GW - 235

GENERAL CORRESPONDENCE

YEAR(S):

2006 → 2000

Hansen, Edward J., EMNRD

From: Hansen, Edward J., EMNRD
Sent: Friday, December 15, 2006 9:01 AM
To: 'Talovich, Mike'
Subject: RE: Discharge Plan GW-235

Mike,
I discussed this case with Wayne Price and he concluded that this Discharge Permit (GW235) no longer applies to this site. Therefore, you can ignore my previous email regarding this case. Sorry for the false alarm. Thanks for getting back to me so soon.

Edward J. Hansen
505-476-3489

P.S.: Thanks for coming to the Public Outreach Meeting - good to meet you.

From: Talovich, Mike [mailto:mtalovich@keyenergy.com]
Sent: Wednesday, December 13, 2006 2:29 PM
To: Hansen, Edward J., EMNRD
Subject: Discharge Plan GW-235

Hello Ed,

The Discharge Plan for the Key Disposal injection well is UIC-CLI-005 this was formerly GW-235 prior to 1996
The date of last Discharge Plan approval is January 15, 2002
Is this the plan that is/almost expired?
I left a phone message also and it was to address the same issue.

Thanks

Mike Talovich
Facility Supervisor
Key Energy Services Inc.
Farmington NM

Hansen, Edward J., EMNRD

From: Hansen, Edward J., EMNRD
Sent: Wednesday, December 13, 2006 10:32 AM
To: 'mtalovich@keyenergy.com'
Subject: RE: Renewal of Discharge Permit GW235
Attachments: Renewal WQCC Notice Regs.pdf; Discharge Plan App Form.pdf; Guidelines For Discharge Plans.pdf; PN Flow Chart.20.6.2renewal.pdf

with attachments

From: Hansen, Edward J., EMNRD
Sent: Wednesday, December 13, 2006 10:26 AM
To: 'mtalovich@keyenergy.com'
Subject: Renewal of Discharge Permit GW235

Dear Discharge Permit (GW235) Holder:

The Oil Conservation Division's (OCD) records indicate that your discharge plan has expired. New Mexico Water Quality Control Commission regulations (WQCC) Section 3106.F (20.6.2.3106.F NMAC) specifies that 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. You may be operating without a permit. Please submit a permit renewal application with a filing fee (20.6.2.3114 NMAC) of $100.00 by December 31, 2006. Please make all checks payable to the **Water Quality Management Fund** and addressed to the OCD Santa Fe Office. There is also a discharge plan permit fee, based on the type of facility, which OCD will assess after processing your application. An application form and guidance document is attached in order to assist in expediting this process.

In accordance with the public notice requirements (Subsection A of 20.6.2.3108 NMAC) of the newly revised (July 2006) WQCC regulations, "...to be deemed administratively complete, an application shall provide all of the information required by Paragraphs (1) through (5) of Subsection F of 20.6.2.3108 NMAC and shall indicate, for department approval, the proposed locations and newspaper for providing notice required by Paragraphs (1) through (4) of Subsection B or Paragraph (2) of Subsection C of 20.6.2.3108 NMAC." You are required to provide the information specified above in your permit renewal application submittal. Attached are a flow chart and the regulatory language pertaining to the new WQCC public notice requirements for your convenience. After the application is deemed administratively complete, the revised public notice requirements of 20.6.2.3108 NMAC must be satisfactory demonstrated to OCD. OCD will provide public notice pursuant to the revised WQCC notice requirements of 20.6.2.3108 NMAC to determine if there is any public interest.

Please contact me by phone 505-476-3489 or email mailto:edwardj.hansen@state.nm.us if you have any questions regarding this matter.

Sincerely,

Edward J. Hansen
Hydrologist
Environmental Bureau

12/13/2006

Chavez, Carl J, EMNRD

From: Chavez, Carl J, EMNRD
Sent: Tuesday, November 21, 2006 3:59 PM
To: 'mtalovich@keyenergy.com'
Cc: Price, Wayne, EMNRD
Subject: Key Energy Services Injection Well (I-5; Key-SUNCO CLASS I (GW-235))

Mr. Talovich:

The Oil Conservation Division (OCD) has reviewed your November 2, 2006 correspondence with attached TCLP (organics/inorganics) analytical data results. Based on a review of the paperwork, it appears that the samples were received at the laboratory at a temperature exceeding 4 degrees Celsius (4 C) or around 17 C.

Please be advised from now on for metals like Mercury and other organics, the sample containers must be refrigerated to 4 C or less to ensure the accuracy and precision of analytical data results. If samples are received at the lab exceeding this temperature, Key Energy Services shall make arrangements to resample at the laboratory.

Please contact me if you have questions. Thank you.

Carl J. Chavez, CHMM
New Mexico Energy, Minerals & Natural Resources Dept.
Oil Conservation Division, Environmental Bureau
1220 South St. Francis Dr., Santa Fe, New Mexico 87505
Office: (505) 476-3491
Fax: (505) 476-3462
E-mail: CarlJ.Chavez@state.nm.us
Website: http://www.emnrd.state.nm.us/ocd/
(Pollution Prevention Guidance is under "Publications")

NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON
Governor

Joanna Prukop
Cabinet Secretary

March 22, 2006

Mark E. Fesmire, P.E.
Director
Oil Conservation Division

Ms. Robyn Miller, CLA
Key Energy Services, Inc.
6 Desta Drive, Suite 4400
Midland, Texas 79705

RE: Farmington Service Facility (formerly Four Corners Drilling) – GW156
Farmington Service Facility (American Energy Services) – GW-235

Dear Ms. Miller:

Enclosed is a copy of the renewal application for the formerly Four Corners Drilling company facility in Farmington covered by the discharge permit GW-156. The enclosed does not include the site plan, which was too large to copy, and include. I would suggest that the current renewal application include a site plan with the application. One copy of the renewal application should be kept in your files and one copy kept at the facility site. Be sure to send one copy of the renewal application to the Aztec OCD office. Review the regulations for public notice requirements as they have changed since the prior renewal.

A copy of the renewal application and a cover sheet from the environmental consulting firm is enclosed for the discharge permit GW-235. Key Energy Services, Inc has not notified the Oil Conservation Division (OCD) of the acquisition of American Energy Services. A separate letter should be addressed to the OCD Santa Fe office notifying the OCD that a change of ownership has occurred and the date of change of ownership. The application for this facility is much too long to copy and it is suggested that you contact the environmental company that prepared the initial application for a copy. If this is not possible then it is suggested that someone in your Farmington office contact the OCD District office in Aztec to see if they can go to that office and copy the application.

Renewal applications for both facilities must be received in the Santa Fe office by April 15, 2006. Please be advised that Key Energy Services, Inc. is in violation of WQCC Rule 20 NMAC 6.2.3.3104 and 20 NMAC 6.2.3.3106.F that could lead to the issuance of a compliance order that includes a financial penalty. It is the operator's responsibility to comply with all Federal, State and Local Rules and Regulations.

Sincerely,

W. Jack Ford, C.P.G.
Environmental Bureau
Oil Conservation Division

cc: Aztec OCD District Office

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 9, 2006

CERTIFIED MAIL
RETURN RECEIPT NO. 7000-1670-0012-5357-6969

Mr. Harold Haro
American Energy Services
P.O. Box 3120
Midland, Texas 79702

RE: Discharge Permit GW-235
American Energy Services
Farmington Service Facility
San Juan County, New Mexico

Dear Mr. Haro:

The discharge permit GW-235 for the Farmington Service Facility located in the E/2 SE/4 SW/4 of Section 11, Township 29 North, Range13 West, NMPM, San Juan County, New Mexico, **expired on June 26, 2005.** Permits for operation of oilfield service companies are required and issued pursuant to 20.6.2.3104 NMAC.

An application for renewal of your permit must be received in this office no later than April 15, 2006.

If you have any questions, you may contact me at (505) 476-3489 or jack.ford@state.nm.us.

NEW MEXICO OIL CONSERVATION DIVISION

W. Jack Ford, C.P.G.
Environmental Bureau

Copy: NMOCD, Aztec

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 9, 2006

CERTIFIED MAIL
RETURN RECEIPT NO. 7000-1670-0012-5357-6969

Mr. Harold Haro
American Energy Services
P.O. Box 3120
Midland, Texas 79702

RE: Discharge Permit GW-235
American Energy Services
Farmington Service Facility
San Juan County, New Mexico

Dear Mr. Haro:

The discharge permit GW-235 for the Farmington Service Facility located in the E/2 SE/4 SW/4 of Section 11, Township 29 North, Range13 West, NMPM, San Juan County, New Mexico, **expired on June 26, 2005.** Permits for operation of oilfield service companies are required and issued pursuant to 20.6.2.3104 NMAC.

An application for renewal of your permit must be received in this office no later than April 15, 2006.

If you have any questions, you may contact me at (505) 476-3489 or jack.ford@state.nm.us.

NEW MEXICO OIL CONSERVATION DIVISION

W. Jack Ford, C.P.G.
Environmental Bureau

Copy: NMOCD, Aztec

NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

GARY E. JOHNSON
Governor
Jennifer A. Salisbury
Cabinet Secretary

November 28, 2000

Lori Wrotenbery
Director
Oil Conservation Division

CERTIFIED MAIL
RETURN RECEIPT NO. 5051 0005

Mr. Harold Haro
American Energy Services
P.O. Box 3120
Midland, Texas 79702

RE: Discharge Plan Fees GW-235
Farmington Service Facility
San Juan County, New Mexico

Dear Mr. Walker:

On July 5, 2000, American Energy Services, received, via certified mail, an approval dated June 26, 2000 from the New Mexico Oil Conservation Division (OCD) of discharge plan GW-235. Each discharge plan has a filing fee and a flat fee as described in WQCC Section 3114, the flat fee of $1,380.00 for the Farmington Service Facility discharge plan GW-235 has not as of this date November 28, 2000 been received by the OCD Santa Fe Division office.

American Energy Services will submit the $1,380.00 flat fee in full by December 18, 2000 in order to be in compliance with Water Quality Control Commission Regulation 3114.B.6, or the OCD may initiate enforcement actions which may include fines and/or an order to cease all operations at the facility. Please make all checks payable to: **NMED-Water Quality Management** and addressed to the OCD Santa Fe Office.

If you have any questions regarding this matter, please contact me at (505)-827-7152 or Mr. W. Jack Ford at (505) 827-7156.

Sincerely,

Roger Anderson
Environmental Bureau Chief

RCA/wjf

xc: OCD Aztec District Office

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

FORD OCD

Article Sent To:

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

Postmark Here

SANTE ... NOV ... 2000 ... 87505

Name (Please Print Clearly) (To be completed by mailer)
H. Haro

Street, Apt. No.; or PO Box No.
Bm. Engry

City, State, ZIP+ 4
GW-235

7099 3220 0000 5051 0005

PS Form 3800, July 1999 See Reverse for Instructions

ACKNOWLEDGEMENT OF RECEIPT OF CHECK/CASH

I hereby acknowledge receipt of check No. [redacted] dated 7-10-00

or cash received on _____ in the amount of $ 50.00

from American Energy Services

for Farmington Service Facility (Facility Name) GW-235 (DP No.)

Submitted by: [signature] Date: 7-12-00

Submitted to ASD by: _____ Date: _____

Received in ASD by: _____ Date: _____

Filing Fee ✓ New Facility ✓ Renewal ___

Modification ___ Other _____ (specify)

Organization Code 521.07 Applicable FY 2001

To be deposited in the Water Quality Management Fund.

Full Payment ✓ or Annual Increment ___

[redacted]

AMERICAN ENERGY SERVICES
OPERATING ACCOUNT
P.O. BOX 3120 PH. 915-570-4899
MIDLAND, TX 79702

32-61-1110

DATE 7/10/00

PAY TO THE ORDER OF Water Management Quality Management Fund $ 50.00/

Fifty and no/100 DOLLARS

BANK ONE, TEXAS, NA - NO. 72428
MIDLAND, TEXAS 79701

FOR [redacted]

1:4

Ford, Jack

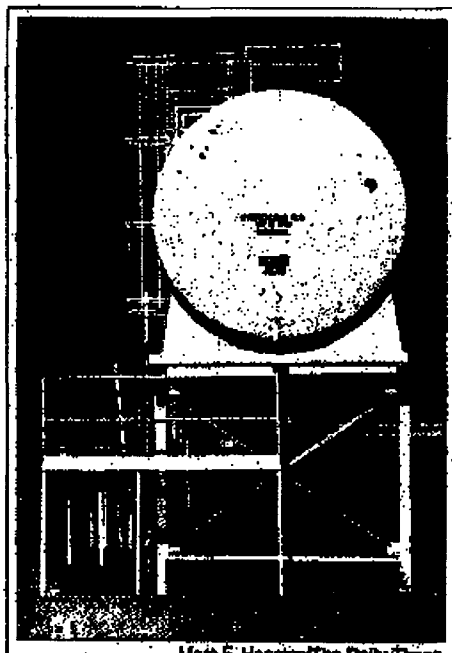
From: Chavez, Frank
Sent: Monday, June 19, 2000 10:46 AM
To: Ford, Jack
Cc: Anderson, Roger; Wrotenbery, Lori
Subject: Acid tank

Thanks, Jack.

The next time I'm going to tell her that you are the only person emminently qualified to speak about these issues.

Actually, the story came out out tens time better than the interview. She came looking for blood and I came very close to calling you and putting you on the speaker while I went outside.

Holler at me if I missed something.



Mark F. Henning/The Daily Times

The Planning and Zoning Commission came to a split vote last week on an application for a special-use permit to construct a chemical storage tank similar to this existing one.

Chemical storage monitoring lacking

MICHELE ABBOTT
STAFF WRITER

FARMINGTON — To the layman, hydrochloric acid may sound far less then benign. It is, after all, a highly corrosive agent, the fumes of which require a breathing mask in work areas where air concentration exceeds five parts per million; and is considered immediately dangerous to life or health at 100 parts per million.

According to those whose job it is oversee safe usage and containment, however, it's small potatoes in the local scheme of things. Tanks full of chemicals, gasoline and other petroleum products maintained and transported through the area on a day-to-day basis apparently represent a far greater hazard to public and environmental health.

The question was raised last week during discussion of an application to the Planning and Zoning Commission for a special-use permit to construct a 10,000-gallon hydrochloric acid storage tank within 250 feet of river park property, at the company's 6-month-old site on Tucker Avenue. The issue resulted in a 3-3 vote on a motion to endorse the proposal from American Energy Services — a Midland, Texas-based company.

The plan is part of ongoing company expansion that District Manager Henry Valdez said is hoped will grow employee numbers from 35 to 100, and annual payroll figures from $1.5 to $4.5 million. The proposal calls for a polyurethane tank, built specifically for its intended use and set inside an epoxy-lined cement containment structure with walls approximately 8-inches thick.

Valdez told commissioners "containment would be 100 percent," with the

■ See **Monitoring** A5.

"I'm not saying it's not risky. Any community has the right to — and should — ask questions and address these issues; but when you compare it to risks taken every day, it's not that much of a problem."

– Frank Chavez, Oil Conservation Division

"Companies generally take a lot of precautions," Chavez said. "We've found overall the industry acts very responsibly."

One can only hope

That's good news if accurate, because current OCD resources are what environmental inspector Denny Foutz described as a tenth of what the department would actually need to enforce the 1982 Water Quality Control Act as it was originally written. Foutz and Chavez indicated most site inspections can run anywhere from two to five years apart.

"We try to inspect our high priority (sites) at least annually, " Chavez said, "but I have one environmental inspector for this office. With most, we're making them every two to three years." Under those circumstances, he allowed that, without additional reporting from other parties, it is theoretically possible that any given business could be violating regulations — unchecked — for that period of time.

"We try to develop inspection policies, but state regulations don't set a rate of frequency," he said. "We have so many that we can't see all of them even in five years; so yes, you could have an environmental hazard that went on for two or three years. Anything's possible."

The state relies on discharge plans filed with its offices to ensure that operators are including the right precautions in the planning process. But, while the applicable environmental rules are 18-years-old, Chavez said "There is no way we have enough staff to require that everyone has to have a discharge plan today."

Instead, OCD has developed a system referred to as "best practices," in which a guideline of acceptable standards is laid out and the operator is asked to sign on accordingly.

"Once they do that," Chavez said, "we'll consider them to be in compliance until we can actually verify it ... We had to develop this (system) because of the tremendous amount and complexity of regulations. It makes them basically unenforceable with current staff." Chavez said establishing the generic set of guidelines has allowed officials more man-hours out in the field. "With less paperwork, we can have more time in the field. It makes it easier for us and the industry."

As for the American Energy proposal, should construction come to pass, Chavez said the site would probably be scheduled for inspections at least once each year because of its location in relation to the river and shallow water table.

Flood elevation a different issue

Along with concerns regarding the project's proximity to the city's river park system, the issue is further complicated by its location within a 100-year flood plain for that portion of the Animas River.

It was noted at Thursday's meeting that the floor of the storage tank would have to be at least 1 foot higher than the flood plain, as no construction of any nature is allowed below that level. Valdez said such a requirement would make his project unfeasible.

He said builders don't consider it a problem because "any flood large enough to get into the tank would be millions of gallons of water. You wouldn't even see the acid." He has said that, should the company's request be denied, the decision "will be appealed to the highest level."

The flood plain and wildlife issues are a concern for Dan Catron, President of the River Reach Foundation. "Obviously, River Reach is not involved in making policy," he said, "but we do want to see that the corridor is protected. We don't have the expertise to try to tell anybody what they can and can't do, and we know the oil and gas industry is here and needs to be worked with."

Catron said he believes compromise is possible as the foundation has already achieved a cooperative solution with another petroleum interest. A well belonging to Merrion Oil and Gas Corp. is tucked away in a quiet corner of River Reach property.

"When they put that in, we talked about our concerns and they did things they didn't really have to do," Catron said, pointing to liners — not required by regulations — included in a containment system in order to further protect nearby water.

Referring to the American Energy project, Catron said: "We'd really rather see anything like this take an extra step and go beyond what's required by law. The worst-case scenario wouldn't necessarily be a flood."

The issue will be on the next agenda for the next regular session of the Farmington City Council. That meeting is slated for June 27.

(Continued from A1)

structure to include a "scrubber" to treat fumes. He said a visual screen of trees would satisfy aesthetic issues from the park, and security measures would include a 6-foot chain-link fence and surveillance cameras that are currently being installed.

The commission's split vote was the result of concerns expressed by some about possible safety issues due to the facility's location within city limits, and environmental worries regarding its proximity to the Animas River and a water table of less then four feet.

Speaking in favor of the proposal, commissioner Ken Shields said, "I don't see where this is any greater hazard then a 10,000-gallon gasoline tank." It's an opinion shared by several others, including Robert Martin, support services chief for the Farmington Fire Department, and part of the crew that would be called to respond in the event of a chemical mishap.

"I know it sounds terrible, but it's actually not a bad deal," he said. "We've got stuff stored in and around all over the place that could be lots worse. Liquid nitrogen could be potentially more lethal (because) it displaces oxygen. Liquid oxygen is an explosive hazard. There's ammonium nitrate ... it's all more dangerous then this stuff."

Martin said a primary reason for that is because acid substances are far easier to neutralize and clean up then petroleum and other product types.

Also in agreement is Frank Chavez, district supervisor at the Aztec office for the Oil Conservation Division, which oversees ground water quality control for the state when projects pertain to the oil and gas industry.

"I'm not saying it's not risky," Chavez said. "Any community has the right to — and should — ask questions and address these issues; but when you compare it to risks taken every day, it's not that much of a problem."

> "I know it sounds terrible, but it's actually not a bad deal. We've got stuff stored in and around all over the place that could be lots worse."
>
> *–Robert Martin, Farmington Fire Department*

Other facilities in city limits surprise for some

Valdez said his company began the application process with the city earlier this year, shortly after defining what state requirements needed to be met. He noted American Energy's plans already have received verbal approval from the state, with a written green light expected by early July.

What the company needs now is a special use permit to put the structure in an area that is zoned as "light industrial." Jay Peterman, the city's associate planner, said the designation does not allow for chemical storage in bulk quantities.

Valdez said problems generated by the application initially came as a surprise because he is aware of other comparable structures already within city limits. Thursday's discussion indicated it was news for some city officials. Peterman said that, until the subject was raised by American Energy, not much information was known about older facilities. He indicated Friday that field surveys of those areas were likely to be conducted early this week.

Martin said fire department records identify at least three such facilities:

- Halliburton, on East Main Street, has a 10,000 gallon tank;
- Dowell/Schlumberger maintains a 16,000-gallon tank on the Bloomfield Highway;
- BJ Services, on Southside River Road, has an acid storage tank of unknown size.

Also an unknown, and pending research, is the nature of code compliance and/or special-use authority to accommodate those structures. At least one, Halliburton, was almost assuredly 'grandfathered' in to its present zoning designation as the company has been at its current location since 1956.

Martin said the fire department conducts annual inspections, and records — some of which go back approximately 13 years — indicate "no problems noted of a public health or safety nature." He added that, for his 16 years on the job, he "can't recall any on-site spills at all."

Martin said the department's hazardous materials unit would not be contacted for a rupture in the holding tank unless the subsequent containment structure failed as well. "It's not contamination until it hits the ground," he said.

Martin and others agreed that on-site storage rarely presents a problem and that most mishaps occur in the transportation process. A quick record check would appear to bear that out, showing two spills — ironically on the same day — last December. Both mishaps concerned transport trucks.

Moreover, he and Chavez both stressed a cooperative industry attitude that was well restrained by what each described as a healthy fear of high clean-up costs and fines for violation. Neither was able to quantify what those costs would be.

"By and large," Martin said, "the industry sets much higher standards for themselves than we would."

Planning panel splits vote on acid storage

MICHELE ABBOTT
STAFF WRITER

FARMINGTON — Planning and Zoning commissioners are unable to reach a consensus for a recommendation to the City Council on a petition to construct a 10,000-gallon hydrochloric acid storage tank within 250 feet of river park property.

The issue was an agenda item at Thursday's regular session, and resulted in a 3-3 vote on a motion to endorse the project.

Representing American Energy Services — a Midland, Texas,-based company — district manager Henry Valdez said plans call for a polyurethane tank set inside an epoxy-lined cement containment structure.

"Containment would be 100 percent," Valdez said. "The liner would eliminate any seepage into the ground water." He said builders also plan a "scrubber" to treat fumes, and noted a visual screen of trees would satisfy aesthetic issues for proximity to the park. Security measures include a 6-foot chain-link fence and current installation of surveillance cameras.

The plan is part of ongoing company expansion Valdez said is hoped will grow employee numbers from 35 to 100, and annual payroll figures from $1.5 to $4.5 million. He said the company is in the process of recruiting those additional employees, most of whom will have to come from outside the vicinity.

Valdez later explained that the company outgrew its former facility two miles west of Bloomfield, and moved to its current location at 708 S. Tucker Ave. roughly six months ago. Representatives began the process of researching state requirements shortly thereafter, and applied for a construction permit with the city at "about the same time."

He said American Energy's plans already have received verbal approval from the state, with a written green light expected by early July.

What the company needs now is a special-use permit to put the structure in an area that is zoned as "light industrial." Jay Peterman, the city's associate planner, said the designation does not allow for chemical storage in bulk quantities.

Ecological concerns

The commission's split vote came about after discussion regarding environmental and public safety concerns. Opposition came from Kate Kuchera, Joretta Williams and Patricia Simpson.

Kuchera questioned the liability factor of approving such a facility within city limits.

"I understand this stuff can spread in the form of a mist," she said. "What kind of liability is that, and how can it be beneficial to the community?"

Referring to information regarding safety precautions, Simpson said, "This indicates you need a face mask at five parts per million. That bothers me ... and where is the water table at this location?"

As it happens, city staffers were on hand to provide the answer: less then 4 feet.

While the information was an issue for Simpson, it presented no problem for commissioner Ken Shields, who said, "So? I'm not a scientist, but is hydrochloric acid in ground water any worse then hydrocarbons?... I don't see where this is any greater hazard then a 10,000-gallon gasoline tank."

