge plan expires and is in compliance with the approved plan, then the existing discharge plan will not expire until the application for renewal has been approved or disapproved. It should be noted that all discharge plan facilities will be required to submit the results of an underground drainage testing program as a requirement for discharge plan.

The discharge plan renewal application for the Miller Chemicals, Inc. Hobbs Facility is subject to WQCC Regulation 3114. Every billable facility submitting a discharge plan application will be assessed a fee equal to the filing fee of \$50.00. There is a renewal fee assessed for oil and gas service companies equal to one-half of the original fee or \$690.00. The OCD has received the filing fee.

On behalf of the staff of the OCD, I wish to thank you and your staff for your cooperation during this discharge plan review.

Sincerely,



Roger C. Anderson  
Chief, Environmental Bureau  
Oil Conservation Division

RCA/eem  
Attachment

Xc: OCD Hobbs Office

ATTACHMENT TO THE DISCHARGE PLAN RENEWAL GW-192  
MILLER CHEMICALS, INC.  
HOBBS FACILITY  
DISCHARGE PLAN APPROVAL CONDITIONS  
September 29, 2000

1. Payment of Discharge Plan Fees: The \$50.00 filing fee has been received by the OCD. There is a required flat fee equal to one-half of the original fee for oil and gas service companies. The renewal fee required for this facility is \$690.00 which may be paid in a single payment due at the time of approval, or in equal annual installments over the duration of the discharge plan, with the first payment due upon receipt of this approval. The filing fee is payable at the time of application and is due upon receipt of this approval.
2. Commitments: Miller Chemical, Inc. will abide by all commitments submitted in the discharge plan renewal application letter dated May 23, 2000 and these conditions for approval.
3. Waste Disposal: All wastes will be disposed of at an OCD approved facility. Only oilfield exempt wastes shall be disposed of down Class II injection wells. Non-exempt oilfield wastes that are non-hazardous may be disposed of at an OCD approved facility upon proper waste determination per 40 CFR Part 261.
4. Drum Storage: All drums containing materials other than fresh water must be stored on an impermeable pad with curbing. All empty drums will be stored on their sides with the bungs in and lined up on a horizontal plane. Chemicals in other containers such as sacks or buckets will also be stored on an impermeable pad and curb type containment.
5. Process Areas: All process and maintenance areas which show evidence that leaks and spills are reaching the ground surface must be either paved and curbed or have some type of spill collection device incorporated into the design.
6. Above Ground Tanks: All above ground tanks which contain fluids other than fresh water must be bermed to contain a volume of one-third more than the total volume of the largest tank or of all interconnected tanks. All new tanks or existing tanks that undergo a major modification, as determined by the Division, must be placed within an impermeable bermed enclosure.

7. Above Ground Saddle Tanks: Above ground saddle tanks must have impermeable pad and curb type containment unless they contain fresh water or fluids that are gases at atmospheric temperature and pressure.
8. Labeling: All tanks, drums and containers will be clearly labeled to identify their contents and other emergency notification information.
9. Below Grade Tanks/Sumps: All below grade tanks, sumps, and pits must be approved by the OCD prior to installation or upon modification and must incorporate secondary containment and leak-detection into the design. All pre-existing sumps and below-grade tanks must demonstrate integrity no later than (not applicable) and every year from tested date thereafter. Permittees may propose various methods for testing such as pressure testing to 3 pounds per square inch above normal operating pressure and/or visual inspection of cleaned out tanks and/or sumps, or other OCD approved methods. The OCD will be notified at least 72 hours prior to all testing. The test results will be submitted to OCD by (not applicable).
10. Underground Process/Wastewater Lines: All underground process/wastewater pipelines must be tested to demonstrate their mechanical integrity no later than November 30, 2000 and every five (5) years thereafter. Permittees may propose various methods for testing such as pressure testing to 3 pounds per square inch above normal operating pressure or other means acceptable to the OCD. The OCD will be notified at least 72 hours prior to all testing. The test results will be submitted to OCD by December 31, 2000.
11. Class V Wells: No Class V wells that inject non-hazardous industrial wastes or a mixture of industrial wastes and domestic wastes will be closed unless it can be demonstrated that groundwater will not be impacted in the reasonably foreseeable future. Leach fields and other wastewater disposal systems at OCD regulated facilities which inject non-hazardous fluid into or above an underground source of drinking water are considered Class V injection wells under the EPA UIC program. Class V wells that inject domestic waste only must be permitted by the New Mexico Environment Department.
12. Housekeeping: All systems designed for spill collection/prevention will be inspected weekly and after each storm event to ensure proper operation and to prevent overtopping or system failure. A record of inspections will be retained on site for a period of five years.
13. Spill Reporting: All spills/releases will be reported pursuant to OCD Rule 116 and WQCC 1203 to the OCD Hobbs District Office.