The three positive votes were a result of that argument, along with the position taken by commissioners T. Greg Marion and Lonnie Moffett that the project showed sufficiently careful planning and presented enough economic benefit to offset any potential problems.

"Of course we don't want a hazard, or harm to come to anything," Merrion said, "but everything in life has risks."

Flood elevation issues

Along with concerns regarding the project's proximity to the city's river park system, the issue is further complicated by its location within 100-year flood elevation parameters for the Animas River.

It was noted at Thursday's meeting that the floor of the storage tank would have to be at least 1 foot higher than the flood plain, as no construction of any nature is allowed below that level. Valdez said such a requirement would make his project unfeasible.

Valdez indicated builders consider that a nonissue because "Any flood large enough to get into the tank would be millions of gallons of water. You wouldn't even see the acid."

When asked later what alternatives his company would consider if the flood plain restriction set the bottom line, Valdez declined to comment. He did say in the meeting, however, that should the company's request be denied, the decision "will be appealed to the highest level."

He also said problems generated by the application initially came as a surprise because he is aware of other comparable structures already within city limits. "What avenue," he asked, "did they take to get their approvals?"

Thursday's discussion indicated there is something of a gray area surrounding that question. Jay Peterman, an associate planner for the city, said that until the subject was raised by American Energy, not much information was known about older facilities.

Developmental Services Administrator Tom Kuntz later clarified that response by saying, "There are a couple that have been "grandfathered" in, and there's one that has a special-use permit. We may have to go back and take a look at it after this."

The issue will be on the next agenda for the Farmington City Council. That meeting will be June 27.

STATE OF NEW MEXICO
COUNTY OF SAN JUAN
ELEVENTH JUDICIAL DISTRICT

COUNTRYWIDE HOME LOANS, INC.,

Plaintiff,

vs.

JAMES L. BUSH AND BERTINA R. BUSH, husband and wife,

Defendant(s).

NOTICE IS HEREBY GIVEN that on June 3
1000 West Apache, Farmington, New Mexico,
real estate to the highest bidder for cash. Th
Juan County, New Mexico, and is particularly

LOT TEN (10) IN BLOCK TWO
MEXICO, ACCORDING TO TH
COUNTY CLERK ON OCTOBEF
THE CITY OF AZTEC, SAN JU
RECORD IN THE OFFICE OF TH

THE FOREGOING SALE will be made to sat
2000, being an action to foreclose a mortga
$78,886.10 and the same bears interest at nir
sale will be $615.96. The Plaintiff has the rig
its judgment to the purchase price in lieu of ca

NOTICE IS FURTHER GIVEN that the real pr
easements, all recorded and unrecorded liens n

NOTICE IS FURTHER GIVEN that the purcha
redemption.

Legal No. 42892 published in the Daily Times,

AFFIDAVIT OF PUBLICATION

Ad No. 42849

STATE OF NEW MEXICO
County of San Juan:

EMMETT MCKINLEY, being duly sworn says: That he is the Advertising Director of THE DAILY TIMES, a daily newspaper of general circulation published in English at Farmington, said county and state, and that the hereto attached Legal Notice was published in a regular and entire issue of the said DAILY TIMES, a daily newspaper duly qualified for the purpose within the meeting of Chapter 167 of the 1937 Session Laws of the State of New Mexico for publication on the following day(s):

Thursday, May 25, 2000

And the cost of the publication is: ~~$92.50~~

Emmett J. McKinley

On 6/2/2000 EMMETT MCKINLEY appeared before me, whom I know personally to be the person who signed the above document.

Nancy L. Slade

My Commission Expires April 10, 2004

COPY OF PUBLICATION

NOTICE OF PUBLICATION

STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION DIVISION

Notice is hereby given that pursuant to New Mexico Water Quality Control Commission Regulations, the following discharge plan renewal application has been submitted to the Director of the Oil Conservation Division, 2040 South Pacheco, Santa Fe, New Mexico 87505, Telephone (505) 827-7131:

(GW-235) - Mr. Harold Haro, AMERICAN ENERGY SERVICES, 708 South Tucker, Farmington, New Mexico 87499 has submitted an application for their FARMINGTON SERVICE CENTER located in the SWE/4 SE/4 of Section 11, Township 29 North, Range 13 West, San Juan County, New Mexico. All effluents generated at this facility are contained in covered drums prior to transport off-site to an OCD approved disposal facility. Ground water most likely to be affected in the event of an accidental discharge at the surface is at a depth of approximately 10 feet with a total dissolved solids concentration of approximately 200 mg/l. The discharge plan addresses how spills, leaks, and other accidental discharges to the surface will be managed.

Any interested person may obtain further information from the Oil Conservation Division and may submit written comments to the Director of the Oil Conservation Division at the address given above. The discharge plan application may be viewed at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday. Prior to ruling on any proposed discharge plan or its modification, the Director of the Oil Conservation Division shall allow at least thirty (30) days after the date of publication of this notice during which comments may be submitted to him and public hearing may be requested by any interested person. Requests for public hearing shall set forth the reasons why a hearing should be held. A hearing will be held if the Director determines there is significant public interest.

In no public hearing is held, the Director will approve or disapprove the proposed plan based on information available. If a public hearing is held, the director will approve or disapprove the proposed plan based on information in the plan and information submitted at the hearing.

GIVEN under the Seal of New Mexico Oil Conservation Commission at Santa Fe, New Mexico, on this 10th day of May, 2000.

STATE OF NEW MEXICO
OIL CONSERVATION DIVISION

/s/ Roger Culander
for LORI WRONTENBERY, Director

SEAL

Legal No. 42849 published in the Daily Times, Farmington, New Mexico, Thursday, May 25, 2000.

THE SANTA FE
NEW MEXICAN
Founded 1849

NM OIL CONSERVATION DIVISION
ATTN: DONNA DOMINGUEZ
2040 S. PACHECO ST.
SANTA FE, NM 87505

AD NUMBER: 148219 ACCOUNT: 56689
LEGAL NO: 67396 P.O.#: 00199000278
177 LINES 1 time(s) at $ 78.03
AFFIDAVITS: 5.25
TAX: 5.20
TOTAL: 88.48

AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO
COUNTY OF SANTA FE

I, B Perner being first duly sworn declare and say that I am Legal Advertising Representative of THE SANTA FE NEW MEXICAN, a daily newspaper published in the English language, and having a general circulation in the Counties of Santa Fe and Los Alamos, State of New Mexico and being a Newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 on Session Laws of 1937; that the publication #67396 a copy of which is hereto attached was published in said newspaper 1 day(s) between 05/16/2000 and 05/16/2000 and that the notice was published in the newspaper proper and not in any supplement; the first publication being on the 16 day of May, 2000 and that the undersigned has personal knowledge of the matter and things set forth in this affidavit.

/S/ Betsy Perner
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 16 day of May A.D., 2000

Notary Candace R. Gorton

Commission Expires 11/16/2003

RECEIVED
MAY 17 2000
OIL CONSERVATION DIVISION

NOTICE OF PUBLICATION

STATE OF NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT OIL CONSERVATION DIVISION

Notice is hereby given that pursuant to New Mexico Water Quality Control Commission Regulations, the following discharge plan renewal application has been submitted to the Director of the Oil Conservation Division, 2040 South Pacheco, Santa Fe, New Mexico 87505, Telephone (505) 827-7131:

(GW-235) - Mr. Harold Haro, AMERICAN ENERGY SERVICES, 708 South Tucker, Farmington, New Mexico 87499 has submitted an application for their FARMINGTON SERVICE CENTER located in the SWE/4 SE/4 of Section 11, Township 29 North, Range 13 West, San Juan County, New Mexico. All effluents generated at this facility are contained in covered drums prior to transport off-site to an OCD approved disposal facility. Ground water most likely to be affected in the event of an accidental discharge at the surface is at a depth of approximately 10 feet with a total dissolved solids concentration of approximately 200 mg/l. The discharge plan addresses how spills, leaks, and other accidental discharges to the surface will be managed.

Any interested person may obtain further information from the Oil Conservation Division and may submit written comments to the Director of the Oil Conservation Division at the address given above. The discharge plan application may be viewed at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday. Prior to ruling on any proposed discharge plan or its modification, the Director of the Oil Conservation Division shall allow at least thirty (30) days after the date of publication of this notice during which comments may be submitted to him and a public hearing may be requested by any interested person. Requests for public hearing shall set forth the reasons why a hearing should be held. A hearing will be held if the Director determines there is significant public interest.

If no public hearing is held, the Director will approve or disapprove the proposed plan based on information available. If a public hearing is held, the director will approve or disapprove the proposed plan based on information in the plan and information submitted at the hearing.

GIVEN under the Seal of New Mexico Oil Conservation Commission at Santa Fe, New Mexico, on this 10th day of May, 2000.

STATE OF NEW MEXICO
OIL CONSERVATION DIVISION
LORI WROTENBERY, Director

Legal #67396
Pub. May 16, 2000

NOTICE OF PUBLICATION

STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION DIVISION

Notice is hereby given that pursuant to New Mexico Water Quality Control Commission Regulations, the following discharge plan renewal application has been submitted to the Director of the Oil Conservation Division, 2040 South Pacheco, Santa Fe, New Mexico 87505, Telephone (505) 827-7131:

(GW-235) – Mr. Harold Haro, AMERICAN ENERGY SERVICES, 708 South Tucker, Farmington, New Mexico 87499 has submitted an application for their FARMINGTON SERVICE CENTER located in the SWE/4 SE/4 of Section 11, Township 29 North, Range 13 West, San Juan County, New Mexico. All effluents generated at this facility are contained in covered drums prior to transport off-site to an OCD approved disposal facility. Ground water most likely to be affected in the event of an accidental discharge at the surface is at a depth of approximately 10 feet with a total dissolved solids concentration of approximately 200 mg/l. The discharge plan addresses how spills, leaks, and other accidental discharges to the surface will be managed.

Any interested person may obtain further information from the Oil Conservation Division and may submit written comments to the Director of the Oil Conservation Division at the address given above. The discharge plan application may be viewed at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday. Prior to ruling on any proposed discharge plan or its modification, the Director of the Oil Conservation Division shall allow at least thirty (30) days after the date of publication of this notice during which comments may be submitted to him and public hearing may be requested by any interested person. Requests for public hearing shall set forth the reasons why a hearing should be held. A hearing will be held if the Director determines there is significant public interest.

If no public hearing is held, the Director will approve or disapprove the proposed plan based on information available. If a public hearing is held, the director will approve or disapprove the proposed plan based on information in the plan and information submitted at the hearing.

GIVEN under the Seal of New Mexico Oil Conservation Commission at Santa Fe, New Mexico, on this 10th day of May, 2000.

STATE OF NEW MEXICO
OIL CONSERVATION DIVISION

S E A L

for LORI WROTENBERY, Director

NEW MEXICO ENERGY, MINERALS
& NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION
2040 South Pacheco Street
Santa Fe, New Mexico 87505
(505) 827-7131

February 22, 2000

CERTIFIED MAIL
RETURN RECEIPT NO. Z-559-573-347

Z 559 573 347 OCD FORD

US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail *(See reverse)*

Sent to H. Haro	
Street & Number Amer. Engr.	
Post Office, State, & ZIP Code Midland	
Postage	$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	$
Postmark or Date	DP D.

FEB 2 2 2000 USPS

Form 3800, April 1995

Mr. Harold Haro
Safety & Environmental Manager
American Energy Services
P. O. Box 3120
Midland, Texas 79702

RE: DISCHARGE PLAN REQUIREMENT
American Energy Services
Farmington Facility
San Juan County, New Mexico

Dear Mr. Haro:

Under the provisions of the New Mexico Water Quality Control Commission (WQCC) Regulations, American Energy Services is hearby notified that the filing of a discharge plan is required for the American Energy Services Farmington Facility located at 708 South Tucker, Farmington, 87499, San Juan County, New Mexico:

This notification of discharge plan requirement is pursuant to Part 3104 and Part 3106 of the WQCC Regulations. The discharge plan, defined in Part 1101.N. of the WQCC Regulations, should cover all discharges of effluent or leachate at the facility or adjacent to the facility site. Included in the application should be plans for controlling spills and accidental discharges at the facility (including detection of leaks in below grade sumps, buried underground process tanks and/or piping), and closure plans for any pits or ponds whose use will be discontinued.

Enclosed is an application form for the above named facility. Two copies of your discharge plan application should be submitted to the OCD Santa Fe Office and one copy to the Aztec District Office for review purposes.

Section 3106 of the regulations requires a submittal of the discharge plan within 120 days of receipt of this notice unless an extension of this time period is sought and approved for good cause. Part 3106 also allows the discharge to continue without an approved discharge plan until 240 days after written notification by the Director of the OCD that a discharge plan is required. An extension of this time may be sought and approved for good cause.

Pursuant to the New Mexico Water Quality Control Commission (WQCC) Regulation 3114 "every billable facility submitting a discharge plan for approval, modification or renewal shall pay the fees specified in this section to the Water Quality Management Fund". WQCC Rule 3114 became effective as of August 18, 1991, and is found on page 38 of the WQCC Rules and Regulations.

Every billable facility submitting a new discharge plan will be assessed a fee equal to the filing fee plus either a flat fee or discharge fee. The filing fee is fifty ($50) dollars and shall be submitted with the discharge plan application (nonrefundable). The remainder of the "total fee" for oil field service companies falls under the "flat fee" category. Please submit all checks to the OCD Santa Fe office and payable to the **NMED - Water Quality Management.**

If there are any questions on this matter, please feel free to contact Mr. W. Jack Ford at (505) 827-7156 as he is assigned responsibility for review of service facility discharge plans.

Sincerely,

Roger C. Anderson
Oil Conservation Division

xc: OCD Aztec District Office

Oil Vendors

Dial Oil
206 N. Rio Grande
Aztec, NM 87410
(505)334-7531

Macaluso Oil Co.
2501 E. Main
Farmington, NM 87401
(505)327-4488

Bradco
1280 Bisti Hwy.
Farmington, NM 87401
(505)326-7600

Oil Removal

D & D Oil
10 Road 5044
Bloomfield, NM 87413
(505)632-9130

Filter Vendors

B-Line Supply
P.O. Box 6210
Farmington, NM 87499-6210
(505)324-8100

Filter Supply Co.
550 Dekalb Suite E
Farmington, NM 87401
(505)325-7472

Filter Service Corporation
2105 W. Apache
Farmington, NM 87401
(505)326-1127

Batteries

Checker Auto
2941 E. Main
Farmington, NM 87401
(505)326-1109

Hunsaker Truck & Equip.
5444 US Hwy. 64
Farmington, NM 87401
(505)325-3521

Tires

Cobre Tire
1621 W. Murray Dr.
Farmington, NM 87401
(505)325-3141

A to Z Tire & Battery
2100 San Juan Blvd.
Farmington, NM 87401
(505)327-4406

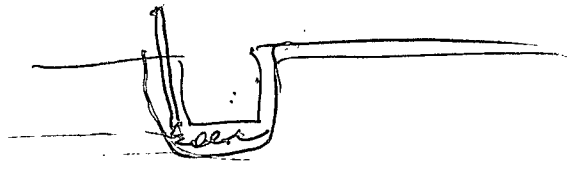
Parts Cleaner

(Non Hazardous Waste)
Safety Kleen
4210 Hawkins Rd.
Farmington, NM 87401
(505)327-9070

Common Waste

Waste Management
101 Spruce
Farmington, NM 87401
(505)327-6284

2-18-00
Needs DP
Requirement
Letter



Chemical Drums

Farmington Chemical Dist.
3911 Monroe
Farmington, NM 87401
(505)327-0274

Chemplex, L.C.
P.O. Box 1071
Snyder, TX 79550
(915)573-7298

Truck Wash

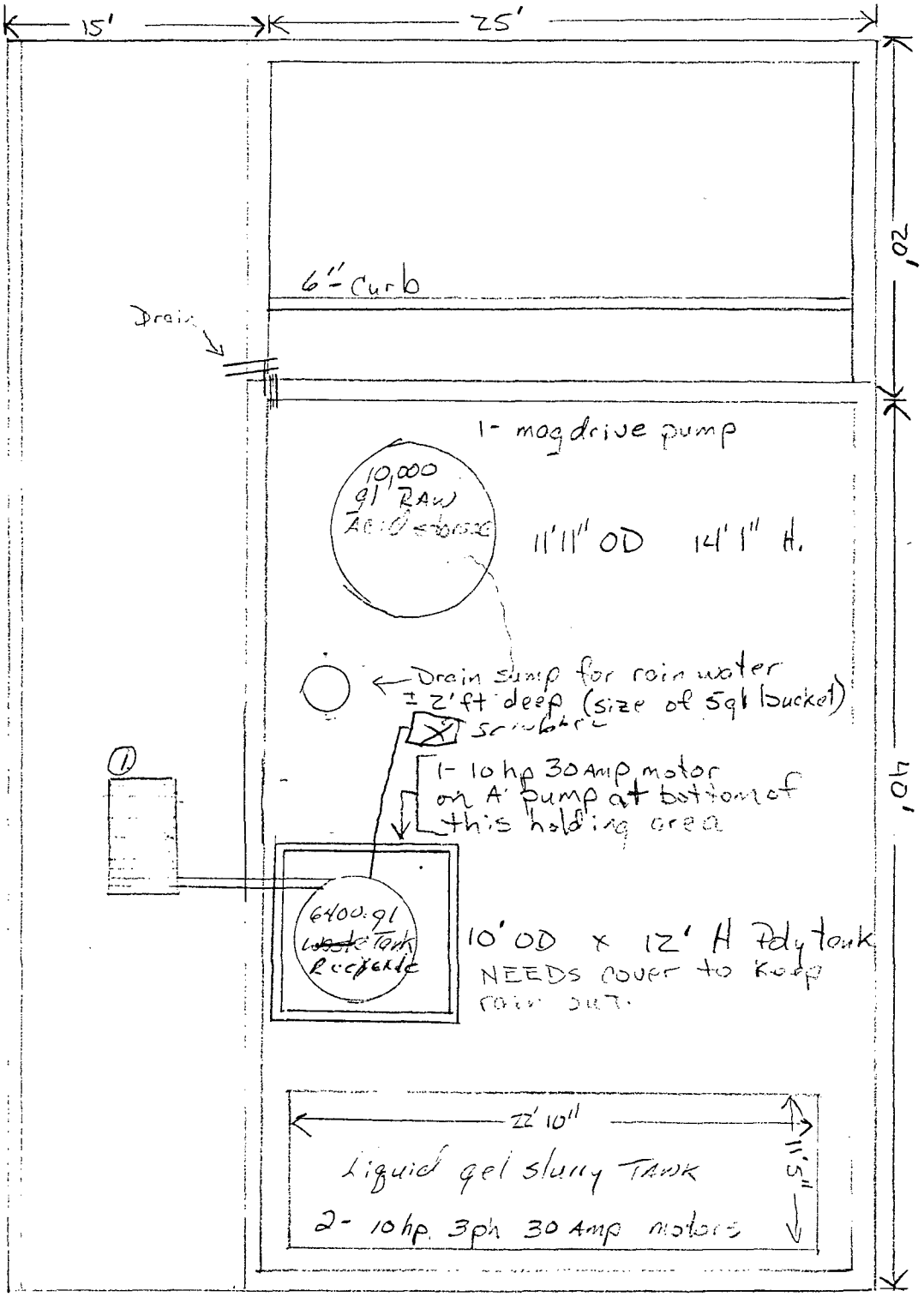
Bubble City
3125 Bloomfield Hwy.
Farmington, NM 87401
(505)326-4668

Town & Country Car Wash
2251 San Juan Blvd.
Farmington, NM 87401
(505)326-3990

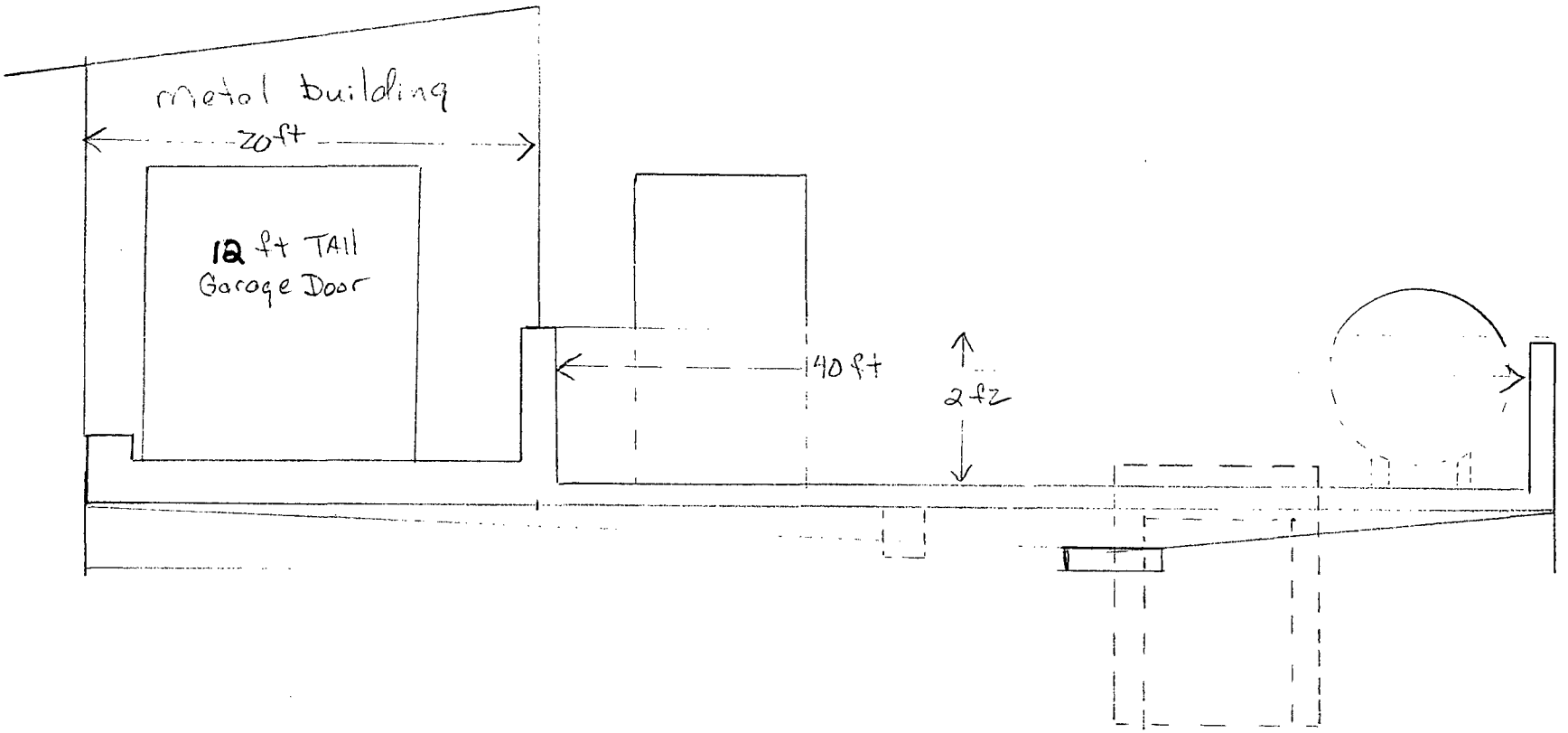
Roadrunner Truck Wash
1600 W. Broadway
Bloomfield, NM 87413
(505)632-1102

① Drain for wash tank. Pipe running to Pump Sump.

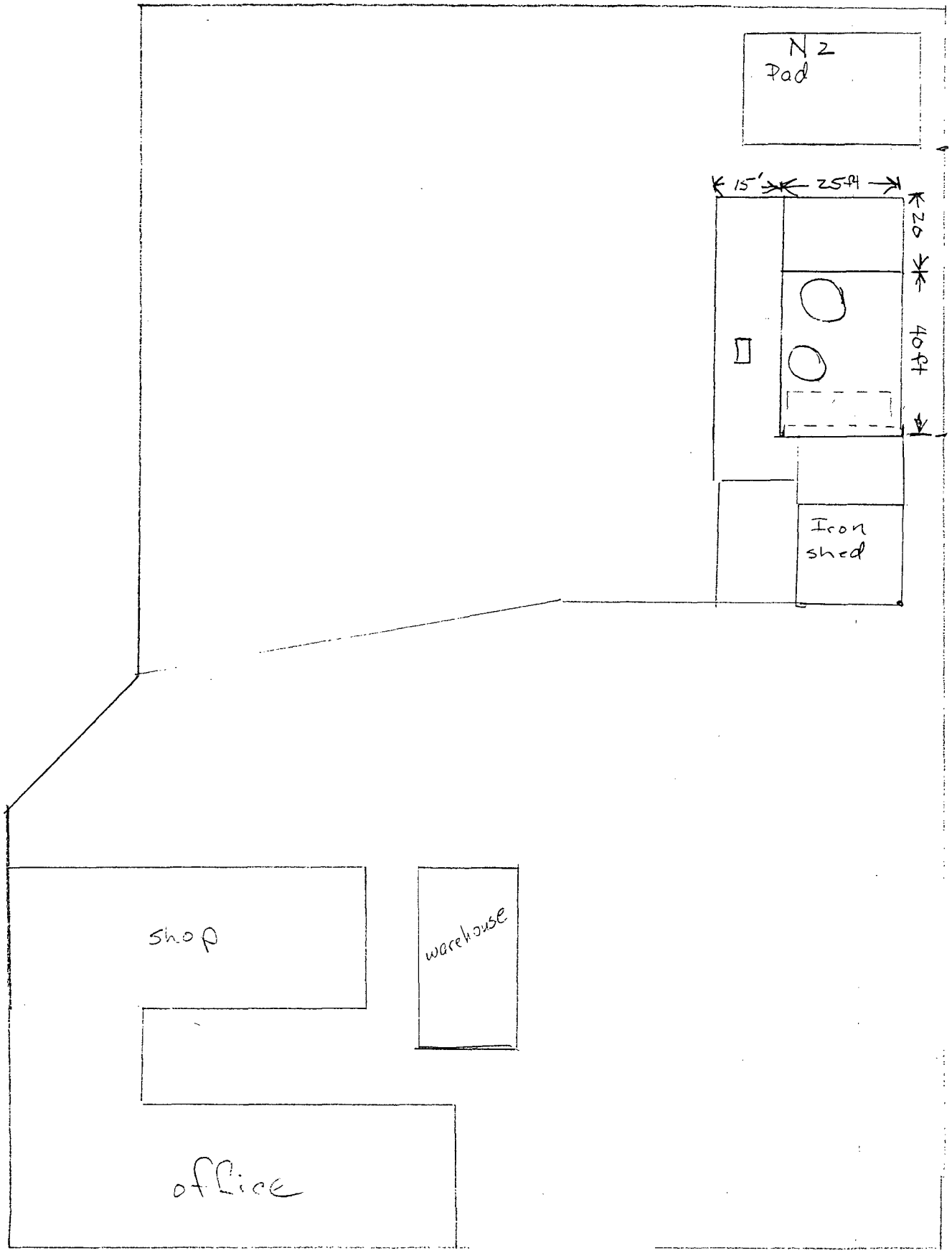
② Pump Sump - needs to be deep enough so pump is below Pipe coming from Drain. Needs to have 6" curb around Sump to keep Rain water out. Small roof over sump to keep rain water out.



SIDE VIEW



gel tank



Amarillo:
4104 West 33rd Street
Amarillo, Texas 79109
(806) 467-0607
Fax (806) 467-0622

LP Environmental

Midland:
1031 Andrews Highway, Suite 115
Midland, Texas 79701
(915) 522-2133
Fax (915) 522-2180

Llano -Permian Environmental

DISCHARGE PLAN

American Energy Services
708 South Tucker
Farmington, San Juan County, New Mexico 87499

GW-235

April 2000

Prepared For:

American Energy Services
P.O. Box 3120
Midland, Texas 79702

Prepared By:

Terry L. James
Llano Permian Environmental Services
1031 Andrews Highway, Ste 115
Midland, Texas 79701

District I
1625 N. French Dr., Hobbs, NM 88240
District II
811 South First, Artesia, NM 88210
District III
1000 Rio Brazos Road, Aztec, NM 87410
District IV
2040 South Pacheco, Santa Fe, NM 87505

State of New Mexico
Energy Minerals and Natural Resources
Oil Conservation Division
2040 South Pacheco
Santa Fe, NM 87505

Revised March 17, 1999

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

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

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

☒ New ☐ Renewal ☐ Modification

1. Type: Oilfield Service Company; Acidizing and Cementing
2. Operator: American Energy Services

   Address: 708 South Tucker, Farmington, N.M. 87499

   Contact Person: Harold Haro Phone: 915/570-4899

3. Location: SE /4 SW /4 Section 11 Township 29 Range 13 West
   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: Terry L. James Title: Senior Project Manager

Signature: Terry L. James Date: 4/24/00

TABLE OF CONTENTS

I. Type of Operation....1

II. Name of Operator and Local Representative....1

III. Location of Discharge....1

IV. Name and Address of Landowner of the Facility....2

V. Description of the Facility....2

VI. Description of Materials Stored or Used at the Facility....2

TABLE 6-1....2

VII. Current Sources and Quantities of Effluent and Waste Solids....3

TABLE 7-1....3

VIII. Current Waste Management Procedures....4

TABLE 8-1....4

IX. Proposed Modifications....10

X. Routine Inspection, Maintenance, and Reporting to Ensure Compliance....12

XI. Spill/Leak Prevention and Reporting Procedures (Contingency Plan)....13

XII. Geological/Hydrological Information....15

ATTACHMENTS:

Plat Map.... I

Site Map.... II

City of Farmington Map....III

USGS Topographical Maps....IV

Material Safety Data Sheets.....V

TABLE OF CONTENTS CONTINUED

Acid Loading Dock Drawings.....VI

OCD C-141 Form.....VII

Copy 19 NMAC Rule.....VIII

DISCHARGE PLAN APPLICATION FOR OILFIELD SERVICE FACILITIES
American Energy Services
Farmington, New Mexico

I. Type of Operation

American Energy Services is an oilfield service facility which provides cementing, acidizing and fracturing services at well sites.

II. Name of Operator or Legally Responsible Party and Local Representative

Operator - American Energy Services
P.O. Box 3120
Midland, Texas 79702

Local Representative - Henry Valdez
708 South Tucker
Farmington, New Mexico 87499
(505) 325-4192

III. Location of Discharge

1.72 acres, more or less, in the East One-Half of the Southeast Quarter of the Southwest Quarter (E/2SE/4SW/4) of Section Eleven (11) in Township Twenty-Nine (29) North of Range Thirteen (13) West, N.M.P.M., as described as follows:
BEGINNING North 61degrees 21' East 285.4 feet and South 0 degrees 09' East 219 feet and North 89 degrees 51' East 209 feet from the Northeast corner of Block Five (5) of SOUTH FAIRVIEW SUBDIVISION, as shown on the Plat of said Subdivision filed for record September 8, 1953;
THENCE North 89 degrees 51' East 340 feet more or less to the East side of said E/2SE/4SW/4;
THENCE South 0 degrees 09' East 350 feet along the East side of said E/2SE/4SW/4;
THENCE South 89 degrees 51' West 130 feet;
THENCE North 0 degrees 25' East 209 feet;
THENCE South 89 degrees 51' West 209 feet;
THENCE North 0 degrees 09' West 140 feet to the point of beginning.

IV. Name and Address of Landowner of the Facility

Coleman Family Limited Partnership
Box 3337
Farmington, New Mexico 87499

V. Description of the Facility

American Energy Services is an oilfield service company. The facility lies in Farmington, San Juan County, New Mexico. It is bordered to the South by properties owned by the Coleman family and West by South Tucker Street. The property is bordered to the North by property owned by the Coleman family and Service Street. The site is bordered to the East by the Caddo Corporation (See Attachment I). This area of Farmington is comprised mostly of industrial and commercial facilities (See Attachment III).

Three primary structures are located on the property, the main building which comprises the office areas, breakroom, bathrooms and mechanics shop. There is a chemical warehouse building located immediately south of the mechanics shop. The third structure is a parts storage and repair shop located on the southeast corner of the facility (See Attachment II). All three of the facilities are on a concrete slab. The walls of the office, bathroom and breakroom are constructed of wood, brick and metal siding. The walls of the mechanics shop area are comprised of cinder block with a metal roof. The walls and roof of the chemical storage building and the parts and repair building are comprised of metal sheeting. An asphalt parking area covers most of the facility. The area immediately to the east of the mechanics shop is covered with concrete. The east portion of the facility parking area is comprised of river gravel. The entire facility is enclosed within a chain link fence. Waste oil and antifreeze are stored in above ground tanks on the north side of the property adjacent to the mechanics shop. Lube oils are stored in drums on the south side of the chemical warehouse. Empty drums are stored on the south perimeter of the property near the parts storage and repair shop. An above ground liquid nitrogen tank is located on the southeast corner of the property. An above ground hydrochloric acid storage with an accompanying makeup acid tank is proposed to be located on the southeast corner of the property. A 30 gallon Safety Kleen parts washer is located in the mechanics shop. The facility is connected to the City of Farmington for sewer and water.

VI Description of all Materials Stored and Used at the Facility

See Table 6-1 on the following page, (ref. Attachment V, Required MSDSs)

TABLE 6-1
Materials Stored or Used at the Facility
American Energy Services
Farmington, New Mexico

Name	General Makeup or Specific Brand Name (if required)	Solids or Liquids	Type of Container (tank, drums, etc.)	Estimated Volume Stored	Units	Location (yard, shop,drum storage, etc.)
Drilling fluids (includes general makeup ad special addititves - e.g., oil, chrome, etc.)	B-3L, Breaker - Hi pH Enzyme Breaker	Liquid	Sock	330.00	gl	Yard
	B-4 Breaker - High Temp Oxidizer breaker	Solid	Drum	2,000.00	lb	Yard
	BA-2, Breaker Acid	Liquid	Drum	330.00	gl	Yard
	B-5E, Encapsulated High Temp. Oxidizer	Solid	Drum	100.00	lb	Yard
	B-2L, Breaker, Liquid Enzyme Breaker	Liquid	Drum	0.00	gl	Yard - Not in use this time
	B-5, Breaker - High Temp Oxidizer	Solid	Drum	0.00	lb	Yard - Not in use this time
Brines - (KCL, Nacl, etc.)	KCL, Potassium Chloride	Solid	Sock	4,000.00	lb	Yard
	CSA-2, Clay Stabilizer	Liquid	Drum	220.00	gl	Yard
	DA-2, Diverting Agent (Graded Rock Salt)	Solid	Sock	2,000.00	lb	Yard
	Calcium Chloride	Solid	Sock	4,000.00	lb	Yard
	Sodium Metasillicate	Solid	Sock	2,000.00	lb	Yard
	Ammonium Chloride	Solid	Sock	0.00	lb	Yard - Not in use this time
	CSA-7	Liquid	Drum	110.00	gl	Yard - Not in use this time
Acids/caustics (provide name and MSDS)	I-1L, iron Control Additive (Powdered Citris)	Solid	Sock	580.00	lb	Yard
	I-1L, iron Control Additive (Liquid Citric Acid)	Liquid	Tote	330.00	gl	Yard
	I-2L, Iron Control Additive (Glacial Acetic/)	Liquid	Drum	330.00	gl	Yard
	Buffer-3, pH Adjuster	Solid	Sock	800.00	lb	Yard
	Buffer -9, pH Adjuster	Solid	Sock	800.00	lb	Yard
	Buffer-13, Acid System (Crosslinked Acid)	Liquid	Drum	220.00	gl	Yard
	Raw Acid	Liquid	Tank	12,000.00	gl	Yard
	I-6L, Iron Contol Additive (Acetic/Citric Acid)	Liquid	Drum	0.00	gl	Yard - Not in use this time
	3% HCL Acid	N/A	N/A	N/A	gl	N/A
	7 1/2% HCL Acid	N/A	N/A	N/A	gl	N/A
	15% HCL Acid	N/A	N/A	N/A	gl	N/A
	20% HCL Acid	N/A	N/A	N/A	gl	N/A
	28% HCL Acid	N/A	N/A	N/A	gl	N/A
Solvents & Degreasers, (provide name and MSDS)	MeOH, Methonal	Liquid	Drum	100.00	gl	Yard
	AMS-1, EGMBE	Liquid	Drum	0.00	gl	Yard - Not in use this time
Biocides (provide names and MSDS)	BIO-4	Solid	Sock	150.00	lb	Yard
	BIO-3	Solid	Sock	0.00	lb	Yard - Not in use this time
Others - (include other Liquids and solids, e.g., cement, etc.)	20-40 mesh Brady Sand	Solid	Tank	0.00	cwt	Contract to loacations
	16-30 mesh Brady Sand	Solid	Tank	0.00	cwt	Contract to loacations
	12-20 mesh Brady Sand	Solid	Tank	0.00	cwt	Contract to loacations
	20-40 mesh Arizona Sand	Solid	Tank	0.00	cwt	Contract to loacations
	16-30 mesh Arizona Sand	Solid	Tank	0.00	cwt	Contract to loacations
	40-70 mesh Arizona Sand	Solid	Tank	0.00	cwt	Contract to loacations

TABLE 6-1
Materials Stored or Used at the Facility
American Energy Services
Farmington, New Mexico

Name	General Makeup or Specific Brand Name (if required)	Solids or Liquids	Type of Container (tank, drums, etc.)	Estimated Volume Stored	Units	Location (yard, shop,drum storage, etc.)
Others - (continued)	20-40 mesh Ottawa Sand	Solid	Tank	0.00	cwt	Contract to loacations
	Acfrac CR-4000 20/40	Solid	Tank	0.00	lb	Contract to loacations
	Santrol Super LC, 20/40 mesh	Solid	Tank	0.00	lb	Contract to loacations
	20-40 Mesh & Smaller	Solid	Tank	0.00	cwt	Contract to loacations
	Acme Activator	Liquid	Drum	110.00	gl	Yard
	CIA-1, low temp, corrosion inhibitor	Liquid	Drum	220.00	gl	Yard
	CIA-5, high temp organic acid inhibitor	Liquid	Drum	110.00	gl	Yard
	AGA-8, Acid Gelling agent	Liquid	Drum	550.00	gl	Yard
	CX-10 Crosslinker (Borate)	Liquid	Tote	330.00	gl	Yard
	CX-14	Liquid	Drum	110.00	gl	Yard
	CX-15, Crosslinker	Liquid	Drum	220.00	gl	Yard
	FA-1, Foamer for Water and Acid	Liquid	Tote	330.00	gl	Yard
	FA-7, Foamer	Liquid	Tote	660.00	gl	Yard
	WFR-3, Friction Reducer for Water	Liquid	Tote	660.00	gl	Yard
	WGA-1SLR (slurry what we convert to)	Solid	Sock	10,000.00	lb	Yard
	WGA-1SLR Slurried Guar (how we sell it)	Liquid	Tank	8,000.00	gl	Yard
	I-3, Iron Control Additive (Sodium Erythort Ac	Liquid	Drum	165.00	lb	Yard
	Non-Emulsifier NE-1	Liquid	Tote	400.00	gl	Yard
	Buffer-10L, pH Adjuster	Liquid	Drum	110.00	gl	Yard
	SS-1, Suspender	Liquid	Drum	110.00	gl	Yard
	S-4, Surfactant	Liquid	Drum	110.00	gl	Yard
	WRS-2, Water Recovery Surfactant	Liquid	Tote	660.00	gl	Yard
	AR-1 (AR-610)	Liquid	Drum	55.00	gl	Yard
	Ammonium Bifluoride	Solid	Sock	1,200.00	lb	Yard
	SPE, Stimulation Proppant Enhancer	Liquid	Drum	330.00	gl	Yard
	Coal-Treat	Liquid	Drum	110.00	gl	Yard
	Am-Treat	Liquid	Drum	110.00	gl	Yard
	Cement; Class B Neat	Solid	Tank	1,500.00	sk	Yard
	CFL-1, Cement Fluid Loss	Solid	Sock	500.00	lb	Yard
	Celloflake	Solid	Sock	3,000.00	lb	Yard
	Gilsonite	Solid	Sock	4,000.00	lb	Yard
	Red Dye	Solid	Sock	50.00	lb	Yard
	Sugar	Solid	Sock	100.00	lb	Yard
	Bentonite Gel	Solid	Sock	3,000.00	lb	Yard
	Mud Wash	Solid	Sock	500.00		Yard
	Superset-W (5 gl Pail)	Liquid	Drum	100.00	gl	Yard
	CII-1L - Formic Acid Inhibitor Intensifier	Liquid	Drum	0.00	gl	Yard - Not in use this time

TABLE 6-1
Materials Stored or Used at the Facility
American Energy Services
Farmington, New Mexico

Name	General Makeup or Specific Brand Name (if required)	Solids or Liquids	Type of Container (tank, drums, etc.)	Estimated Volume Stored	Units	Location (yard, shop,drum storage, etc.)
Others - (continued)	WFR-1, Friction Reducer for Water	Liquid	Tote	0.00	gl	Yard - Not in use this time
	WGA-1A	Solid	Sock	0.00	lb	Yard - Not in use this time
	WGA-3 Slurriable (Power Form)	Solid	Sock	0.00	lb	Yard - Not in use this time
	WGA-3 SLR, Slurried CMHPG	Solid	Sock	0.00	gl	Yard - Not in use this time
	HIS-2, H2S Cracking Inhibitor	Solid	Sock	0.00	lb	Yard - Not in use this time
	Buffer -10, pH Adjuster	Solid	Sock	0.00	gl	Yard - Not in use this time
	S-1, Surfactant	Liquid	Drum	0.00	gl	Yard - Not in use this time
	Water De Foamer	Liquid	Drum	0.00	gl	Yard - Not in use this time
	Nitrogen, per 100 scf	Liquid	Tank	40,000.00	cscf	Yard/Trucks

VII Description of Present Sources and Quantities of Effluent and Waste Solids Generated at the Facility

See Table 7-1 on the following page.

TABLE 7-1
Source and Quantities of Effluent and Waste Solids Generated at the Facility
American Energy Services
Farmington, New Mexico

Waste Type	General Composition and Source (Solvents from small parts cleaning, oil filters from trucks, etc.)	Volume Per Month (bbl or gal)	Major Additives (e.g., degreaser fluids from truck washing, soap in steam cleaners)
Truck Wastes (e.g., brine, produced water, drilling fluids, oil wastes, etc.)	N/A	N/A	N/A
Washing/Steam Cleaning of Parts Equipment, Tanks	N/A	N/A	N/A
Solvents & Degreasers Use	Safety Kleen	18 gallons/month	N/A
Waste Slop Oil	N/A	N/A	N/A
Waste Lubrication and Motor Oils	Waste oil (motor, hydraulic, and coolants)	400 gallons/month	N/A
Oil Filters	Vehicle oil filters	75 each/month	N/A
Solids and Sludges from Tanks (describe type of materials - e.g., crude oil tank bottoms, sand, etc.)	N/A	N/A	N/A
Painting Wastes	N/A	N/A	N/A
Sewage (indicate if other wastes mixed with sewage; if no commingling, domestic sewage under jurisdictio of the NMEID)	N/A	N/A	N/A
Other Waste Solids (cement, Consrtuction materials, used drums)	Scrap Metal General shop trash, e.g., paper plastic, empty containers, wood, small amounts of metal, drain & crushed oil filters, misc. construction material, etc.	.5 cubic yards/month 24 Cubic yards/month	N/A N/A N/A

VIII Description of Current Liquid and Solid Waste Collection/Storage/Disposal Procedures

A. Summary Information

Used solvents are recycled off-site by Safety Kleen. Used motor oil, and antifreeze are stored in above ground metal tanks with secondary containment on the north perimeter of the property near the mechanics shop. These materials are periodically picked up by a contractor and recycled off-site for alternative use. Scrap metal is collected in a small metal bin to be picked up by a scrap metal recycler. Other solid wastes generated are non-hazardous general shop and office wastes, e.g., wood, paper, plastic, small amounts of metal, small empty containers, cardboard, small amounts of floor sweep, and other miscellaneous construction debris. These miscellaneous wastes are picked up by a contractor and disposed of off-site. The used oil filters are drained and placed into a dumpster with the other solid wastes for in the local landfill. Empty drums are returned to the chemical distributor or the drums are drained of all usable products and the drums are sent to a drum reconditioning contractor.

B. Collection and Storage Systems

1. Collection and Storage Systems Names in Part A of this Section

a. Truck Washing and Steam Cleaning of Parts and Equipment

N/A- Truck washing and steam cleaning of parts and equipment is not performed at this facility.

b. Solvent/Degreaser Use

Non-hazardous Safety Kleen solvent is used to clean various parts and pieces of equipment in the mechanics shop. When in use the solvent is stored in a 30 gallon drum attached to a parts cleaning tub. The solvent is in continuous use until Safety Kleen picks up the solvent for off-site recycling.

c. Motor Oils, and Antifreeze

Waste lubricants and Antifreeze are generated from general repairs and maintenance activities of equipment and

vehicles. Approximately four hundred (400) gallons of lubricants and antifreeze, respectively, are generated each month. These wastes are collected in 500 gallon above ground metal tanks. The tanks reside in individual metal secondary containment trays designed to contain deminimus spills and leaks. Periodically, these wastes are picked up by a contractor and recycled off-site for an alternative use.

d. Oil Filters

Oil filters are generated at this facility from oil changes on vehicles. On average approximately 70 filters are generated per month. These filters are drained and placed into the solid waste dumpster. A solid waste disposal contractor picks up the filters and other solid wastes for off-site disposal.

e. Solids and Sludges

N/A- There are no solids or sludges generated at this facility.

f. Painting Wastes

N/A- There are no painting wastes generated at this facility.

g. Other Waste Solids

General shop trash, e.g., paper, plastic, wood, small quantities of metal, empty containers, small quantities of floor sweep, and other miscellaneous construction debris are accumulated in a three (3) cubic yard dumpster provided by Waste Management, Inc. On average, this container is picked up two (2) times per week and transported to a local landfill for disposal. Therefore, approximately twenty four (24) cubic yards of this waste is generated and landfilled each month.

Non-hazardous scrap metal is collected in a three (3) cubic yard metal container. On average, the container is emptied every six (6) months by a local scrap metal dealer and recycled off-site. Therefore, approximately six (6) cubic yards of scrap metal are generated per year or one-half (1/2) cubic yards per month.

h. Other Waste Liquids

N/A- There are no other waste liquids generated at this facility.

i Empty Drums

Empty drums are completely drained of all product contents and the products used for their original intended purpose. The empty drums are then returned to the chemical manufacturer for the drum deposit or the drum is sent to a drum reconditioning contractor.

2. Tankage and Chemical Storage Areas

a. Storage Areas Within Buildings

Solvent, detergents, canned spray paints, lubricants, antifreeze, and miscellaneous materials specified in Section VI and VII are stored in the mechanics shop or office area of the main facility. (ref. Attachment II, Site Drawing). Small containers of flammable materials (spray cans) are stored in the parts room of the mechanics shop. The floor of the main building is concrete. This concrete serves as an impermeable liner between the various chemicals and the native soils. Any spills or leaks would remain in the shop area on the concrete floor.

Various liquid and dry chemicals that may also be flammable or corrosive in nature are stored in the chemical warehouse. The materials are stored in fifty five (55) gallon steel or poly drums, three hundred thirty (330) gallon poly totes or palletized paper or plastic bags. These materials are identified in Section VI of this report. The floor of the chemical warehouse is concrete. This concrete serves as an impermeable liner between the chemicals stored and the native soils. Any spills would remain in the chemical warehouse area on the concrete floor.

b. Storage Areas Adjacent to Buildings

Lubricating oils are stored on the south side of the chemical warehouse in fifty five (55) gallon metal drums.

c. Waste Oil/Antifreeze Storage Area

Waste oil and antifreeze are collected in dedicated aboveground 1000 gallon steel tanks located on the north perimeter of the property adjacent to the mechanics shop. The tanks are surrounded by individual secondary containment trays designed to contain small leaks and spills.

d. Liquid Nitrogen Tank

A liquid nitrogen tank is located on the southeast corner of the yard. The tank is a vertical tank of steel construction. Due to the nature of the substance there is no secondary containment associated with the tank.