14. Transfer of Discharge Plan: The OCD will be notified prior to any transfer of ownership, control, or possession of a facility with an approved discharge plan. A written commitment to comply with the terms and conditions of the previously approved discharge plan must be submitted by the purchaser and approved by the OCD prior to transfer.
15. Storm Water Plan: The facility will have an approved storm water run-off plan.
16. Closure: The OCD will be notified when operations of the Hobbs Facility are discontinued for a period in excess of six months. Prior to closure of the Hobbs Facility, the Director will submit a closure plan for approval. Closure and waste disposal will be in accordance with the statutes, rules and regulations in effect at the time of closure.
17. Conditions accepted by: Miller Chemicals, Inc., by the officer whose signature appears below, accepts this permit and agrees to comply with all terms and conditions contained herein. Miller Chemicals, 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.

**Miller Chemicals, Inc.**

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

ACKNOWLEDGEMENT OF RECEIPT  
OF CHECK/CASH

I hereby acknowledge receipt of check No. [REDACTED] dated 5-18-00,  
or cash received on \_\_\_\_\_ in the amount of \$ 50.00

from MCI Chemicals & Consulting

for Hobbs Service Facility GW-192

Submitted by: [Signature] Date: 6-16-00

Submitted to ASD by: \_\_\_\_\_ Date: \_\_\_\_\_

Received in ASD by: \_\_\_\_\_ Date: \_\_\_\_\_

Filing Fee  New Facility  Renewal

Modification  Other

Organization Code 521.07 Applicable FY 2000

To be deposited in the Water Quality Management Fund.

Full Payment  or Annual Increment

**M C I**  
**CHEMICALS & CONSULTING**  
P.O. BOX 69 • SEMINOLE, TX 79360  
(915) 758-0057

SEMINOLE NATIONAL BANK  
200 SE AVE. B/P.O. DRAWER 727  
SEMINOLE, TX 79360

88-2192/1113

CHECK NO. [REDACTED]

\*\*Fifty And 00/100 Dollars\*\*\*\*\*

DATE

AMOUNT

5/18/00

\*\*50.00

PAY  
TO THE  
ORDER  
OF

MMED-WATER EQUALITY MANAGEMENT  
OIL CONSERVATION DIVISION  
2040 S. PACHACO ST.  
SANTA FE., NM 87505

[Signature]  
AUTHORIZED SIGNATURE

Security features. Details on back.

**M C I CHEMICALS & CONSULTING**

DATE  
5/18/00

AMOUNT  
\*\*50.00

FOR: RENEWAL PERMIT



ACKNOWLEDGEMENT OF RECEIPT  
OF CHECK/CASH

I hereby acknowledge receipt of check No. [redacted] dated 10/5/00,  
or cash received on 10/15/00 in the amount of \$ 690.00  
from MILLER CHEMICALS INC.

for HOBBS FACILITY GW-192

Submitted by: \_\_\_\_\_ Date: \_\_\_\_\_

Submitted to ASD by: ED MARTIN Date: 10/30/00

Received in ASD by: \_\_\_\_\_ Date: \_\_\_\_\_

Filing Fee \_\_\_\_\_ New Facility \_\_\_\_\_ Renewal   
Modification \_\_\_\_\_ Other \_\_\_\_\_

Organization Code 521.07 Applicable FY 2001

To be deposited in the Water Quality Management Fund.

Full Payment  or Annual Increment \_\_\_\_\_

MILLER CHEMICALS, INC.  
CHEMICALS & CONSULTING  
P.O. BOX 298  
ARTESIA, NM 88210  
(505) 746-1919

SEMINOLE NATIONAL BANK  
200 SE AVE. B/P.O. DRAWER 727  
SEMINOLE, TX 79360

88-2192/1113

10/5/2000

PAY  
TO THE  
ORDER OF

NEW MEXICO OIL CONSERVATION DIVISION

\$ **690.00**

Six Hundred Ninety and 00/100\*\*\*\*\* DOLLARS

NEW MEXICO OIL CONSERVATION DIVISION  
2040 SOUTH PACHECO STREET  
SANTA FE, NM 87505

*Andy R. Miller*  
\_\_\_\_\_  
AUTHORIZED SIGNATURE

MEMO

DISCHARGE PLAN RENEWAL FEE

Security features. Details on back.