3. Buried Piping Integrity

N/A- This facility does not contain underground process or wastewater pipelines subject to the requirements of this section.

C. Existing Effluent and Solids Disposal

1. On-site Facilities

a. Description of Each Facility

(1) Surface Impoundments

N/A- There are no surface impoundments at this facility.

(2) Leach Fields

N/A- There are no leach fields at this facility.

(3) Injection Wells

N/A- There are no injection wells at this facility.

(4) Drying Beds or Other Pits

N/A- There are no drying beds or other pits at this facility.

(5) Solids Disposal

N/A- There are no solids disposal at this facility.

(6) Floor Drains

There are sumps located in the mechanics shop and the chemical warehouse. The sumps drain to the City of Farmington wastewater collection system. American Energy Services has never used the sumps and will be filling the sumps with sand and capped with three (3) to four (4) inches of concrete to prevent an accidental release of chemicals or contaminants to the sumps.

(7) Waste Water Treatment

N/A- There are no wastewater treatment systems at this facility.

b. Further information for leach fields, pits, and impoundments having single liners

N/A- There are no other known leach fields, pits or surface impoundments at the facility.

2. Off-site Disposal

a. Industrial Waste Water (Truck Washing and Steam Cleaning of Parts and Equipment)

N/A- There is no waste water generated at this facility.

b. Solvents and Degreasers

Waste solvents generated at this facility are shipped off-site by Safety Kleen for recycling and reuse.

c. Waste Oil and Antifreeze

Waste oils and antifreeze generated at this facility are collected in dedicated 500 gallon above ground steel tanks. The tanks have dedicated secondary containment systems designed to contain 10% of the tanks capacity. The tanks are located on the north perimeter adjacent to the mechanics shop. The waste is periodically picked up by a contractor and transported via tank truck to an off-site recycling facility. The recycling facility recovers the oil and is sold to various buyers as fuel oil.

d. Oil Filters

Used oil filters generated at this facility are drained and placed into the solid waste dumpster The solid waste disposal contractor removes the oil filters and other solid wastes from the site for off-site disposal.

e. Solids and Sludges

N/A- There are no solids or sludges generated at this facility.

f. Other Waste Solids

General shop trash, e.g., paper, plastic, wood, small quantities of metal, empty containers, and other miscellaneous office debris are accumulated in a three (3) cubic yard dumpster. On average, the container is picked up two (2) times per week by a contractor and its contents disposed off-site in a local landfill. Therefore, approximately twenty four (24) cubic yards of this waste is generated and landfilled each month.

Scrap metal is also collected on-site. The scrap metal is periodically picked up by a contractor and transported to a scrap metal recycling facility.

Empty drums are drained completely of their contents and the drums are either returned to the original chemical manufacturer or the drums are shipped to a drum reconditioning contractor.

TABLE 8-1
Summary Desription of Existing Liquid and Solids Waste Collection and Disposal
American Energy Services
Farmington, New Mexico

Waste Type	Tank/Drum	Floor Drain (F) Sumps (S)	Pits Lined (L) or Unlined (U)	Onsite Injection Well	Leachfield/Pit	Offsite Disposal
1. Truck Wastes (None)	N/A	N/A	N/A	N/A	N/A	N/A
2. Truck, Truck Washing, Drum Washing	N/A	N/A	N/A	N/A	N/A	N/A
3. Steam Cleaning of Parts, Equipment, Tanks	N/A	N/A	N/A	N/A	N/A	N/A
4. Solvents	Drum	N/A	N/A	N/A	N/A	Off-site Recycling Unit
5. Spent Acids or Completion Fluids (None) Caustics	N/A	N/A	N/A	N/A	N/A	N/A
6. Waste Slop Oil (None)	N/A	N/A	N/A	N/A	N/A	N/A
7. Waste Lubrication and Motor Oils, Antifreeze	Tanks	N/A	N/A	N/A	N/A	Off-site Recycling Unit
8. Oil Filters	Dumpster	N/A	N/A	N/A	N/A	Off-site Disposal
9. Solids and Sludges	N/A	N/A	N/A	N/A	N/A	N/A
10. Painting Wastes	N/A	N/A	N/A	N/A	N/A	N/A
11. Sewege (Sanitary)	N/A	N/A	N/A	N/A	N/A	N/A
12. Other Waste Liquids	N/A	N/A	N/A	N/A	N/A	N/A
13. Other Waste Solids Scrap Metal General shop trash, e.g., paper plastic, empty containers, wood, small amounts of metal, drain & crushed oil filters, misc. construction material, etc.	 Box Dumpster	 N/A N/A	 N/A N/A	 N/A N/A	 N/A N/A	 Off-site Recycling Unit Off-site Disposal

g. Other Waste Liquids

N/A- There are no other waste liquids generated at this facility.

IX. Description of Proposal Modifications to Existing Collection, Storage, and Disposal Systems

A. Modifications to Existing Collection and Storage Systems

1. Product Drum Storage Area

The product drum storage Area located on the south side of the chemical warehouse does not meet the requirements for secondary containment. A liquid chemical storage building will be built in the southeast corner of the property (Attachment 6). The building will be adjacent to the hydrochloric acid and acid makeup tank. The floor will be made of concrete with concrete berms surrounding the building. The walls and roof of the building will be constructed of metal. A drain will be installed in the west berm to drain any liquids that may spill in the building to the acid loading dock sump. From the sump any liquids will be pumped to the acid makeup tank. All liquid products will be stored in this building and all liquid products are compatible with hydrochloric acid (See Attachment VI). The construction of the building is estimated to be prior to July 2000.

The current chemical warehouse will be used for dry chemical storage after the liquid chemical storage building is built.

2. Hydrochloric Acid Storage

A hydrochloric acid (HCL) storage and loading dock facility will be constructed on the southeast corner of the property. The HCL storage area will consist of an above ground internally lined ten thousand (10,000) gallon HCL tank, a above ground six thousand (6000) gallon poly acid makeup tank and a twelve thousand (12,000) above ground steel gel tank (Attachment 6). All of the tanks will be on a concrete floor with concrete bermed walls covered with an epoxy coating.

The loading dock will be constructed of concrete with a spill collection sump located near the center of the loading pad. Any fluids that are collected in the sump will be pumped to the acid makeup tank. Observation wells will be installed in association with the acid loading dock to monitor for any subsurface releases of chemicals or contaminants. Also, a scrubber system will be installed on the vent of the acid tank to reduce vapors. Engineering drawings of the tank farm and loading dock are included as Attachment 3.

3. Sumps in the Mechanics Shop and the Chemical Warehouse

There are sumps located in the mechanics shop and the chemical warehouse. The sumps were present when American Energy Services occupied the property and American Energy Services has not used the sumps since occupying the property. The sumps are of concrete construction with metal grate lids. Visual observations suggest the sumps were constructed from a single concrete pour and are comprised of two compartments each. It appears the sumps were once constructed for oil/water separation. The sumps discharge to the City of Farmington wastewater collection system. There are no observation/monitoring wells associated with either sump. It is proposed that the discharge lines from the sumps be plugged, the sumps filled with sand to within approximately 4-6 inches of the floor level and then capped with concrete. This type of sump management will allow future landowners or occupants to remove the concrete cap, sand and plugs and use the sumps in the future. The estimated completion date of the sump activities are June 2000.

4. Waste Oil and Waste Antifreeze Tanks

Currently the waste oil and waste antifreeze are stored in dedicated 500 gallon above ground metal tanks. The secondary containment structures associated with the tanks do not meet the necessary requirements. It is proposed that secondary containment structures will be built to house the tanks. The secondary containments will be designed to hold 110% of the capacity of the largest tank or individual secondary containment structures be installed. This project can be completed by June 2000.

B. Closure of Ponds, Pits, Lagoons, etc.

N/A- There are no closures planned or required at this facility

X. Routine Inspection, Maintenance, and Reporting to Ensure Compliance

A. Routine Inspection Procedures for Disposal Units with Leak Detection

N/A- There are no disposal units at this facility.

B. Ground-Water Monitoring for Leak Detection

N/A- There are no disposal units at this facility.

C. Containment and Monitoring of Precipitation and run-off

Storm water run-off will be monitored according to federal regulations. American Energy Services will apply for a NPDES General Sector Permit by June 2000.

XI. Spill/Leak Prevention and Reporting Procedures (Contingency Plan)

A. Containment, Cleanup and Reporting Procedures

It is the management policy of American Energy Services to comply with all applicable environmental laws and regulations. As part of American Energy Services objective to be a good industrial citizen, facilities are built, upgraded, and maintained to minimize environmental impact or emergencies.

American Energy Services personnel are present at the facility during business hours when operations are conducted. In addition, a site walk through inspection is conducted every business day and documented in writing by the on-site manager or their dedicated representative. The purpose of this inspection is to identify any spills or leaks and to initiate corrective action and reporting as necessary. Good sound judgement will be used in the containment, cleanup, and reporting of any fires, leaks, and spills that may occur.

American Energy Services will notify the Oil Conservation Commission (OCD) of any unauthorized release of chemical, contaminants, or mixture

thereof, in the State of New Mexico which meets the definition of either a minor or major release.

> *Major Release: an unauthorized release of a volume, excluding natural gas, in excess of 25 barrels; an unauthorized release of any volume which:*
>
> > *-results in a fire;*
> > *-will react with water;*
> > *-may with reasonable probability endanger public health; or*
> > *-results in substantial damage to property or the environment;*
> > *-a release of any volume which may with reasonable probability be detrimental to water or cause an exceedance of the standards in 19 NMAC 15.A.19.B(1), B(2), or B(3 (See Attachment VIII)).*

Minor Release: an unauthorized release of a volume, greater than 5 barrels but not more than 25 barrels.

Major releases will be reported as follows:

1. Verbally to the District OCD office within twenty-four (24) hours of discovery.
2. verbally to the Division's Environmental Bureau Chief within twenty-four (24) hours if the release may, with reasonable probability, be detrimental to water or cause an exceedance on the standards in 19 NMAC 15.A.19.B(1), B(2), or B(3). This notification will provide the information required on the Division form C-141 (See Attachment VII)).
3. written to the District OCD office within fifteen (15) days by completing and filing the Division form C-141.
4. written to the Division's Environmental Bureau Chief within fifteen (15) days if the release may, with reasonable probability, be detrimental to water or cause an exceedance on the standards in 19 NMAC 15.A.19.B(1), B(2), or B(3) by completing and filing the Division form C-141. This written notification shall verify prior verbal notification and provide any appropriate additions or corrections to the information contained in the prior verbal notification.

Minor Releases will be reported as follows:

1. written to the District OCD office within fifteen (15) days by completing and filing the Division form C-141.

In general, leaks, spills, and drips will be handled as follows:

- Small spills will be absorbed with floor sweep type absorbent material. The used absorbents will be managed according to proper waste management practices for the material spilled.
- Small spills on soil will be absorbed with soil and shoveled into drums for off-site disposal by an approved disposal contractor.
- Large spills will be contained with temporary berms. Free liquids will be pumped into drums. Any contaminated soil will be shoveled into drums or other containers for off-site disposal by an approved disposal contractor.

B. Leak Detection Inspection

The method used for leak detection will be a routine site walk-through visual inspection by the on-site manager or his/her representative. This inspection will be performed at the start of each working shift or once each day and will be documented in a bound facility logbook. Documentation in the logbook will consist of:

- Date and Time;
- Any unusual conditions;
- Location, type, and approximate volume of spilled materials;
- Immediate corrective actions taken;
- Descriptions of notification made, including time, date, contact, and brief description of the conversation;
- Additional corrective actions taken; and
- Any other relevant information

C. OCD Addresses and Phone Numbers

Santa Fe, New Mexico

Oil Conservation Commission
2040 S. Pacheco
Santa Fe, New Mexico, 87505
(505)827-7131

Aztec, New Mexico

Oil Conservation Commission
1000 Rio Brazos Road
Aztec, New Mexico 87410

Hobbs, New Mexico

Oil Conservation Commission
1625 North French Drive
Hobbs, New Mexico 88240

Artesia, New Mexico

Oil Conservation Commission
811 South 1st.
Artesia, New Mexico 88210

D. Injection Well Contingency Procedures

N/A- There are no injection wells in the use at this facility.

XII. Geological/Hydrological Evidence Demonstrating that Disposal of Oilfield Wastes Will Not Adversely Impact Fresh Water

A. Site Characteristics

1. Surface Water and Water Wells

The nearest body of water to the site is the Animas River which is located approximately one quarter (1/4) to the south of the facility. There are no water wells located within one-quarter mile of the outside perimeter of the facility (Ref. Attachment III, City of Farmington Map and Attachment IV, USGS Topographical Map).

2. Groundwater

Depth to groundwater at the site is reported to be less than ten (10) feet in depth and is influenced by the Animas River. The overburden of the groundwater is comprised of fine clay and silt over stratified sand, cobbles and gravel. The groundwater is water infiltrating from the Animas River. The groundwater is potable according to an interview with an OCD representative.

3. Hydrogeologic Information

a. Soil Types

The surface soil type is a loamy fine clay and silt consisting of the Werlog Loam (Wr), high in clay content, slow in permeability and moderate in shrink-swell potential, and ponded Fluvaquents (FP), a loamy soil high in organic matter which drains very poorly. Deeper soils are stratified sand, cobbles, and gravel, with both upper and lower soil levels formed by alluvial deposition from a variety of sources over time.

The surface layer of the Werlog Loam is a grayish brown loam about six (6) inches thick underlain by a light brownish gray loam about twenty four (24) inches thick. The Werlog has typically a 0 to 2 percent slope. This soil type exhibits moderately slow permeability with an effective rooting depth of 60 inches. Run-off is slow and the hazard of water erosion is slight. There is a severe hazard of blowing soils with this soil type.

Confirmation of the above descriptions was obtained by a review of the *Soil Survey of San Juan County, New Mexico, Eastern Part,* dated 1980 and published by the United States Department of Agriculture Soil Conservation Service.

b. Name of Groundwater Aquifer

The groundwater under the site is the alluvium from the Animas River. The water quality is reported to be good, potable water with a relatively low total dissolved solids concentration.

4. Miscellaneous Information

a. Flooding Potential

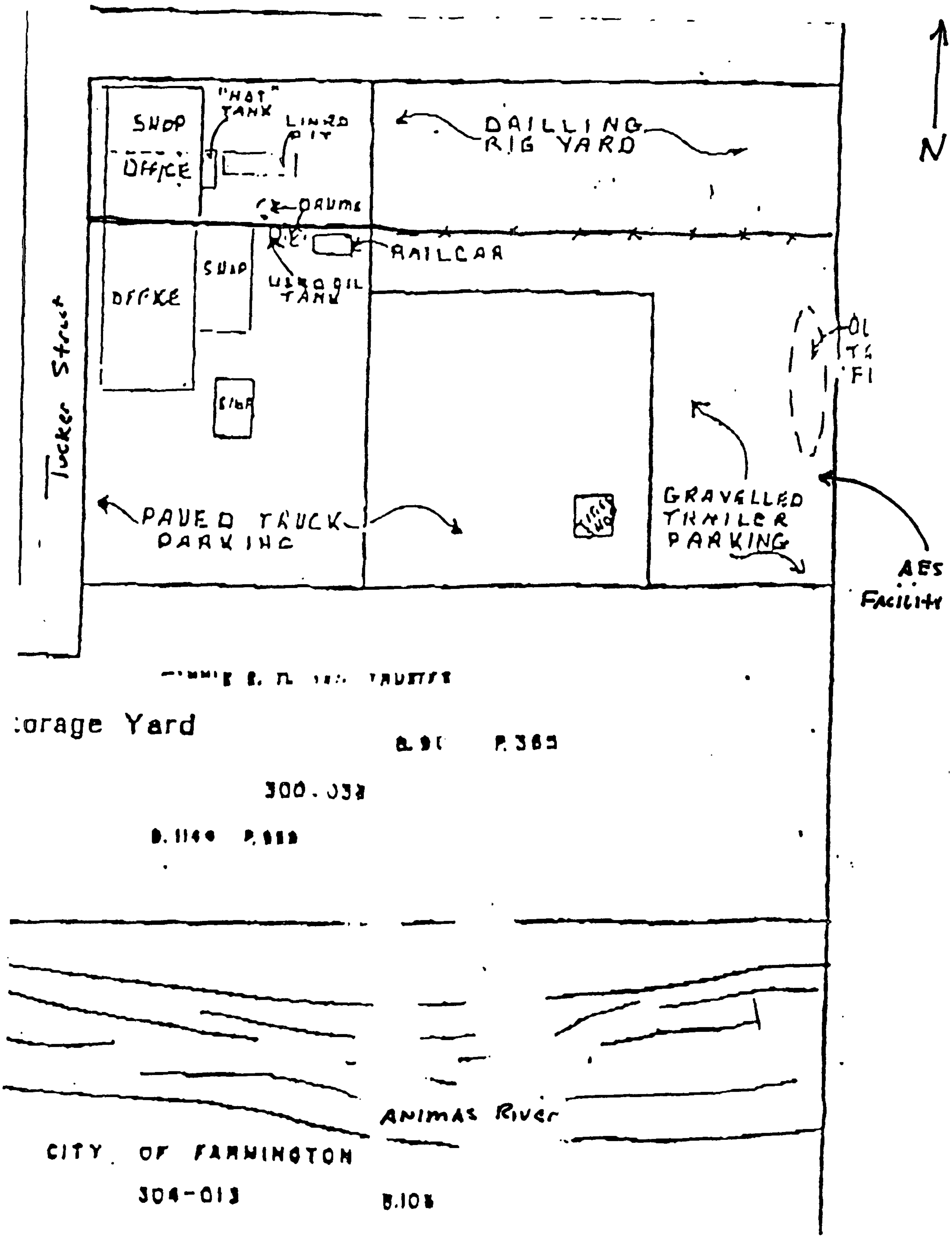
The site does lie in the historical flood plain of the Animas River. The threat of flooding is possible but appears to be a low risk due to the flood control of the Navajo Dam located approximately thirty five (35) miles upstream of the referenced site.

b. Flood Protection Measures

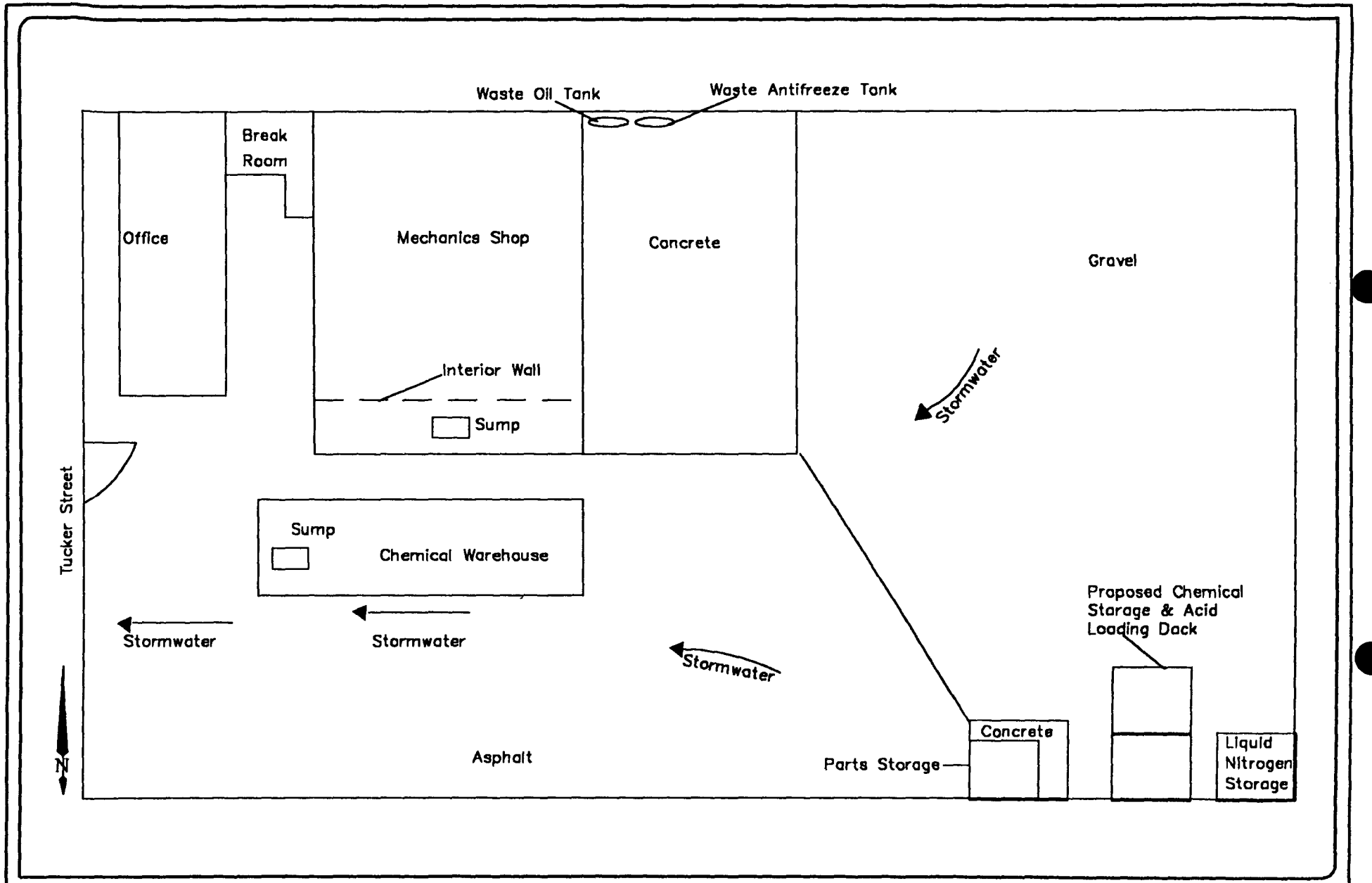
There are no flood protection measures on-site, the terrain surrounding the site slopes gently towards the Animas River. Drainage and run-off from the site is typically to the west.

B. Additional Information

It is reasonable to assume that if the use of the land at the site is not changed, there should be no discharge that would result in groundwater degradation in excess of the standards of WQCC Section 3103. In addition, site activities should not result in the presence of any toxic pollutant (Section 1101.TT.) at any point of withdrawal of water for present or reasonable foreseeable future use. The site, under present usage, is limited to consumer commodities and moderate quantities of hazardous materials. There are no standard operating procedures on-site which result in discharge of hazardous materials to the surrounding surface, and any emergency response to hazardous materials on-site would be very small in scope.



N
SHOP
OFFICE
"HOT" TANK
LINED PIT
DRILLING RIG YARD
DRUMS
RAILCAR
SHOP
OFFICE
USED OIL TANK
Tucker Street
PAVED TRUCK PARKING
GRAVELLED TRAILER PARKING
AES Facility
Storage Yard
B. 9
P. 365
300.038
304-013
CITY OF FARMINGTON
Animas River

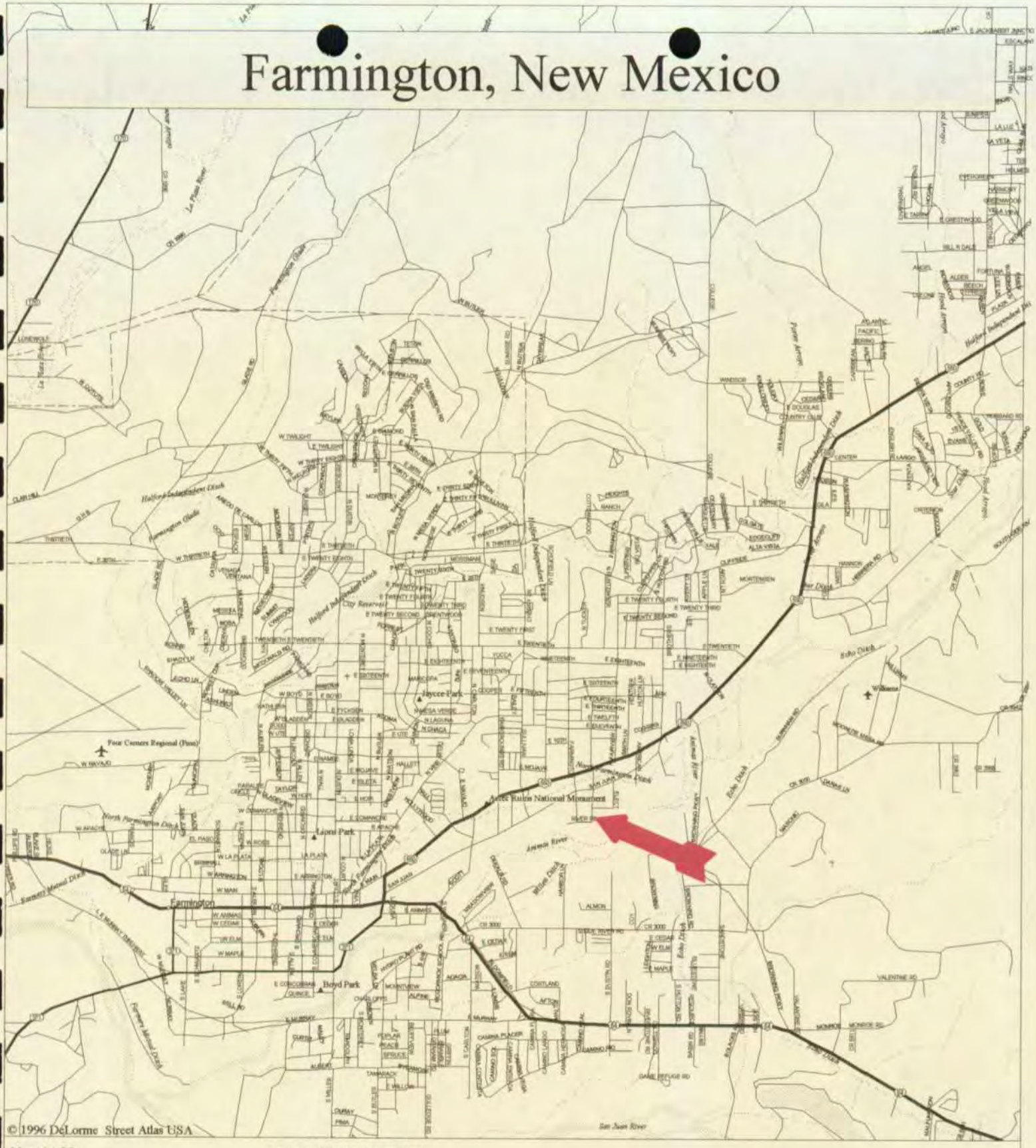


LP Environmental
Llano-Permian Environmental Services

Date: 4/23/00
Scale: NTS
By: M. Beggs

American Energy
708 South Tucker
Farmington, New Mexico 87499
Site Map

Farmington, New Mexico

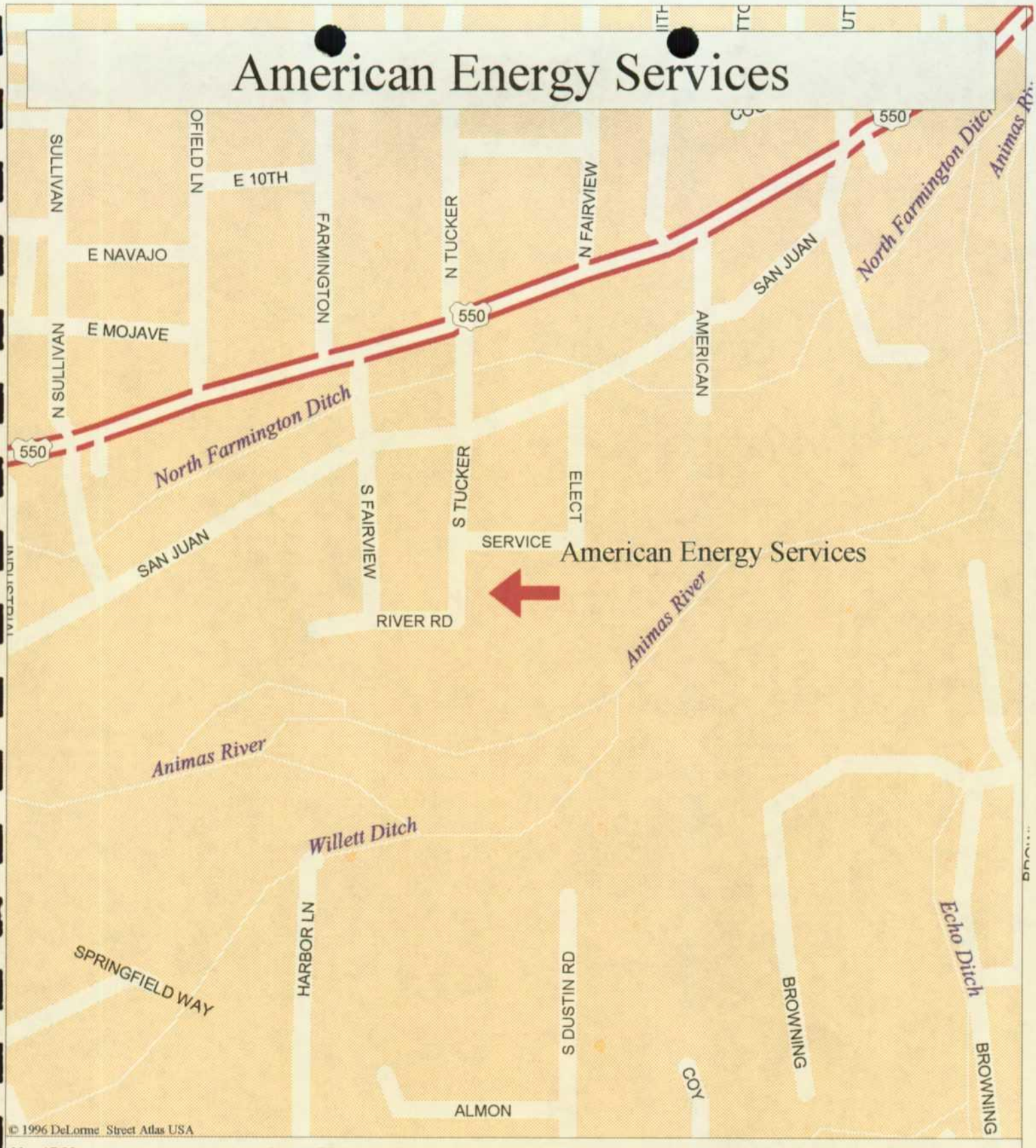


Mag 14.00
Tue Apr 25 13:01 2000

Scale 1:43,750 (at center)
5000 Feet
1000 Meters

Secondary SR/Road/Hwy Ramp
State Route
US Highway
Utility/Pipe

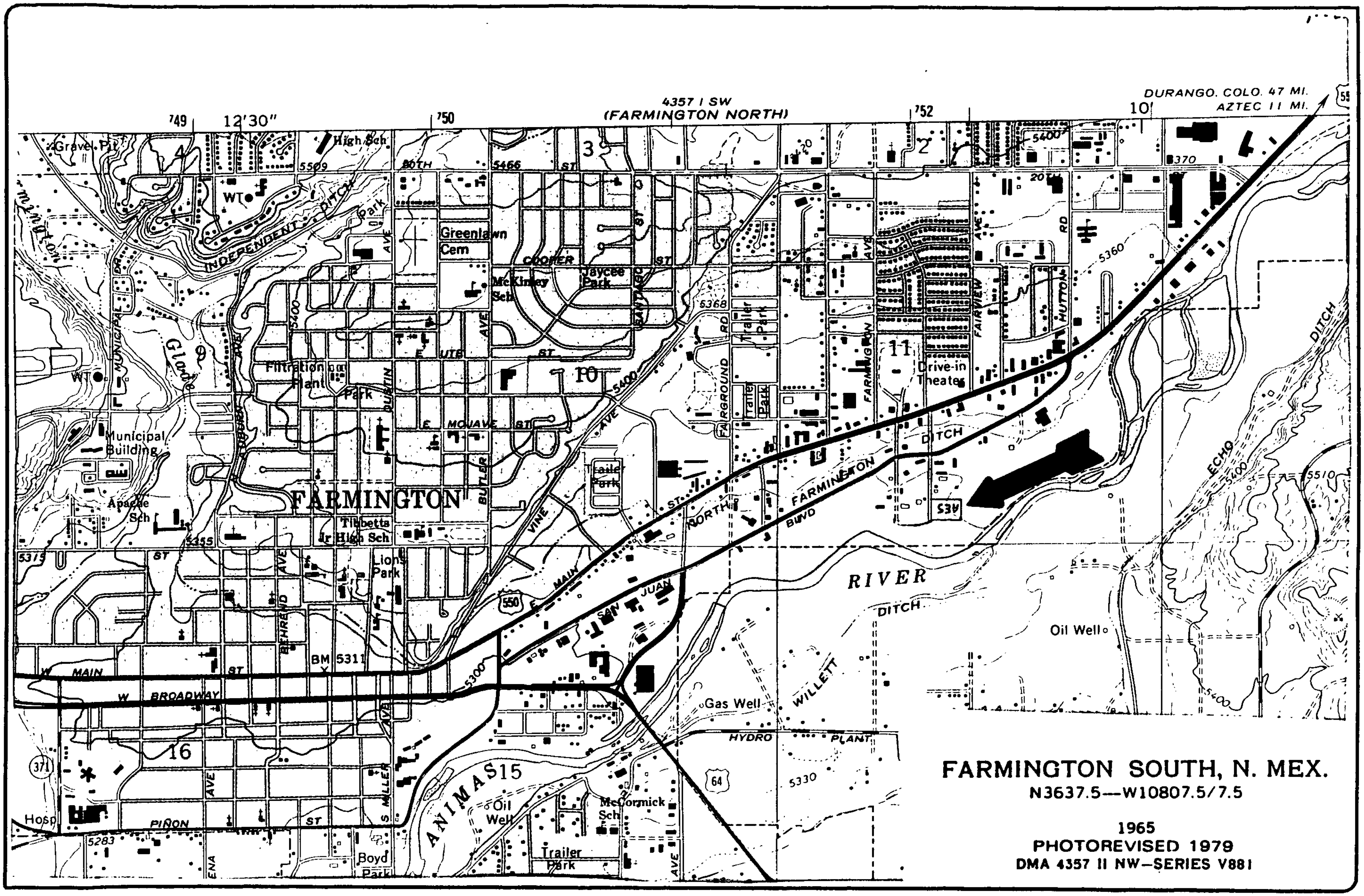
American Energy Services



Mag 15.00
Tue Apr 25 13:38 2000

Scale 1:7,812 (at center)
500 Feet
200 Meters

Local Road
US Highway
Population Center
River/Canal



LP Environmental

Llano-Permian Environmental Services

SCALE 1:24 000

1 ½ 0 1 MILE

Vulcan CHEMICALS
A Division of Vulcan Materials Company
P O Box 530390
Birmingham, AL 35253-0390

MATERIAL SAFETY DATA SHEET

24 Hour Emergency Phone 316/524-5751

SECTION 1 PRODUCT IDENTIFICATION

CHEMICAL NAME
Hydrogen Chloride, Aqueous Solution

CHEMICAL FORMULA
HCl

MOLECULAR WEIGHT
36.46

PRODUCT NAME
Muriatic Acid, 20° and 22° Baumé, Technical, Industrial, and Commercial Grade

SYNONYMS
Hydrochloric Acid

DOT IDENTIFICATION NO.
UN 1789

SECTION 2 COMPONENT DATA

CHEMICAL NAME	CAS NUMBER	% (wt.) Approx	OSHA PEL
* Hydrogen Chloride	7647-01-0	35	5 ppm Ceiling

Note: This material Safety Data Sheet is also valid for hydrogen chloride solutions weaker than 35%. The specific gravity and vapor pressure may be different from the values listed.

* Denotes chemical subject to reporting requirements of Section 313 of Title III of the 1986 Superfund Amendments and Reauthorization Act (SARA) and 40 CFR Part 372

SECTION 3 PHYSICAL DATA

APPEARANCE AND ODOR
Clear, colorless liquid with pungent, irritating odor

SPECIFIC GRAVITY
20° Be: 1.1600 @ 15.6/15.6°C;
22° Be: 1.1789 @ 15.6/15.6°C

BOILING POINT
150°F - 230°F (65.6°C - 110.0°C)

VAPOR DENSITY IN AIR (Air = 1)
1.27

VAPOR PRESSURE
78 mm Hg @ 20°C

% VOLATILE BY VOLUME
35

EVAPORATION RATE
(Butyl Acetate = 1) < 1.00

SOLUBILITY IN WATER
Complete

SECTION 4 REACTIVITY INFORMATION

STABILITY
Stable

CONDITIONS TO AVOID:
Contact with strong bases can cause violent reaction generating large amounts of heat. Reactions with metals can release flammable hydrogen gas. Refer to Section 8.

INCOMPATIBLE MATERIALS
Bases, metals, mercuric sulfate, perchloric acid, carbides of calcium, cesium, rubidium, acetylides of cesium and rubidium, phosphides of calcium and uranium and lithium silicide.

To determine the exposure level(s), monitoring should be performed regularly. Safety showers and eyewash station must be available in immediate area.

NOTE: Protective equipment and clothing should be selected, used, and maintained according to applicable standards and regulations. For further information, contact the clothing or equipment manufacturer or the Vulcan Chemicals Technical Service Department.

SECTION 8 HANDLING AND STORAGE

Follow protective controls set forth in Section 7 when handling this product. Store in closed, properly labeled, rubber-lined steel, acid-resistant plastic, or glass containers. Do not store near strong alkalies or reactive materials. Do not remove or deface label or tag.

Hydrogen chloride can react with cyanide, forming lethal concentrations of hydrocyanic acid. Do not enter confined spaces such as tanks or pits without following proper entry procedures as required by 29 CFR 1910.146.

SARA Title III Hazard Category: Immediate Health.

SECTION 9 SPILL, LEAK AND DISPOSAL PROCEDURES

STEPS TO BE TAKEN IN CASE MATERIAL IS RELEASED OR SPILLED

Evacuate immediate area where concentrated fumes are present. Cleanup personnel must wear proper protective equipment (see Section 7). Completely contain spilled acid with dikes, etc., and prevent run-off into ground and surface waters or into sewers. Neutralize with soda ash or dilute caustic soda. If spill occurs indoors, turn off heating and/or air conditioning systems, to prevent vapors form contaminating entire building. Neutralization products, both liquid and solid, must be recovered for proper disposal. Reportable Quantity (RQ) is 5000 lbs. Notify National Response Center (800/424-8802) of uncontained releases to the environment in excess of the RQ.

WASTE DISPOSAL METHOD

Recovered solids or liquids may be sent to a licensed reclaimer or disposed of in a permitted waste management facility. Consult federal, state, or local disposal authorities for approved procedures.

SECTION 10 TRANSPORTATION INFORMATION

DOT SHIPPING DESCRIPTION (49 CFR 172.101)
Hydrochloric Acid, Solution, 8, UN 1789, PG II, RQ

PLACARD REQUIRED
Corrosive, 1789, Class 8

LABEL REQUIRED

Corrosive, Class 8. Label as required by OSHA Hazard Communication Standard, and any applicable state and local regulations.

Medical Emergencies:
Call collect 24 hours a day
for emergency toxicological
information 415/821-3182

Other Emergency information:
Call 316/524-5751 (24 Hours)

For any other information contact:
Vulcan Chemicals
Technical and Environmental Services
P O Box 530390
Birmingham, AL 35253-0390
800/873-4898
8 AM - 5 PM, Central Time
Monday through Friday

Date of Preparation: February 1, 1994 (Reformatted and Reprinted: January 15, 1996) FORM 3239-110

FIRST AID

INHALATION

Move person to fresh air. If breathing stops, administer artificial respiration. Get medical attention immediately.

SKIN

Remove contaminated clothing and wash skin thoroughly for a minimum of 15 minutes with large quantities of water (preferably a safety shower). Get medical attention immediately.

EYES

Wash eyes immediately with large amounts of water (preferably eye wash fountain), lifting the upper and lower eyelids and rotating eyeball. Continue washing for a minimum of 15 minutes. Get medical attention immediately.

INGESTION

If conscious, give large quantities of water. Do not induce vomiting. Get medical attention immediately.

CHRONIC TOXICITY

Exposures of 100 ppm for 6 hours a day for 50 days caused only slight unrest and irritation to the eyes and nose of rabbits, guinea pigs and pigeons. The hemoglobin content of the blood was also slightly diminished. Monkeys receiving twenty exposures of 33 ppm for 6 hours did not display any adverse effects. Higher exposures (unspecified) have caused weight loss which paralleled the severity of exposure. Baboons exposed to 500, 5000, or 10,000 ppm for 15 minutes did not have significant alterations in any pulmonary function parameters 3 days or 3 months after exposure. In humans, long term overexposures have been associated with erosion of the teeth.

CARCINOGENICITY

No standard carcinogenicity studies for hydrogen chloride were identified. Two studies on rats were conducted to determine if hydrogen chloride increased the formation of nasal tumors or increased the carcinogenic potential of formaldehyde. In both studies the rats were exposed to 10 ppm hydrogen chloride, 6 hours per day, 5 days a week. One study lasted 84 weeks while the other lasted the animals' lifetime. Hydrogen chloride did not cause an increase in nasal tumors and did not increase the carcinogenicity of formaldehyde.

Hydrogen chloride is not listed on the IARC, NTP or OSHA carcinogen lists.

REPRODUCTIVE TOXICITY

No studies were identified relative to hydrogen chloride and reproductive toxicity.

SECTION 7 PERSONAL PROTECTION AND CONTROLS

RESPIRATORY PROTECTION

Where vapor concentration exceeds or is likely to exceed 5 ppm, a NIOSH/MSHA approved full face respirator with acid gas canister is acceptable. A NIOSH/MSHA approved self-contained breathing apparatus with full face piece is required for air concentrations above 100 ppm and for spills and/or emergencies. Follow any applicable respirator use standards and regulations.

VENTILATION

As necessary to maintain air concentration below 5 ppm, at all times.

SKIN PROTECTION

Wear neoprene or PVC rain suit, boots, and gloves.

EYE PROTECTION

Wear chemical goggles which are splashproof and face shield.

HYGIENE

Avoid contact with skin and avoid breathing vapors. Do not eat, drink, or smoke in work area. Wash hands prior to eating, drinking, or using restroom. Any protective clothing, or shoes which become contaminated with hydrochloric acid should be removed immediately, and thoroughly laundered before wearing again.

HAZARDOUS DECOMPOSITION PRODUCTS
None (Refer to Conditions to Avoid)

HAZARDOUS POLYMERIZATION
Will not occur

SECTION 5 FIRE AND EXPLOSION HAZARD INFORMATION

FLASH POINT
None

FLAMMABLE LIMITS IN AIR
None

EXTINGUISHING MEDIA
None

NFPA RATINGS
Health 3, Flammability 0, Reactivity 0

UNUSUAL FIRE AND EXPLOSION HAZARDS
Firefighters should wear self contained positive-pressure breathing apparatus and avoid skin contact. Refer to Reactivity Data - Section 4.

SECTION 6 TOXICITY AND FIRST AID

EXPOSURE STANDARDS

ACGIH: 5 ppm Ceiling
OSHA: 5 ppm Ceiling

IMMEDIATELY DANGEROUS TO LIFE OR HEALTH:

IDLH: 100 ppm

When exposure to this product and other chemicals is concurrent, the exposure limit must be defined in the workplace. Effects described in this section are believed not to occur if exposures are maintained at or below the appropriate ceiling limits, however because of the wide variation in individual susceptibility, these exposure limits may not be applicable to all persons and those with the medical conditions listed below.

MEDICAL CONDITIONS AGGRAVATED BY EXPOSURE
Asthma, bronchitis, emphysema and other lung conditions and chronic nose, sinus or throat conditions. Exposure may aggravate existing skin and/or eye conditions on contact.

ACUTE TOXICITY

PRIMARY ROUTES OF EXPOSURE
Inhalation, Skin

INHALATION
Hydrogen chloride gas, mist and vapor can cause irritation of respiratory tract, with burning, choking, coughing, headaches and rapid heartbeat. Levels of 10 to 35 ppm can cause irritation of throat and 50-100 ppm is nearly unbearable for 1 hour. Inflammation, destruction of nasal passages and breathing difficulties can occur with higher concentrations and may be delayed in onset. 1000-2000 ppm can be fatal.

SKIN
Liquid hydrogen chloride or concentrated vapors can rapidly cause burning of skin. Repeated or prolonged contact with dilute solutions, and concentrated vapors, can cause irritation and dermatitis.

EYE
Liquid or concentrated vapors can cause eye irritation, severe burns and permanent damage including blindness.

INGESTION
Can cause severe burns of mouth, esophagus and stomach. Nausea, pain and vomiting frequently occur. Depending upon amount swallowed, holes in the intestinal tract, kidney inflammation, shock and death can occur.

I-2L

MATERIAL SAFETY DATA SHEET ACETIC ANHYDRIDE

BENCHMARK RESEARCH & TECHNOLOGY PHONE: 915-697-3071
DIVISION: CHEMICAL BLENDING SERVICES PHONE: 915-697-8171
4113 W. INDUSTRIAL
MIDLAND, TEXAS 79703

==========

==========

SECTION I GENERAL INFORMATION

PRODUCT NAME: Acetic Anhydride - Acetic Acid Blend

>20 - <1.0

CHEMICAL NAME: Acid-anhydride mixture

CHEMICAL FORMULA: $CH_3COOH - (CH_3CO)_2O$

MANUFACTURER: Chemical Blending Services

ADDRESS: 4113 W. INDUSTRIAL, MIDLAND, TX. 79703

FOR INFORMATION ON HEALTH HAZARDS CALL: (915) 697-8171.

INFORMATION EFFECTIVE AS OF: January 15, 1991

==========

SECTION II TOXICITY HAZARD DATA

PRINCIPAL HAZARDOUS COMPONENT(S)	%	TLV (UNITS)	OSHA PEL
1. Acetic Anhydride CAS RN: 108-24-7 NIOSH #:	40-60	5ppm (ceiling)	5ppm
TOXICITY DATA:			
2. Acetic Acid CAS RN: 64-19-7 NIOSH #:	40-60	10ppm	10ppm
TOXICITY DATA:			

15-T

SECTION III FIRE AND EXPLOSION HAZARD DATA

FLASHPOINT:	120°F (T.C.C.)
UPPER EXPLOSION LIMIT (% BY VOL):	16.0% Acetic Acid
LOWER EXPLOSION LIMIT (% BY VOL):	2.7% Acetic Anhydride
AUTO-IGNITION TEMPERATURE:	N.E.
EXTINGUISHING MEDIA:	Dry chemical, CO_2, foam or water spray.
SPECIAL FIRE FIGHTING PROCEDURES:	NONE
EXPLOSION DATA:	N.E.
HAZARDOUS COMBUSTION PRODUCTS:	Burning can produce carbon monoxide and/or carbon dioxide.

SECTION IV HEALTH HAZARD DATA

PRIMARY ROUTES OF ENTRY:
SKIN CONTACT
EYE CONTACT
INHALATION
INGESTION

EFFECTS OF OVEREXPOSURE:
SKIN CONTACT: Contact with skin can cause blistering and chemical burns.

SKIN ABSORPTION: Not absorbed by skin.

EYE: Causes chemical burns, even when substantially dileted. Vapors are irritation and cause excess blinking, tear production, and eye discomfort.

INHALATION: Irritation, coughing, chest pain, difficulty in breathing. Prolonged exposure to high vapor concentrations many result in the inhalation of harmful amounts of material.

INGESTION: Corrosive to mucous membranes of the mouth, throat, esophagus and stomach. Ingestion may cause burning abdominal pain, nausea, vomiting, shock state, and collapse.

CHRONIC OVEREXPOSURE EFFECTS: None currently known.