STATE OF NEW MEXICO  
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION

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

June 29, 1995

**CERTIFIED MAIL**  
**RETURN RECEIPT NO. Z-765-962-675**

Mr. Joe E. Smith  
President  
ENVIROCHEM  
P.O. Box 668  
Hobbs, NM 88240

**RE: Approval of Discharge Plan GW-192  
ENVIROCHEM - Hobbs facility  
Lea County, New Mexico**

Dear Mr. Smith:

The discharge plan GW-192 for ENVIROCHEM - Hobbs facility located in NE/4 NE/4, Section 4, Township 19 South, Range 38 East, NMPM, Lea County, New Mexico, is hereby approved under the conditions contained in the enclosed attachment. The discharge plan consists of the application dated April 26, 1995, and additional information submitted May 11, 1995 and June 26, 1995.

The discharge plan application was submitted pursuant to Section 3-106 of the New Mexico Water Quality Control Commission Regulations. Please note Sections 3-109.E and 3-109.F which provide for possible future amendments or modifications of the plan. Please be advised that the approval of this plan does not relieve Envirochem of liability should the operations associated with this facility result in pollution of surface water, ground water, or the environment.

Please be advised that all exposed pits, including lined pits and open top tanks (tanks exceeding 16 feet in diameter), shall be screened, netted, or otherwise rendered nonhazardous to wildlife including migratory birds.

Mr. Joe E. Smith  
June 29, 1995  
Page 2

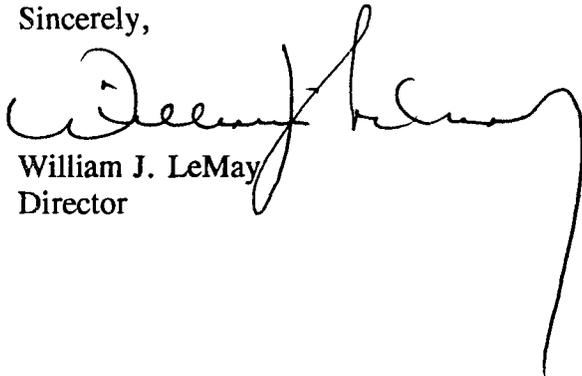
Please note that Section 3-104 of the regulations requires that "When a plan has been approved, discharges must be consistent with the terms and conditions of the plan." Pursuant to Section 3-107.C you are required to notify the Director of any facility expansion, production increase, or process modification that would result in any change in the discharge of water quality or volume.

Pursuant to Section 3-109.G.4, this plan is for a period of five (5) years. This approval will expire June 29, 2000, and you should submit an application for renewal in ample time before this date.

The \$50 filing fee along with the \$1,380 flat fee for a service company discharge plan has been received by the OCD.

On behalf of the staff of the Oil Conservation Division, I wish to thank you and your staff for your cooperation during this discharge plan review.

Sincerely,

A handwritten signature in black ink, appearing to read "William J. LeMay", with a long, sweeping tail extending downwards and to the right.

William J. LeMay  
Director

WJL/pws  
Attachment

xc: Wayne Price , OCD Hobbs Office

**ATTACHMENT TO DISCHARGE PLAN GW-192 APPROVAL**  
**ENVIROCHEM - HOBBS**  
**DISCHARGE PLAN REQUIREMENTS**  
(June 29, 1995)

1. Tank Berming: All tanks that contain materials other than fresh water that, if released, could contaminate surface or ground water or the environment will be bermed to contain 1 1/3 times the capacity of the tank or 1 1/3 times the volume of all interconnected tanks.
2. Drum Storage: All drums will be stored on pad and curb type containment.
3. Spills: All spills and/or leaks will be reported to the CCD district office pursuant to WQCC Rule 1-203 and OCD Rule 116.
4. Modifications: All proposed modifications that include the construction of any below grade facilities or the excavation and disposal of wastes or contaminated soils will have OCD approval prior to excavation, construction or disposal.
5. Concrete Pit: A closure plan for the outdoor concrete pit will be submitted for approval to the NMOCD by July 31, 1995 .
6. Wastes: All wastes generated at the facility will be disposed of in a manner approved by NMOCD.
7. Pit Wastes: The Hazardous waste that is associated with the concrete pit will be removed pursuant to RCRA Hazardous Waste Regulations. Verification paperwork will be submitted to NMOCD.

ACKNOWLEDGEMENT OF RECEIPT  
OF CHECK/CASH

I hereby acknowledge receipt of check No. [redacted] dated 4/26/95  
or cash received on 5/10/95 in the amount of \$ 1430.00

from Enviro-Chem  
for Hobbs Service Society 62W-192  
(Facility Name) (OP No.)

Submitted by: \_\_\_\_\_ Date: \_\_\_\_\_

Submitted to ASD by: Roger Anderson Date: 5/12/95

Received in ASD by: \_\_\_\_\_ Date: \_\_\_\_\_

Filing Fee  New Facility  Renewal \_\_\_\_\_  
Modification \_\_\_\_\_ Other \_\_\_\_\_  
(specify)

Organization Code 521.07 Applicable FY 95

To be deposited in the Water Quality Management Fund.