CARCINOGENICITY, REPRODUCTIVE EFFECTS: Not listed as carcinogen - IARC, NTP or OSHA

TERATOGENICITY, MUTAGENICITY: No effects known.
LC(50): N.E. 5620 ppm/hr (inhalation mouse)
LD(50): N.E. 3310 mg/kg (oral rat)

EMERGENCY AND FIRST AID PROCEDURES:
FOR EYES: Immediately flush with plenty of water for at least 15 minutes. SEEK MEDICAL ATTENTION IMMEDIATELY!!

FOR SKIN: Remove contaminated clothes. Immediately wash skin with plenty of water for 15 minutes.

FOR INHALATION: Move victim for fresh air; call emergency medical care. If breathing is difficult, administer oxygen.

FOR INGESTION: Give plenty of water. DO NOT INDUCE VOMITING!! Call a physician.

SECTION V PHYSICAL DATA

APPEARANCE and ODOR:	Water-white liquid; sharp odor
SPECIFIC GRAVITY:	1.07 @20°C
VAPOR PRESSURE:	7.3 mm Hg @ 20°C
VAPOR DENSITY:	2.8
EVAPORATION RATE:	0.74

SECTION VIII SPECIAL PRECAUTIONS

LEAK AND SPILL PROCEDURES:	Wear appropriate protective equipment including self-contained breathing apparatus. Eliminate ignition sources. Contain spill and cover with soda ash. Toxic to fish! Avoid discharge into natural waters.
WASTE DISPOSAL:	Dispose of according to all local/state/and federal regulations
HANDLING PROCEDURES AND EQUIPMENT:	Do not get in eyes, on skin, or on clothing. Avoid breathing vapor. Do not ingest. Wash thoroughly after handling.
STORAGE REQUIREMENTS:	Keep away from heat and open flames. Keep container closed. Use with adequate ventilation. Do not store with HCl.

SECTION IX - REGULATORY INFORMATION

TRANSPORTATION DOT SHIPPING NAME:	Corrosive liquid, n.o.s. (contains Acetic anhydride and Acetic acid).
DOT HAZARD CLASS:	Corrosive material
DOT ID #:	UN 1760
EMERGENCY GUIDE #:	60
RQ:	5000/2270

REACTIVITY:

4 Danger: Explosive material at room temperature
3 Danger: May be explosive if shocked or heated under confinement or mixed with water
2 Warning: Unstable or may react violently with water
1 Caution: May react if heated or mixed with water but not violently.
0 Stable: Not reactive when mixed with water

SECTION XI DISCLAIMER

The information contained herein is based on data considered accurate. However, no warranty is expressed or implied regarding the accuracy of these data or the results to be obtained from the use thereof. Vendor assumes no responsibility to customer or third persons proximately caused by the material. The user assumes all risks in his use of the material.

PREPARED BY: (DAVID N. HARRY) DATE: 1-15-91

ENVIRONMENTAL SARA TITLE III

SECTION 302/304:	This product does not contain ingredients listed as an Extremely Hazardous Substance.
SECTION 311/312:	IMMEDIATE & FIRE
SECTION 313:	This product does not contain ingredients (at a level of 1% or greater) on the List of Toxic Chemicals.

SECTION X HAZARD INDEX GUIDELINES

HAZARD INDEX

HEALTH:	3
FLAMMABILITY:	2
REACTIVITY:	2

HEALTH:

4 Danger: May be fatal on short exposure
3 Warning: Corrosive or toxic.
2 Warning: May be harmful if inhaled or ingested
1 Caution: May be irritating
0 No adverse effects expected

FLAMMABILITY:

4 Very flammable gases or very volatile liquids.
3 Materials capable of ignition at most normal temperature condition.
2 Materials that must be moderately heated for ignition to occur.
1 Materials that must be preheated for ignition to occur.
0 Materials that are normally stable and will not burn unless heated.

BOILING POINT:	127.4°C
FREEZING POINT:	-11.5°C
SOLUBILITY IN H20:	Decomposes
pH:	<1

SECTION VI REACTIVITY DATA

STABILITY: Stable

CONDITIONS TO AVOID: Water, alkalies, amines, nitric acid, dilute mineral acids, alcohol, and oxidizing materials.

HAZARDOUS DECOMPOSITION PRODUCTS: Burning can produce carbon monoxide and/or carbon dioxide

HAZARDOUS POLYMERIZATION: DOES NOT POLYMERIZE

SECTION VII SPECIAL PROTECTION INFORMATION

RESPIRATORY PROTECTION: Cartridge or Cannister Organic Vapor

VENTILATION: The use of mechanical ventilation is recommended whenever this product is used in a confined space. Where engineering controls are not feasible, assure use is in an area where there is natural air movement.

PROTECTIVE GLOVES: Rubber or neoprene

EYE PROTECTION: Goggles

OTHER PROTECTIVE EQUIPMENT: Apron, eyewash bottles or other rinsing equipment should be easily accessible.

Material Safety Data Sheet

SAFETY-KLEEN PREMIUM SOLVENT

Part Number: 6605

Revision 02/94; Form No. 82529

SAFETY-KLEEN PREMIUM SOLVENT

MATERIAL SAFETY DATA SHEET FOR U.S.A. AND CANADA

SECTION 1 -- PRODUCT AND PREPARATION INFORMATION

PRODUCT INFORMATION

IDENTITY (TRADE NAME): SAFETY-KLEEN PREMIUM SOLVENT

SYNONYMS: Parts Washer Solvent; Petroleum Distillates; Petroleum Naphtha; Naphtha, Solvent; Stoddard Solvent; Mineral Spirits

SK PART NUMBER(S): 6605

FAMILY/CHEMICAL NAME: Petroleum hydrocarbon

PRODUCT USE: Cleaning and degreasing metal parts.
If this product is used in combination with other chemicals, refer to the Material Safety Data Sheets for those chemicals.

24-HOUR EMERGENCY TELEPHONE	***MEDICAL:***	***TRANSPORTATION:***
These numbers are for emergency use only. If you desire non-emergency information about this product, please call a telephone number listed below.	**1-800-752-7869 (U.S.A.)** **1-312-942-5969 (CANADA)** **RUSH POISON CONTROL CENTER CHICAGO, ILLINOIS, U.S.A.**	**1-708-888-4660 (U.S.A.)** **SAFETY-KLEEN ENVIRONMENT, HEALTH AND SAFETY DEPARTMENT** **1-613-996-6666 (CANADA)** **CANUTEC**

MANUFACTURER/SUPPLIER: Safety-Kleen Corp. - 1000 North Randall Road - Elgin, IL, U.S.A. 60123-7857
Telephone number: 1-800-669-5840
Safety-Kleen Canada Inc. - 300 Woolwich Street South - Breslau, ON, Canada N0B 1M0
Telephone number: 1-800-265-2792

PREPARATION INFORMATION

MSDS FORM NO.: 82529 ***REVISION DATE:*** February 2, 1994

ORIGINAL ISSUE DATE: January 7, 1993 ***SUPERSEDES:*** February 11, 1993

PREPARED BY: Product MSDS Coordinator ***APPROVED BY:*** MSDS Task Force

TELEPHONE NUMBER: **For Product Technical Information Call 1-312-694-2700 (U.S.A.); 1-519-648-2291 (Canada)**

SECTION 2 -- HAZARDOUS COMPONENTS

				OSHA PEL		ACGIH TLV		OTHER DATA	
NAME	SYNONYM	CAS NO.	WT%	TWA	STEL	TWA	STEL	LD[a]	LC[b]
Distillates (petroleum) hydrotreated light	Solvent naphtha (petroleum), heavy aliph., hydrotreated	64742-47-8[e,f]	100	500[c,d] ppm	N.Av.	100[c] ppm	N.Av.	>5000	>5500[c] mg/m^3/4 hours

N.Av. = Not Available
[a]Oral-Rat LD50 (mg/kg)
[b]Inhalation-Rat LC50
[c]For Stoddard Solvent CAS 8052-41-3
[d]Reference source 1910.1000 29 CFR Ch. XVII (7-1-92 edition): 100 ppm TWA
[e]For Stoddard Solvent: 29500 mg/m^3 (approximately 5000 ppm) IDLH
[f]For Petroleum Distillates: 10000 ppm IDLH

SECTION 3 -- EMERGENCY AND FIRST AID PROCEDURES

EYES: For direct contact, flush eyes with water for 15 minutes lifting upper and lower lids occasionally. If irritation or redness from exposure to vapor or mist develops, move victim away from exposure into fresh air. Consult physician if irritation or pain persists.

SKIN: Remove contaminated clothing and shoes. Wash skin twice with soap and water. Consult physician if irritation or pain persists.

INHALATION: (Breathing) Remove to fresh air immediately. Use oxygen if there is difficulty breathing or artificial respiration if breathing has stopped. Do not leave victim unattended. Seek immediate medical attention if necessary.

INGESTION: (Swallowing) Seek immediate medical attention. Do NOT induce vomiting. If spontaneous vomiting occurs, keep head below hips to avoid aspiration (breathing) into the lungs.

SPECIAL NOTE TO PHYSICIAN: Treat symptomatically and supportively. Administration of gastric lavage, if warranted, should be performed by qualified medical personnel. Contact Rush Poison Control Center (see Section 1) for additional medical information.

SECTION 4 -- HEALTH HAZARD DATA AND TOXICOLOGICAL PROPERTIES

PRIMARY ROUTES OF EXPOSURE: Eye and skin contact; inhalation, ingestion.

EXPOSURE LIMITS: See Section 2.

SIGNS AND SYMPTOMS OF EXPOSURE

ACUTE: ***Eyes:*** Contact with liquid or exposure to vapors may cause mild to moderate irritation with watering, stinging, or redness.

Skin: Contact with liquid or exposure to vapors may cause mild to severe irritation. Contact with liquid or exposure to vapors may cause redness, drying, cracking, burning, or dermatitis. No significant skin absorption hazard.

Inhalation (Breathing): High concentrations of vapor or mist may irritate the nose, throat, or respiratory tract. High concentrations of vapor or mist may cause nausea, vomiting, or irregular heartbeat. High concentrations of vapor or mist may cause headaches, dizziness, incoordination, numbness, unconsciousness, and other central nervous system effects. Massive acute exposure may result in rapid central nervous system depression with sudden collapse, deep coma, and death.

Ingestion (Swallowing): Low order of acute oral toxicity. May cause throat irritation, nausea, vomiting, myocardial (muscular tissue of the heart) injury, arrhythmias (irregular heartbeats), and symptoms of central nervous system effects as listed for *ACUTE Inhalation*. Breathing material into the lungs during ingestion or vomiting may cause mild to severe pulmonary (lung) injury and possibly death.

CHRONIC: Prolonged or repeated eye contact may cause conjunctivitis. Prolonged or repeated skin contact may cause drying, cracking, dermatitis, or burns.

MEDICAL CONDITIONS AGGRAVATED BY EXPOSURE: Individuals with pre-existing lung, cardiac, central nervous system, or skin disorders may have increased susceptibility to the effects of exposure.

CARCINOGENICITY: Not applicable.

OTHER POTENTIAL HEALTH HAZARDS: The following information is required by Canadian WHMIS regulations. Irritancy is covered in Signs and Symptoms of Exposure in Section 4. There is no known human sensitization, toxicologically synergistic product, reproductive toxicity, mutagenicity, or teratogenicity associated with this product as a whole.

SECTION 5 -- FIRE AND EXPLOSION HAZARD DATA

EMERGENCY RESPONSE GUIDE NUMBER:	27 Reference *1993 Emergency Response Guidebook* (RSPA P 5800.6)
FIRE AND EXPLOSION HAZARDS:	Decomposition and combustion products may be toxic. Heated containers may rupture, explode, or be thrown into the air. Vapors are heavier than air and may travel great distances to ignition source and flash back. Vapor explosion hazard indoors, outdoors, or in sewers. Run-off to sewer may create fire or explosion hazard. Not sensitive to mechanical impact. Material may be sensitive to static discharge, which could result in fire or explosion.
FIRE FIGHTING PROCEDURES:	Keep storage containers cool with water spray. Positive-pressure, self-contained breathing apparatus (SCBA) and structural firefighters' protective clothing will provide limited protection.
EXTINGUISHING MEDIA:	Carbon dioxide, foam, dry chemical, or water spray.
CONDITIONS OF FLAMMABILITY:	Heat, sparks, or flame.
FLASH POINT:	150°F (66°C) (approximately) Tag Closed Cup
AUTOIGNITION TEMPERATURE:	440°F (227°C) (minimum)
FLAMMABLE LIMITS IN AIR:	*LOWER:* 1.0 Vol.% *UPPER:* 9.3 Vol.%
HAZARDOUS COMBUSTION PRODUCTS:	Burning may produce carbon monoxide.

SECTION 6 -- REACTIVITY DATA

STABILITY:	Stable under normal temperatures and pressures, and not reactive with water.
INCOMPATIBILITY (MATERIALS AND CONDITIONS TO AVOID):	Avoid strong acids, bases, or oxidizing agents. Chlorine may cause a violent reaction. Avoid heat, sparks, or flame.
HAZARDOUS POLYMERIZATION:	Not known to occur under normal temperatures and pressures.
HAZARDOUS DECOMPOSITION PRODUCTS:	None under normal temperatures and pressures.

SECTION 7 -- PREVENTIVE MEASURES

PRECAUTIONS FOR SAFE USE AND HANDLING

HANDLING PRECAUTIONS:	Keep away from heat, sparks, or flame. Where explosive mixtures may be present, equipment safe for such locations should be used. When transferring material, metal containers, including tank cars and trucks, should be grounded and bonded. Avoid contact with eyes, skin, clothing, or shoes. Use in well ventilated area and avoid breathing vapor or mist.
PERSONAL HYGIENE:	Use good personal hygiene. Wash thoroughly with soap and water after handling and before eating, drinking, or using tobacco products. Clean contaminated clothing, shoes, and protective equipment before reuse. Discard contaminated clothing, shoes, or protective equipment if they cannot be thoroughly cleaned.
SHIPPING AND STORING PRECAUTIONS:	Keep container tightly closed when not in use and during transport. Do not pressurize, drill, cut, heat, weld, braze, grind, or expose containers to flame or other sources of ignition. Empty product containers may contain product residue. See Section 9 for Packing Group information.

SPILL PROCEDURES:	Remove all ignition sources. Stop leak if you can do it without risk. Wear protective equipment specified in Section 7, CONTROL MEASURES. Ventilate area and avoid breathing vapor or mist. Water spray may reduce vapor, but it may not prevent ignition in closed spaces. For large spills, isolate area and deny entry; dike far ahead of liquid spill for later disposal. Contain away from surface waters and sewers. If possible, contain as a liquid for possible re-refining or sorb with compatible sorbent material and shovel with a non-sparking tool into closable container for disposal. See *1993 Emergency Response Guidebook* (RSPA P 5800.6) Guide Number 27 for more information.
WASTE DISPOSAL METHODS:	Dispose in accordance with federal, state, provincial, and local regulations. Contact Safety-Kleen regarding recycling or proper disposal.

CONTROL MEASURES

EYE PROTECTION:	Where there is likelihood of eye contact, wear chemical goggles; do NOT wear contact lenses.
PROTECTIVE GLOVES:	Use Nitrile, Viton®, or equivalent gloves to prevent contact with skin. Use of Butyl rubber, natural rubber, or equivalent gloves is not recommended.
RESPIRATORY PROTECTION:	Use NIOSH/MSHA-approved respiratory protective equipment when concentration of vapor or mist exceeds applicable exposure limit. A self-contained breathing apparatus (SCBA) and full protective equipment are required for large spills or fire emergencies. Selection and use of respiratory protective equipment should be in accordance in the U.S.A. with OSHA General Industry Standard 29 CFR 1910.134 or in Canada with CSA Standard Z94.4-M1982.
ENGINEERING CONTROLS:	Provide process enclosure or local ventilation needed to maintain concentration of vapor or mist below applicable exposure limits. Where explosive mixtures may be present, equipment safe for such locations should be used.
OTHER PROTECTIVE EQUIPMENT:	Where spills and splashes are possible, wear appropriate solvent-resistant boots, apron, or other protective clothing. Clean water should be available in work areas for flushing the eyes and skin.

SECTION 8 -- PHYSICAL DATA

PHYSICAL STATE, APPEARANCE AND ODOR:	Liquid, clear and colorless (water white), with characteristic hydrocarbon odor.
ODOR THRESHOLD:	30 ppm (based on Stoddard Solvent)
SPECIFIC GRAVITY:	0.78 to 0.82 (60°/60°F) (15.6°/15.6°C) (water = 1)
DENSITY:	6.5 to 6.8 lb/US gal (780 to 820 g/l)
VAPOR DENSITY:	5.3 to 6.2 (air = 1)
VAPOR PRESSURE:	0.4 to 1 mm Hg at 68°F (20°C)
BOILING POINT:	350° to 470°F (177° to 244°C)
FREEZING POINT:	less than -45°F (-43°C)
pH:	Not applicable.
VOLATILE ORGANIC COMPOUNDS: (US EPA DEFINITION)	100 WT%; 6.5 to 6.8 lb/US gal; 780 to 820 g/l
EVAPORATION RATE:	less than 0.1 (butyl acetate = 1)
SOLUBILITY IN WATER:	Insoluble.

COEFFICIENT OF WATER/OIL DISTRIBUTION:	less than 1
MOLECULAR WEIGHT:	155 to 180

SECTION 9 -- OTHER REGULATORY INFORMATION

TRANSPORTATION INFORMATION

DOT PROPER SHIPPING NAME:	COMBUSTIBLE LIQUID, N.O.S. (PETROLEUM NAPHTHA)
DOT CLASS:	Combustible Liquid
DOT ID NUMBER:	NA1993 PG III
TDG CLASSIFICATION:	Not regulated.
SARA TITLE III:	Product does not contain toxic chemicals subject to the requirements of section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 and 40 CFR Part 372. Product poses the following physical and health hazards as defined in 40 CFR Part 370 and is subject to the requirements of sections 311 and 312 of Title III of the Superfund Amendments and Reauthorization Act of 1986: Immediate (Acute) Health Hazard Delayed (Chronic) Health Hazard Fire Hazard
WHMIS CLASSIFICATION:	B3, Flammable and Combustible Material, Combustible Liquids; D2B, Poisonous and Infectious Material, Materials Causing Other Toxic Effects, Toxic Material
TSCA:	All of the components for this product are listed on, or are exempted from the requirement to be listed on, the TSCA Inventory.
CALIFORNIA:	This product is not for sale or use in the State of California.

MATERIAL SAFETY DATA SHEET: DYLEK PS AEROSOL

(000000-000000- -5185)

DATE OF ISSUE	SUPERCEDES
7/29/1998	5/19/1995

SECTION I - GENERAL INFORMATION

Chemical Name & Synonyms
N/A

Trade Name & Synonyms
DYLEK PS AEROSOL

Chemical Family:
SOLVENT MIXTURE

Formula Mixture --> X

Manufacturer's Name:
CERTIFIED LABORATORIES, DIV OF NCH CORP

Address:
5 RALPH STREET
ALEXANDRIA N.S.W 2015
AUSTRALIA

Prepared By:	Product Code Number	Emergency Phone Number
STOLLEY/CHEMIST	5185	888-888-8888

SECTION II - HAZARDOUS INGREDIENTS

THE HAZARDS PRESENTED BELOW ARE THOSE OF THE INDIVIDUAL COMPONENTS

Chemical Name (Ingredients)	Percent	Hazard	TLV	PEL	STEL	CAS #
ETHANOL		FLAMM/IRR.	1000 PPM 1	1000 PPM 2	NOT EST.	64-17-5
METHANOL		TOXIC/FLAM	200 PPM 1	200 PPM 2	NOT EST.	67-56-1
IRON DIOXIDE		ASPHYXIANT	5000PPM 1	5000PPM 2	NOT EST.	124-38-9
N-HEXANE		FLAMM/IRR.	50 PPM 1	500 PPM 2	NOT EST.	110-54-3
HEXANE ISOMERS		FLAMM/IRR.	500 PPM 1	500 PPM 2	NOT EST.	NOT EST.
N-PROPYL ALCOHOL		FLAMMABLE	400 PPM 1	400 PPM 2	NOT EST.	67-63-0

SECTION III - PHYSICAL DATA

Boiling Point (f):	155	**Specific Gravity (H20=1):**	0.737
Vapor Pressure (MM HG):	42	**Color:**	WATER-WHITE
Vapor Density (Air=1):	>1	**Odor:**	ALCOHOL
pH @ 100% :	6.0	**Clarity:**	TRANSPARENT
% Volatile by Volume:	100	**Evaporation Rate (BU A/C=1):**	> 2
H20 Solubility:	APPRECIABLE	**Viscosity:**	NON-VISCOUS

SECTION IV - FIRE AND EXPLOSION HAZARD

Flash Point	Flammable Limits	LEL	UEL
°F / SETA	HEXANE	1.0%	NOT EST.

Extinguishing Media

X <--Foam X <--Alcohol Foam X <--CO2 X <--Dry Chemical <--Water Spray <--Other

Special Fire Fighting Procedures:
WEAR SELF CONTAINED BREATHING APPARATUS. USE WATER SPRAY TO COOL FIRE EXPOSED CONTAINERS. VAPORS MAY SETTLE IN LOW OR CONFINED AREAS AND FLASH BACK EXPLOSIVELY.

Unusual Fire and Explosion Hazards:
MATERIAL IS VOLATILE AND READILY GIVES OFF VAPORS WHICH MAY TRAVEL ALONG THE GROUND AND BE IGNITED AT DISTANT IGNITION SOURCES. FLAME EXTINSION= >30 INCHES. BURNBACK= 6 INCHES.

Aerosol Level (NFPA 30B):

NFPA 704 Hazard Rating (0=Insignificant 1=Slight 2=Moderate 3=High 4=Extreme)

4 <-- Health 4 <-- Flamability 0 <--Reactivity <--Special

SECTION V - HEALTH HAZARD DATA

Threshold Limit Value:
NOT ESTABLISHED FOR MIXTURE. SEE SECTION II.

Effects of Overexposure:

-Acute (Short Term Exposure)

EYE: MAY CAUSE IRRITATION, REDNESS AND SWELLING OF THE CONJUNCTIVA WITH TRANSIENT SUPERFICIAL INJURY TO THE CORNEA. SKIN: MAY CAUSE MILD IRRITATION. PROLONGED OR REPEATED CONTACT MAY LEAD TO DERMATITIS AND DEFATTING OF THE SKIN. HARMFUL IF ABSORBED THROUGH THE SKIN. INHALATION: MAY CAUSE DIZZINESS, DROWSINESS, DISTURBANCES OF VISION, TINGLING, NUMBNESS AND SHOOTING PAINS IN THE HANDS AND FOREARMS. MAY ALSO CAUSE NAUSEA, VOMITING AND UNCONSCIOUSNESS. HIGH VAPOR CONCENTRATIONS MAY CAUSE A BURNING SENSATION IN THE THROAT AND NOSE, AND STINGING AND WATERING OF THE EYES, CENTRAL NERVOUS SYSTEM EFFECTS, POSSIBLE UNCONSCIOUSNESS AND EVEN DEATH. INGESTION: MAY CAUSE GASTROINTESTINAL IRRITATION, NAUSEA, ABDOMINAL PAIN, VOMITING, HEADACHE, DIZZINESS, FAINTNESS, DROWSINESS, DECREASED AWARENESS AND RESPONSIVENESS, SHORTNESS OF BREATH, WEAKNESS, FATIGUE, CONFUSION, COMA AND POSSIBLE BLINDNESS AND DEATH. INGESTION AND SUBSEQUENT VOMITING OF THIS PRODUCT CAN LEAD TO ASPIRATION OF THE PRODUCT INTO THE LUNGS WHICH CAN DAMAGE AND MAY BE FATAL. THERE MAY BE A DELAY OF SEVERAL HOURS BETWEEN SWALLOWING METHANOL AND THE ONSET OF SIGNS AND SYMPTOMS.

-Chronic (Long Term Exposure)

LONG TERM OVEREXPOSURE TO METHANOL VAPORS MAY CAUSE NAUSEA, VOMITING, HEADACHE, RINGING IN THE EARS, INSOMNIA, TREMBLING, VERTIGO, DOUBLE VISION, AND SEVERE EYE DAMAGE. LONG TERM REPEATED ORAL EXPOSURE TO ETHANOL MAY RESULT IN THE DEVELOPMENT OF PROGRESSIVE LIVER INJURY WITH FIBROSIS. PROLONGED AND REPEATED EXPOSURE TO HEXANE MAY DAMAGE PERIPHERAL NERVE TISSUE (ARMS AND LEGS) AND RESULT IN MUSCULAR WEAKNESS AND LOSS OF FEELINGS IN THE EXTREMITIES. TARGET ORGANS: CENTRAL NERVOUS SYSTEM, LIVER AND KIDNEYS. MAY AGGRAVATE EXISTING SKIN CONDITIONS, LIVER AND/OR KIDNEY DISEASES.

Primary Routes of Entry: X <-- Inhalation <--Ingestion X <-- Absorption

SECTION V - HEALTH HAZARD DATA (Continued)

Emergency and First Aid Procedures:

-Inhalation:

REMOVE FROM AREA TO FRESH AIR. SEEK MEDICAL ATTENTION IF RESPIRATORY IRRITATION OCCURS OR IF BREATHING BECOMES DIFFICULT.

-Eye Contact:

RINSE EYES WITH WATER. REMOVE ANY CONTACT LENSES, AND CONTINUE FLUSHING WITH PLENTY OF WATER FOR SEVERAL MINUTES. SEEK MEDICAL ATTENTION IF IRRITATION DEVELOPS.

-Skin Contact:

WASH AFFECTED AREAS WITH PLENTY OF SOAP AND WATER FOR SEVERAL MINUTES. SEEK MEDICAL ATTENTION IF IRRITATION DEVELOPS.

-Ingestion:

GIVE 3 TO 4 GLASSES OF WATER, BUT DO NOT INDUCE VOMITING. IF VOMITING OCCURS, GIVE FLUIDS AGAIN. GET IMMEDIATE MEDICAL ATTENTION. DO NOT GIVE ANYTHING BY MOUTH TO AN UNCONSCIOUS OR CONVULSING PERSON.

-Notes to Physician:

INGESTION AND SUBSEQUENT VOMITING OF THIS PRODUCT CAN LEAD TO ASPIRATION OF THE PRODUCT INTO THE LUNGS WHICH CAN CAUSE DAMAGE AND MAY BE FATAL.

SECTION VI - TOXICITY INFORMATION

Product Contains Chemicals Listed as Carcinogen or Potential Carcinogen By:

IARC--> No NTP--> No OSHA--> No ACGIH--> No OTHER--> No

METHANOL

SKN-RBT 500 MG/24H MOD	3.
EYE-RBT 40 MG MOD	3.
ORL-RAT LD50: 5628 MG/KG	3.
IHL-RAT LC50: 64000 PPM/4H	3.
ORL-DOG LDLO: 7500 MG/KG	3.

ETHANOL

SKN RBT 400 MG OPEN MLD	3.
SKN RBT 500 MG/24H SEV	3.
EYE-RBT, 100MG/24H MOD	3.
ORL-RAT LD50: 7060 MG/KG	3.
IHL RAT LC50: 20000PPM/10H	3.

ISOPROPYL ALCOHOL

SKN-RBT 500 MG MLD	3.
EYE-RBT 10 MG MOD	3.
ORL-RAT LD50: 5054 MG/KG	3.
IHL-RAT LCLO: 12000PPM 8H	3.

HEXANE

IHL-RAT TCLO: 1PPH/6H (65DM)	3
IHL-HMN TCLO: 5000 PPM/10 M:CNS	3
EYE RBT 10MG MILD	3
ORL-RAT LD50: 28710 MG/KG	3

CARBON DIOXIDE

IHL-RAT TCLO: 6PPH/24H 10D PREG	3
IHL-MAN LCLO: 100000PPM/1M	3
IHL RAT LCLO: 657190 PPM/15M	3

MIXED ISOMERS OF HEXANE
PROLONGED AND REPEATED INHALATION OF HIGH LEVELS OF MIXED ISOMERS OF HEXANE RESULTED IN KIDNEY DAMAGE IN MALE RATS. THE EFFECTS OBSERVED ARE THE SAME AS THOSE SEEN IN MALE RATS EXPOSED TO OHTER HYDROCARBONS. THE MECHANISIM BY WHICH THESE CHEMICALS CAUSE THE CHARACTERISTIC TOXICITY IS UNIQUE TO THE MALE RAT AND THE KIDNEY EFFECTS ARE NOT EXPECTED TO OCCUR IN MAN. 4.
REPEATED INGESTION OF ETHANOL BY PREGNANT MOTHERS HAS BEEN SHOWN TO ADVERSELY AFFECT THE CENTRAL NERVOUS SYSTEM OF THE FETUS.

SECTION VII - REACTIVITY DATA

Stability: X <--Stable <--Unstable

Incompatibility (Materials to Avoid):
CONCENTRATED NITRIC AND SULFURIC ACIDS, STRONG OXIDIZERS, ACRYLALDEHYDE, ETHYLENEIMINE, MIXTURES OF SODIUM PEROXIDE.

Hazardous Decomposition Products:
CARBON MONOXIDE AND CARBON DIOXIDE.

Hazardous Polymerization: <--May Occur X <--Will Not Occur

SECTION VIII - SPILL OR LEAK PROCEDURES

Steps to be Taken if Material is Released or Spilled:
AEROSOL PACKAGING; THEREFORE SPILL IS UNLIKELY. IF HOWEVER SPILL DOES OCCUR USE AN INERT ABSORBANT MATERIAL TO ABSORB SPILLED MATERIAL AND PLACE INTO LABELED CONTAINER FOR PROPER DISPOSAL.

Waste Disposal Method(s):
DISPOSE OF IN ACCORDANCE WITH ALL FEDERAL, STATE, AND LOCAL REGULATIONS. TYPICAL DISPOSAL IS TO WRAP THE EMPTY AEROSOL CONTAINER IN SERVERAL LAYERS OF NEWSPAPER AND DISPOSE OF IN THE TRASH. AEROSOL RECYCLING PROGRAMS ARE AVAILABLE IN MANY AREAS. DO NOT PUNCTURE OR INCINERATE THIS CONTAINER.

Neutralizing Agent:
N/A

SECTION IX - SPECIAL PROTECTION INFORMATION

Required Ventilation:
GENERAL MECHANICAL ROOM VENTILATION IS TYPICALLY SATISFACTORY. USE LOCAL VENTILATION IF NECESSARY TO PROVIDE ADEQUATE AIRFLOW.

Respiratory Protection:
TYPICAL USE OF THE PRODUCT DOES NOT NORMALLY REQUIRE THE USE OF RESPIRATORY EQUIPMENT, HOWEVER IN CONFINED OR POORLY VENTILATED AREAS USE A NIOSH APPROVED RESPIRATOR.

Glove Protection:
USE NEOPRENE RUBBER OR NITRILE GLOVES IF PERSONS PROLONGED SKIN CONTACT IS LIKELY.

Eye Protection:
SAFETY GLASSES IF THE METHOD OF USE PRESENTS THE LIKELIHOOD OF EYE CONTACT.

Other Protection:
N/A

SECTION IX - SPECIAL PROTECTION INFORMATION (Continued)

SECTION X - STORAGE AND HANDLING INFORMATION

Storage Temperature: Indoors--> X Outdoors--> Heated--> Refrigerated-->
Minimum Temperature: 32 °F Maximum Temperature: 90 °F

Precautions to be Taken in Handling and Storing:
STORE AT MODERATE TEMPERATURES. DO NOT STORE NEAR HEAT, HOT SURFACES, SPARKS, OPEN FLAMES OR OTHER SOURCES OF IGNITION.

Other Precautions:
READ THE ENTIRE LABEL BEFORE USING THIS PRODUCT. KEEP OUT OF REACH OF CHILDREN.

SECTION XI - REGULATORY INFORMATION

Chemical Name	CAS Number	Upper % Limit
METHANOL	67-56-1	5
HEXANE	110-54-3	30

Those ingredients listed above are subject to the reporting requirements of 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 and 40 CFR part 372.

SECTION XII - REFERENCES

1. THRESHOLD LIMIT VALUES FOR CHEMICAL SUBSTANCES AND PHYSICAL AGENTS AND BIOLOGICAL EXPOSURE INDICES, ACGIH 1997.
2. OSHA PEL
3. REGISTRY OF TOXIC EFFECTS OF CHEMICAL SUBSTANCES, CCINFODisc, 1998.
4. VENDOR'S MSDS.

IRR:IRRITANT, FLAM/FLAMM:FLAMMABLE, COMB:COMBUSTIBLE, CORR:CORROSIVE
CARC:CARCINOGENIC, TOX:TOXIC, N/A:NOT APPLICABLE, N/E:NOT ESTABLISHED,
COC:CLEVELAND OPEN CUP, PMCC:PENSKY-MARTIN CLOSED CUP, TCC:TAGLIABUE CLOSED CUP, LEL:LOWER EXPLOSION LIMIT, UEL:UPPER EXPLOSION LIMIT, NFPA:NATIONAL FIRE PROTECTION ASSOCIATION, IARC:INTERNATIONAL AGENCY FOR THE RESEARCH ON CANCER, NTP:NATIONAL TOXICOLOGY PROGRAM, OSHA:OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION, ACHGIH:AMERICAN CONFERENCE OF GOVERNMENTAL INDUSTRIAL HYGIENISTS, TLV:THRESHOLD LIMIT VALUE, PEL:PERMISSIBLE EXPOSURE LEVEL, STEL:SHORT-TERM EXPOSURE LIMIT, MLD:MILD, MOD:MODERATE, SEV:SEVERE, MUT:MUTAGENIC, ASPHYX:ASPHYXIANT

CHEM ONE CORPORATION
HOUSTON, TEXAS 77041-5308
PHONE: 713-896-9966 FAX: 713-896-7540

Title: Material Safety Data Sheet AMMONIUM PERSULFATE	Prepared by: Clare Welker Approved by: Clare Welker

(MID) Material Identification:

MATERIAL SAFETY DATA SHEET (MSDS)

B-4

AMMONIUM PERSULFATE

SECTION I - PRODUCT IDENTIFICATION

EMERGENCY CONTACT: CHEMTREC 1-800-424-9300 NOTE: EMERGENCY TELEPHONE NUMBERS ARE TO BE USED ONLY IN THE EVENT OF CHEMICAL EMERGENCIES INVOLVING A SPILL, LEAK, FIRE, EXPOSURE, OR ACCIDENT INVOLVING CHEMICALS. ALL NON-EMERGENCY QUESTIONS SHOULD BE DIRECTED TO CUSTOMER SERVICE.

PRODUCT NAME: AMMONIUM PERSULFATE
COMMON SYNONYMS: PEROXYDISULFURIC ACID, DIAMMONIUM SALT; AMMONIUM PEROXYDISULFATE
CHEMICAL FAMILY: AMMONIUM SALTS
FORMULA: $(NH_4)_2S_2O_8$
FORMULA WT.: 228.20
CAS NO.: 7727-54-0
NIOSH/RTECS NO.: SE0350000
PRODUCT USE: Commercial Use

(PHAZ) Primary Hazards:

PRECAUTIONARY LABELING

HEALTH	-	1	SLIGHT
FLAMMABILITY	-	0	NONE
REACTIVITY	-	3	SEVERE (OXIDIZER)
CONTACT	-	2	MODERATE

LABORATORY PROTECTIVE EQUIPMENT: GOGGLES; LAB COAT; ~~VENT~~ HOOD; PROPER GLOVES

U.S. PRECAUTIONARY LABELING

DANGER

HARMFUL IF SWALLOWED. CAUSES IRRITATION. MAY CAUSE BURNS. STRONG OXIDIZER. CONTACT WITH COMBUSTIBLE MATERIALS, FLAMMABLE MATERIALS, OR POWDERED METALS CAN CAUSE FIRE OR EXPLOSION. KEEP FROM CONTACT WITH CLOTHING AND OTHER COMBUSTIBLE MATERIALS. DO NOT STORE NEAR COMBUSTIBLE MATERIALS. AVOID CONTACT WITH EYES, SKIN, CLOTHING. KEEP IN TIGHTLY CLOSED CONTAINER. WASH THOROUGHLY AFTER HANDLING. IN CASE OF FIRE, SOAK WITH WATER. IN CASE OF SPILL, SWEEP UP AND REMOVE. FLUSH SPILL AREA WITH WATER.

INTERNATIONAL LABELING

EXPLOSIVE WHEN MIXED WITH COMBUSTIBLE MATERIAL. AVOID CONTACT WITH SKIN AND EYES. TAKE OFF IMMEDIATELY ALL CONTAMINATED CLOTHING.

(COMP) Components:

SECTION II - COMPONENTS

COMPONENT	CAS NO.	WEIGHT %	OSHA/PEL	ACGIH/TLV
AMMONIUM PERSULFATE	7727-54-0	98-100	N/E	N/E

(PHYS) Physical Properties:

SECTION III - PHYSICAL DATA

BOILING POINT: N/A
MELTING POINT: 120 C (248 F)(AT 760 MM HG)
SPECIFIC GRAVITY: 1.98 (H2O=1)
SOLUBILITY(H2O): APPRECIABLE (>10%)
PH: N/A ODOR THRESHOLD (P.P.M.): N/A
COEFFICIENT WATER/OIL DISTRIBUTION: N/A
APPEARANCE & ODOR: WHITE CRYSTALS OR POWDER. ODORLESS.
VAPOR PRESSURE (MMHG): N/A
DECOMPOSES VAPOR DENSITY (AIR=1): 7.9
EVAPORATION RATE: N/A
% VOLATILES BY VOLUME: 0 (21 C)
PHYSICAL STATE: SOLID

(FHAZ) Fire Hazards:

SECTION IV - FIRE AND EXPLOSION HAZARD DATA

FLASH POINT (CLOSED CUP): N/A
AUTOIGNITION TEMPERATURE: N/A
FLAMMABLE LIMITS: UPPER - N/A LOWER - N/A

FIRE EXTINQUISHING MEDIA: SOAK WITH WATER, WATER SPRAY.

SPECIAL FIRE-FIGHTING PROCEDURES
FIREFIGHTERS SHOULD WEAR PROPER PROTECTIVE EQUIPMENT AND SELF-CONTAINED BREATHING APPARATUS WITH FULL FACEPIECE OPERATED IN POSITIVE PRESSURE MODE. MOVE CONTAINERS FROM FIRE AREA IF IT CAN BE DONE WITHOUT RISK. USE WATER TO KEEP FIRE-EXPOSED CONTAINERS COOL.

UNUSUAL FIRE & EXPLOSION HAZARDS

STRONG OXIDIZER. CONTACT WITH COMBUSTIBLE MATERIALS, FLAMMABLE MATERIALS, OR POWDERED METALS CAN CAUSE FIRE OR EXPLOSION. NOTE: DECOMPOSES AT MELTING POINT.

TOXIC GASES PRODUCED

AMMONIA, SULFUR DIOXIDE, SULFURIC ACID, OXIDES OF NITROGEN

EXPLOSION DATA-SENSITIVITY TO MECHANICAL IMPACT

NONE IDENTIFIED.

EXPLOSION DATA-SENSITIVITY TO STATIC DISCHARGE

NONE IDENTIFIED.

(HAZH) Health Hazards:

SECTION V - HEALTH HAZARD DATA

THRESHOLD LIMIT VALUE (TLV/TWA): NOT ESTABLISHED
SHORT-TERM EXPOSURE LIMIT (STEL): NOT ESTABLISHED
PERMISSIBLE EXPOSURE LIMIT (PEL): NOT ESTABLISHED

TOXICITY OF COMPONENTS

ORAL RAT LD50 FOR AMMONIUM PERSULFATE 820 MG/KG
INTRAPERITONEAL RAT LD50 FOR AMMONIUM PERSULFATE 226 MG/KG
CARCINOGENICITY: NTP: NO IARC: NO Z LIST: NO OSHA REG: NO
CARCINOGENICITY NONE IDENTIFIED.
REPRODUCTIVE EFFECTS NONE IDENTIFIED.

EFFECTS OF OVEREXPOSURE

INHALATION: SEVERE IRRITATION OR BURNS OF MUCOUS MEMBRANES
SKIN CONTACT: IRRITATION, PROLONGED CONTACT MAY CAUSE SKIN SENSITIZATION
EYE CONTACT: IRRITATION
SKIN ABSORPTION: NONE IDENTIFIED
INGESTION: IRRITATION AND BURNS TO MOUTH AND STOMACH
CHRONIC EFFECTS: NONE IDENTIFIED

TARGET ORGANS

EYES, SKIN, MUCOUS MEMBRANES

MEDICAL CONDITIONS GENERALLY AGGRAVATED BY EXPOSURE

NONE IDENTIFIED

PRIMARY ROUTES OF ENTRY: INHALATION, INGESTION, EYE CONTACT, SKIN CONTACT

(AID) First Aid:
EMERGENCY AND FIRST AID PROCEDURES

INGESTION: CALL A PHYSICIAN. IF SWALLOWED, IF CONSCIOUS, IMMEDIATELY INDUCE VOMITING.

INHALATION: IF INHALED, REMOVE TO FRESH AIR. IF NOT BREATHING, GIVE ARTIFICIAL RESPIRATION. IF BREATHING IS DIFFICULT, GIVE OXYGEN.

SKIN CONTACT: IN CASE OF CONTACT, IMMEDIATELY FLUSH SKIN WITH PLENTY OF WATER FOR AT LEAST 15 MINUTES WHILE REMOVING CONTAMINATED CLOTHING AND SHOES. WASH CLOTHING BEFORE RE-USE.

EYE CONTACT: IN CASE OF EYE CONTACT, IMMEDIATELY FLUSH WITH PLENTY OF WATER FOR AT LEAST 15 MINUTES.

(REGS) Regulations:
SARA/TITLE III HAZARD CATEGORIES AND LISTS

ACUTE: YES CHRONIC: YES FLAMMABILITY: YES PRESSURE: NO REACTIVITY: NO
EXTREMELY HAZARDOUS SUBSTANCE: NO
CERCLA HAZARDOUS SUBSTANCE: NO
SARA 313 TOXIC CHEMICALS: NO
TSCA INVENTORY: YES

(HAZR) Hazardous Reactions:
==========
SECTION VI - REACTIVITY DATA
==========
STABILITY: STABLE HAZARDOUS POLYMERIZATION: WILL NOT OCCUR
CONDITIONS TO AVOID: HEAT, MOISTURE, SHOCK
INCOMPATIBLES: STRONG REDUCING AGENTS, ORGANIC MATERIALS, MOST COMMON METALS, COMBUSTIBLE MATERIALS, STRONG ACIDS, ALKALIES, HALIDES, SODIUM PEROXIDE
DECOMPOSITION PRODUCTS: AMMONIA, OXIDES OF SULFUR, SULFURIC ACID, OXIDES OF NITROGEN

(SPIL) Spillage Disposal:
==========
SECTION VII - SPILL & DISPOSAL PROCEDURES
==========
STEPS TO BE TAKEN IN THE EVENT OF A SPILL OR DISCHARGE

WEAR SELF-CONTAINED BREATHING APPARATUS AND FULL PROTECTIVE CLOTHING. KEEP COMBUSTIBLES (WOOD, PAPER, OIL, ETC.) AWAY FROM SPILLED MATERIAL. WITH CLEAN SHOVEL, CAREFULLY PLACE MATERIAL INTO CLEAN, DRY CONTAINER AND COVER; REMOVE FROM AREA. FLUSH SPILL AREA WITH WATER.

DISPOSAL PROCEDURE

DISPOSE IN ACCORDANCE WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL ENVIRONMENTAL REGULATIONS. EPA HAZARDOUS WASTE NUMBER: D001 (IGNITABLE WASTE)

(EQP) Protective Equipment:
==========
SECTION VIII - INDUSTRIAL PROTECTIVE EQUIPMENT
==========
VENTILATION: USE ADEQUATE GENERAL OR LOCAL EXHAUST VENTILATION TO KEEP FUME OR DUST LEVELS AS LOW AS POSSIBLE.
RESPIRATORY PROTECTION: NONE REQUIRED WHERE ADEQUATE VENTILATION CONDITIONS EXIST. IF AIRBORNE CONCENTRATION IS HIGH, USE AN APPROPRIATE RESPIRATOR OR DUST MASK.

EYE/SKIN PROTECTION: SAFETY GOGGLES, UNIFORM, RUBBER GLOVES ARE RECOMMENDED.

(STOR) Storage Procedures:

SECTION IX - STORAGE AND HANDLING PRECAUTIONS

STORAGE CODE: YELLOW (REACTIVE)

STORAGE REQUIREMENTS

KEEP CONTAINER TIGHTLY CLOSED. STORE SEPARATELY AND AWAY FROM FLAMMABLE AND COMBUSTIBLE MATERIALS. STORE BELOW 20 C. ISOLATE FROM INCOMPATIBLE MATERIALS.

(TRAN) Transportation Information:

SECTION X - TRANSPORTATION DATA AND ADDITIONAL INFORMATION

DOMESTIC (D.O.T.)

PROPER SHIPPING NAME: AMMONIUM PERSULFATE
HAZARD CLASS: OXIDIZER
UN/NA: UN1444
LABELS: OXIDIZER
REGULATORY REFERENCES: 49CFR 172.101; 173.154

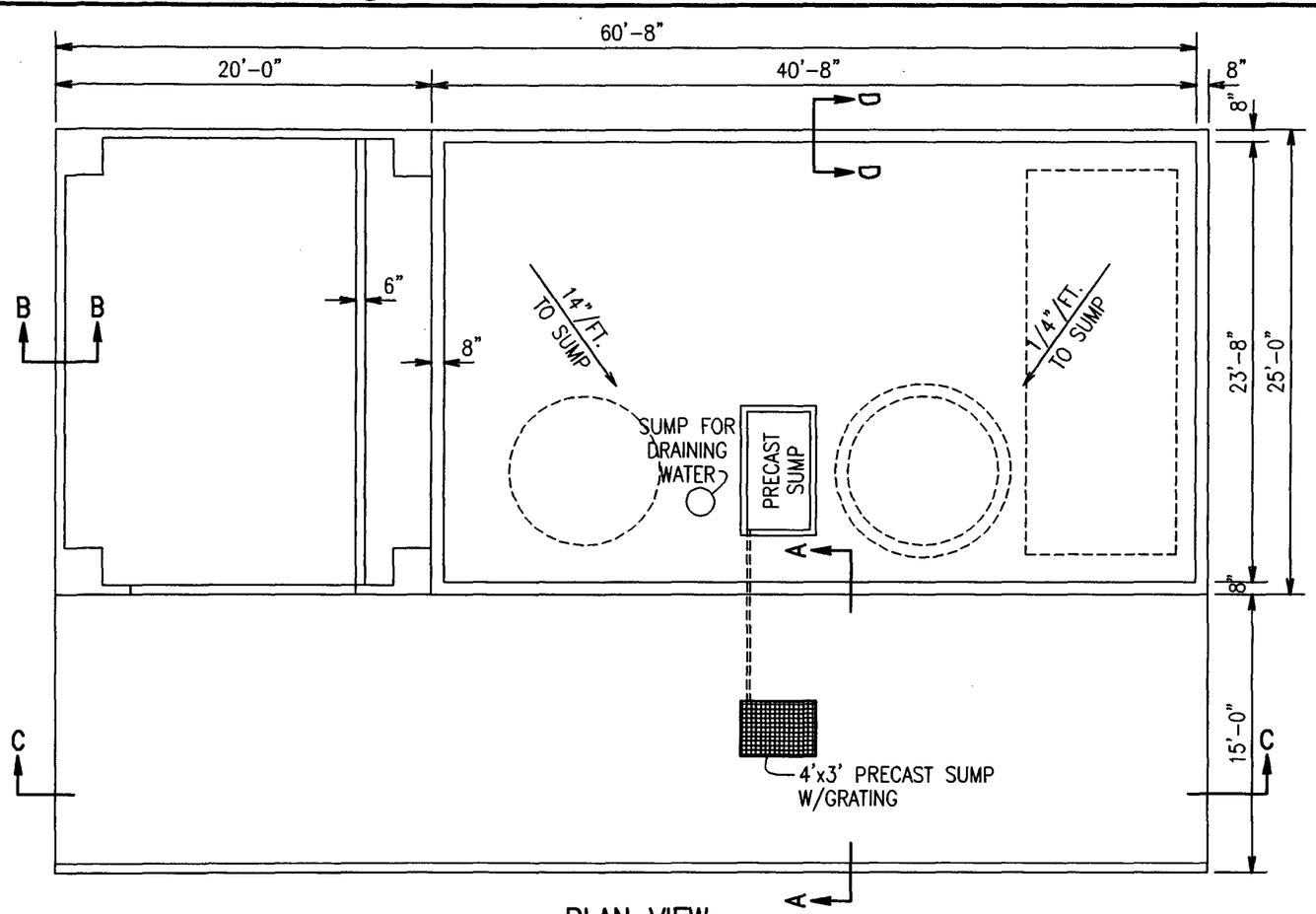
INTERNATIONAL (I.M.O.)