Full Payment  or Annual Increment \_\_\_\_\_

# ENVIRO-CHEM

No. [redacted]



P.O. BOX 668  
HOBBS, NEW MEXICO 88241  
(505) 393-1917

VENDOR NO.	MO.	DAY	YR.	CHECK NO.
	04	26	95	1046

PAY  
\*\*\*\*\*1,430.00

THIS CHECK VOID AFTER 60 DAYS.

\*\*\*One Thousand Four Hundred Thirty & no/100

TO THE  
ORDER  
OF  
Oil Conservation Division

for Smith  
[Signature]



# ENVIRO-CHEM

P.O. BOX 688  
HOBBS, N.M. 88241  
(505) 393-1917

No. [REDACTED]

INVOICE DATE			INVOICE NUMBER	GROSS	DISCOUNT	NET AMOUNT
MO.	DAY	YR.				
04	26	95	Filing Fee Discharge plan application Flat Fee Discharge plan application <i>CW-192</i>			50.00 1,380.00

REMITTANCE ADVICE

DETACH HERE  BEFORE DEPOSITING CHECK

# ENVIRO-CHEM

P.O. BOX 668  
HOBBS, N.M. 88241  
(505) 393-1917

No. [REDACTED]

INVOICE DATE			INVOICE NUMBER	GROSS	DISCOUNT	NET AMOUNT
MO.	DAY	YR.				
04	26	95	Filing Fee Discharge plan application Flat Fee Discharge plan application <i>(2w) - 192</i>			50.00 1,380.00

REMITTANCE ADVISE

DETACH HERE BEFORE DEPOSITING CHECK

# ENVIRO-CHEM

No. [REDACTED]

ENVIRO-CHEM



P.O. BOX 668  
HOBBS, NEW MEXICO 88241  
(505) 393-1917

VENDOR NO.	MO.	DAY	YR.	CHECK NO.
	04	26	95	1046

PAY
*****1,430.00

THIS CHECK VOID AFTER 60 DAYS.

\*\*\*One Thousand Four Hundred Thirty & no/100

TO THE ORDER OF Oil Conservation Division

*for Smith*  
*[Signature]*

MAIN BRANCH  
THE FIRST NATIONAL BANK OF ARTESIA  
ARTESIA, NEW MEXICO  
95-43/1122



District I  
1625 N. French Dr., Hobbs, NM 88240  
District II  
1301 W. Grand Avenue, Artesia, NM 88210  
District III  
1000 Rio Brazos Road, Aztec, NM 87410  
District IV  
1220 S. St. Francis Dr., Santa Fe, NM 87505

State of New Mexico  
Energy Minerals and Natural Resources  
Oil Conservation Division  
1220 South St. Francis Dr.  
Santa Fe, NM 87505

Revised June 10, 2003

Submit Original  
Plus 1 Copy  
to Santa Fe  
1 Copy to Appropriate  
District Office

**DISCHARGE PLAN APPLICATION FOR SERVICE COMPANIES, GAS PLANTS,  
REFINERIES, COMPRESSOR, GEOTHERMAL FACILITIES  
AND CRUDE OIL PUMP STATIONS**

(Refer to the OCD Guidelines for assistance in completing the application)

New  Renewal  Modification

1. Type: sales of specialty oilfield chemicals
2. Operator: MCI Chemicals and Consulting  
Address: P.O. Box 298 Artesia, NM 88211-0298  
Contact Person: Carolyn Grebb Phone: 505-746-1919
3. Location: see attached /4 /4 Section 21 Township 185 Range 38E  
Submit large scale topographic map showing exact location.
4. Attach the name, telephone number and address of the landowner of the facility site.
5. Attach the description of the facility with a diagram indicating location of fences, pits, dikes and tanks on the facility.
6. Attach a description of all materials stored or used at the facility.
7. Attach a description of present sources of effluent and waste solids. Average quality and daily volume of waste water must be included.
8. Attach a description of current liquid and solid waste collection/treatment/disposal procedures.
9. Attach a description of proposed modifications to existing collection/treatment/disposal systems.
10. Attach a routine inspection and maintenance plan to ensure permit compliance.
11. Attach a contingency plan for reporting and clean-up of spills or releases.
12. Attach geological/hydrological information for the facility. Depth to and quality of ground water must be included.
13. Attach a facility closure plan, and other information as is necessary to demonstrate compliance with any other OCD rules, regulations and/or orders.
14. CERTIFICATION I hereby certify that the information submitted with this application is true and correct to the best of my knowledge and belief.

Name: Steve C. Tigert

Title: Area Manager

Signature: [Handwritten Signature]

Date: 2-13-06

E-mail Address: mci@plateau.net