PROPER SHIPPING NAME: AMMONIUM PERSULFATE
HAZARD CLASS: 5.1 I.M.O. PAGE: 5126
UN: UN1444 MARINE POLLUTANTS: NO PACKAGING GROUP: III
LABELS: OXIDIZING AGENT
REGULATORY REFERENCES: 49CFR 172.102; PART 176; IMO

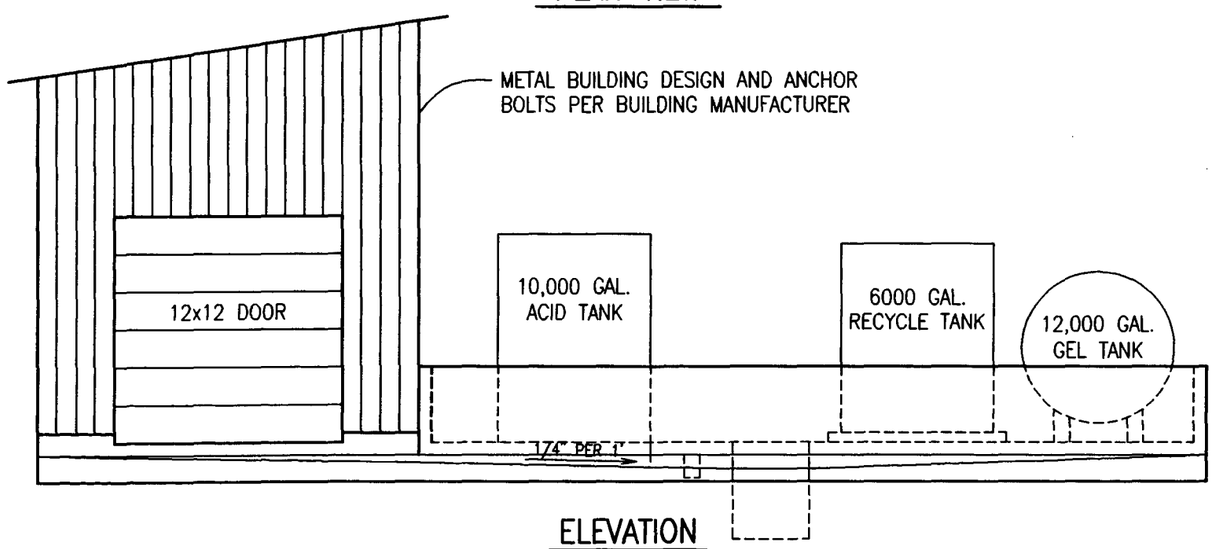
AIR (I.C.A.O.)

PROPER SHIPPING NAME: AMMONIUM PERSULFATE
HAZARD CLASS: 5.1
UN: UN1444 PACKAGING GROUP: III
LABELS: OXIDIZING AGENT
REGULATORY REFERENCES: 49CFR 172.101; 173.6; PART 175; ICAO/IATA
U.S. CUSTOMS HARMONIZATION NUMBER: 28334000001

N/A = NOT APPLICABLE OR NOT AVAILABLE N/E = NOT ESTABLISHED



PLAN VIEW



ELEVATION

NOTES:

(1) CONCRETE SHALL BE 3000 PSI MIN.

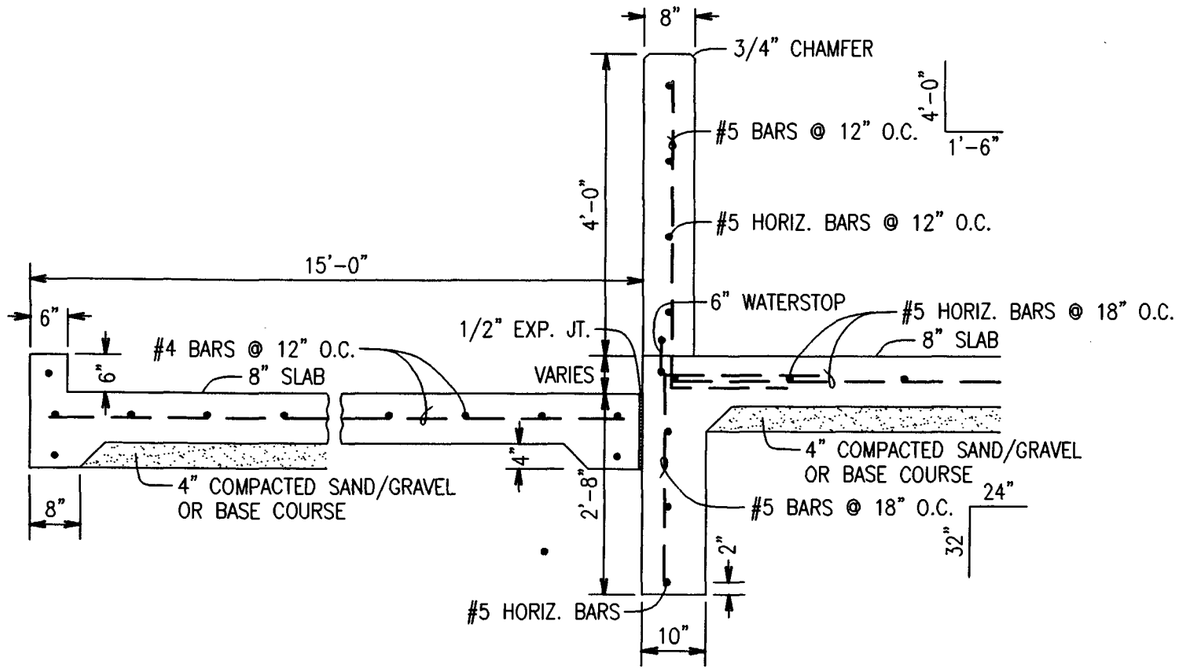
(2) REINFORCING STEEL TO BE GRADE 60.

(3) SOIL DENSITY BENEATH FOOTING AND SLAB SHALL BE COMPACTED TO 95% PER ASTM D-698.

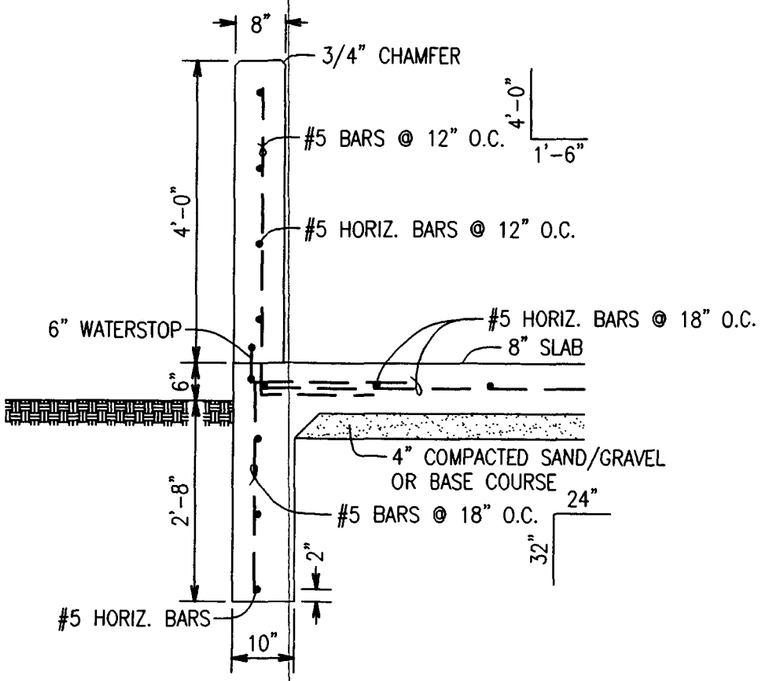
(4) INSTALL WATERSTOP AT ALL CONSTRUCTION JOINTS WITH THE CONTAINMENT WALLS/SLAB.

Sheet 1 of 2

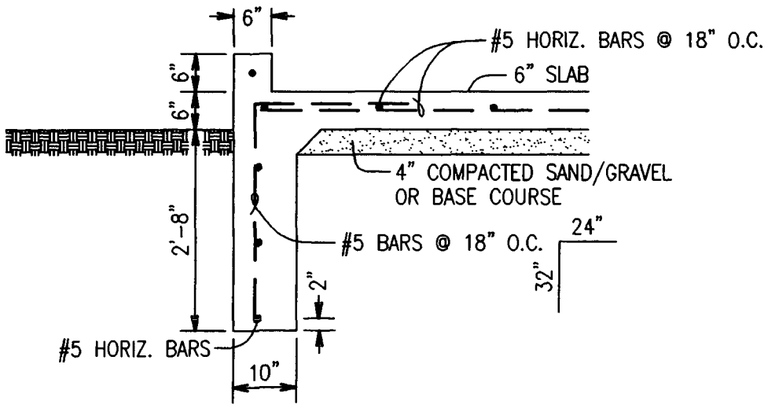
WATERS ENGINEERING CO. 1405 N. MESA VERDE AVE. FARMINGTON, NEW MEXICO			
AMERICAN ENERGY SERVICES SAN JUAN BLVD. FARMINGTON, NEW MEXICO			
PLAN & ELEVATION VIEW			
DATE 3/18/00	SCALE 1/8"=1'-0"	DESIGNED BY R.C.W.	DRAWN BY G.T.



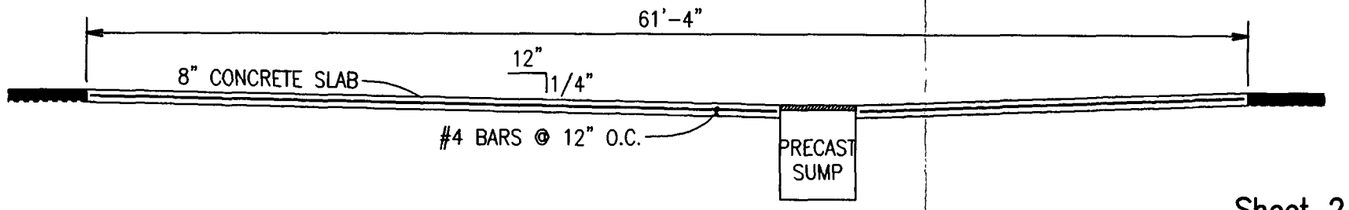
SECTION A–A
1/2"=1'-0"



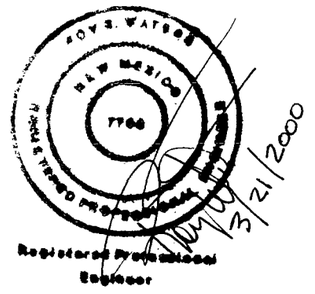
SECTION D–D
1/2"=1'-0"



SECTION B–B
1/2"=1'-0"



SECTION C–C
1/8"=1'-0"



Sheet 2 of 2

WATERS ENGINEERING CO. 1405 N. MESA VERDE AVE. FARMINGTON, NEW MEXICO			
AMERICAN ENERGY SERVICES SAN JUAN BLVD. FARMINGTON, NEW MEXICO			
DETAILS			
DATE 3/18/00	SCALE AS SHOWN	DESIGNED BY R.C.W.	DRAWN BY G.T.

District I
1625 N. French Dr., Hobbs, NM 88240
District II
811 South First, Artesia, NM 88210
District III
1000 Rio Brazos Road, Aztec, NM 87410
District IV
2040 South Pacheco, Santa Fe, NM 87505

State of New Mexico
Energy Minerals and Natural Resources

Oil Conservation Division
2040 South Pacheco
Santa Fe, NM 87505

Form C-141
Revised March 17, 1999

Submit 2 Copies to appropriate District Office in accordance with Rule 116 on back side of form

Release Notification and Corrective Action

OPERATOR

☐ Initial Report ☐ Final Report

Name of Company	Contact☐
Address	Telephone No.☐
Facility Name	Facility Type☐

Surface Owner	Mineral Owner	Lease No.☐

LOCATION OF RELEASE

Unit Letter	Section	Township	Range	Feet from the	North/South Line	Feet from the	East/West Line	County☐

NATURE OF RELEASE

Type of Release	Volume of Release	Volume Recovered☐
Source of Release	Date and Hour of Occurrence	Date and Hour of Discovery☐
Was Immediate Notice Given? ☐ Yes ☐ No ☐ Not Required	If YES, To Whom?	
By Whom? ☐	Date and Hour☐	
Was a Watercourse Reached? ☐ Yes ☐ No	If YES, Volume Impacting the Watercourse.	

If a Watercourse was Impacted, Describe Fully.*

Describe Cause of Problem and Remedial Action Taken.*

Describe Area Affected and Cleanup Action Taken.*

I hereby certify that the information given above is true and complete to the best of my knowledge and understand that pursuant to NMOCD rules and regulations all operators are required to report and/or file certain release notifications and perform corrective actions for releases which may endanger public health or the environment. The acceptance of a C-141 report by the NMOCD marked as "Final Report" does not relieve the operator of liability should their operations have failed to adequately investigate and remediate contamination that pose a threat to ground water, surface water, human health or the environment. In addition, NMOCD acceptance of a C-141 report does not relieve the operator of responsibility for compliance with any other federal, state, or local laws and/or regulations.

Signature:	OIL CONSERVATION DIVISION	
Printed Name:	Approved by☐District Supervisor:	
Title:	Approval Date:	Expiration Date:
Date: Phone:	Conditions of Approval:	Attached ☐

* Attach Additional Sheets If Necessary

116 RELEASE NOTIFICATION AND CORRECTIVE ACTION [1-1-50...2-1-96; A, 3-15-97]

116.A. NOTIFICATION

(1) The Division shall be notified of any unauthorized release occurring during the drilling, producing, storing, disposing, injecting, transporting, servicing or processing of crude oil, natural gases, produced water, condensate or oil field waste including Regulated NORM, or other oil field related chemicals, contaminants or mixture thereof, in the State of New Mexico in accordance with the requirements of this Rule. [1-1-50...2-1-96; A, 3-15-97]

(2) The Division shall be notified in accordance with this Rule with respect to any release from any facility of oil or other water contaminant, in such quantity as may with reasonable probability be detrimental to water or cause an exceedance of the standards in 19 NMAC 15.A.19. B(1), B(2) or B(3). [3-15-97]

116.B. REPORTING REQUIREMENTS: Notification of the above releases shall be made by the person operating or controlling either the release or the location of the release in accordance with the following requirements: [5-22-73...2-1-96; A, 3-15-97]

(1) A **Major Release** shall be reported by giving **both** immediate verbal notice and timely written notice pursuant to Paragraphs C(1) and C(2) of this Rule. A Major Release is:

(a) an unauthorized release of a volume, excluding natural gases, in excess of 25 barrels;

(b) an unauthorized release of any volume which:

(i) results in a fire;

(ii) will reach a water course;

(iii) may with reasonable probability endanger public health; or

(iv) results in substantial damage to property or the environment;

(c) an unauthorized release of natural gases in excess of 500 mcf; or

(d) a release of any volume which may with reasonable probability be detrimental to water or cause an exceedance of the standards in 19 NMAC 15.A.19. B(1), B(2) or B(3). [3/15/97]

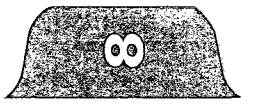
(2) A **Minor Release** shall be reported by giving timely written notice pursuant to Paragraph C(2) of this Rule. A Minor Release is an unauthorized release of a volume, greater than 5 barrels but not more than 25 barrels; or greater than 50 mcf but less than 500 mcf of natural gases. [3-15-97]

116.C. CONTENTS OF NOTIFICATION

(1) **Immediate verbal notification** required pursuant to Paragraph B shall be reported within twenty-four (24) hours of discovery to the Division District Office for the area within which the release takes place. In addition, immediate verbal notification pursuant to Subparagraph B.(1).(d). shall be reported to the Division's Environmental Bureau Chief. This notification shall provide the information required on Division Form C-141. [5-22-73 . 2-1-96; A, 3-15-97]

(2) **Timely written notification** is required to be reported pursuant to Paragraph B within fifteen (15) days to the Division District Office for the area within which the release takes place by completing and filing Division Form C-141. In addition, timely written notification required pursuant to Subparagraph B.(1).(d). shall also be reported to the Division's Environmental Bureau Chief within fifteen (15) days after the release is discovered. The written notification shall verify the prior verbal notification and provide any appropriate additions or corrections to the information contained in the prior verbal notification. [5-22-73...2-1-96; A, 3-15-97]

116.D. CORRECTIVE ACTION: The responsible person must complete Division approved corrective action for releases which endanger public health or the environment. Releases will be addressed in accordance with a remediation plan submitted to and approved by the Division or with an abatement plan submitted in accordance with Rule 19 (19 NMAC 15.A. 19). [3-15-97]



nmac

19 NMAC 15.A.19 PREVENTION AND ABATEMENT OF WATER POLLUTION

19.A. PURPOSE

(1) The purpose of this Rule are to:

(a) Abate pollution of subsurface water so that all ground water of the State of New Mexico which has a background concentration of 10,000 mg/L or less TDS, is either remediated or protected for use as domestic, industrial and agricultural water supply, and to remediate or protect those segments of surface waters which are gaining because of subsurface-water inflow, for uses designated in the Water Quality Standards for Interstate and Intrastate Streams in New Mexico (20 NMAC 6.1); and

(b) Abate surface-water pollution so that all surface waters of the State of New Mexico are remediated or protected for designated or attainable uses as defined in the Water Quality Standards for Interstate and Intrastate Streams in New Mexico (20 NMAC 6.1).

[3-15-97]

(2) If the background concentration of any water contaminant exceeds the standard or requirement of Paragraph B(1), B (2) or B(3), pollution shall be abated by the responsible person to the background concentration. [3-15-97]

(3) The standards and requirements set forth in Paragraph B(1), B(2), or B(3) are not intended as maximum ranges and concentrations for use, and nothing herein contained shall be construed as limiting the use of waters containing higher ranges and concentrations. [3-15-97]

19.B. ABATEMENT STANDARDS AND REQUIREMENTS

(1) The vadose zone shall be abated so that water contaminants in the vadose zone will not with reasonable probability contaminate ground water or surface water, in excess of the standards in Subparagraphs (2) and (3) below, through leaching, percolation, or other transport mechanisms, or as the water table elevation fluctuates. [3-15-97]

(2) Ground-water pollution at any place of withdrawal for present or reasonably foreseeable future use, where the TDS concentration is 10,000 mg/L or less, shall be abated to conform to the following standards:

(a) Toxic pollutant(s) as defined in 20 NMAC 6.2.1101 shall not be present; and

(b) The standards of 20 NMAC 6.2.3103 shall be met.

[3-15-97]

(3) Surface-water pollution shall be abated to conform to the Water Quality Standards for Interstate and Intrastate Streams in New Mexico (20 NMAC 6.1). [3-15-97]

(4) Subsurface-water and surface-water abatement shall not be considered complete until eight (8) consecutive quarterly samples, or an alternate lesser number of samples approved by the Director, from all compliance sampling stations approved by the Director meet the abatement standards of Subparagraphs (1), (2), and (3) above. Abatement of water contaminants measured in solid-matrix samples of the vadose zone shall be considered complete after one-time sampling from compliance stations approved by the director. [3-15-97]

(5) Technical Infeasibility:

(a) If any responsible person is unable to fully meet the abatement standards set forth in Subparagraphs (1) and (2) above using commercially accepted abatement technology pursuant to an approved abatement plan, he may propose that abatement standards compliance is technically infeasible. Technical infeasibility proposals involving the use of experimental abatement technology shall be considered at the discretion of the Director. Technical infeasibility may be demonstrated by a statistically valid extrapolation of the decrease in concentration(s) of any water contaminant(s) over the remainder of a twenty (20) year period, such that projected future reductions during that time would be less than 20% of the concentration(s) at the time technical infeasibility is proposed. A statistically valid decrease cannot be demonstrated by fewer than eight (8) consecutive quarters. The technical infeasibility proposal shall include a substitute abatement standard(s) for those contaminants that is/are technically feasible. Abatement standards for all other water contaminants not demonstrated to be technically infeasible shall be met. [3-15-97]

(b) In no event shall a proposed technical infeasibility demonstration be approved by the Director for any water contaminant if its concentration is greater than 200% of the abatement standard for the contaminant. [3-15-97]

(c) If the Director cannot approve any or all portions of a proposed technical infeasibility demonstration because the water contaminant concentration(s) is/are greater than 300% of the abatement standard(s) for each contaminant, the responsible person may further pursue the issue of technical infeasibility by filing a petition with the Division seeking approval of alternate abatement standard(s) pursuant to Paragraph B(6) below. [3-15-97]

(6) Alternative Abatement Standards:

(a) At any time during or after the submission of a Stage 2 abatement plan, the responsible person may file a petition seeking approval of alternative abatement standard(s) for the standards set forth in Subparagraphs (1) and (2) above. The Division may approve alternative abatement standard(s) if the petitioner demonstrates that:

either:

1. compliance with the abatement standard(s) is/are not feasible, by the maximum use of technology within the economic capability of the responsible person; or

2. there is no reasonable relationship between the economic and social costs and benefits (including attainment of the standard(s) set forth in this Paragraph B) to be obtained, and

(ii) the proposed alternative abatement standard(s) is/are technically achievable and cost-benefit justifiable; and

(iii) compliance with the proposed alternative abatement standard(s) will not create a present or future hazard to public health or undue damage to property.

[3-15-97]

(b) The petition shall be in writing, filed with the Division Environmental Bureau Chief. The petition may include a transport, fate and risk assessment in accordance with accepted methods, and other information as the petitioner deems necessary to support the petition. The petition shall:

(i) State the petitioner's name and address;

(ii) State the date of the petition;

(iii) Describe the facility or activity for which the alternate abatement standard(s) is sought;

(iv) State the address or description of the property upon which the facility is located;

(v) Describe the water body or watercourse affected by the release;

(iv) Identify the abatement standard from which petitioner wishes to vary;

(vii) State why the petitioner believes that compliance with the regulation will impose an unreasonable burden upon his activity;

(viii) Identify the water contaminant(s) for which alternative standard(s) is/are proposed;

(ix) State the alternative standard(s) proposed;

(x) Identify the three-dimensional body of water pollution for which approval is sought;

(xi) State the extent to which the abatement standard(s) set forth in Paragraph B is/are now, and will in the future be, violated.

[3-15-97]

(c) The Division Environmental Bureau Chief shall review the petition and, within sixty (60) days after receiving the petition, shall submit a written recommendation to the Director to approve, approve subject to conditions, or disapprove any or all of the proposed alternative abatement standard(s). The recommendation shall include the reasons for the Division Environmental Bureau Chief's recommendation. The Division Environmental Bureau Chief shall submit a copy of the recommendation to the petitioner by certified mail. [3-15-97]

(d) If the Division Environmental Bureau Chief recommends approval, or approval subject to conditions, of any or all of the proposed alternative abatement standard(s), the Division shall hold a public hearing on those standards. If the Division Environmental Bureau Chief recommends disapproval of any or all of the proposed alternative abatement standard(s), the petitioner may submit a request to the Director, within fifteen (15) days after receipt of the recommendation, for a public hearing on those standards. If a timely request for hearing is not submitted, the recommended disapproval shall become a final decision of the Director and shall not be subject to review. [3-15-97]

(e) If the Director grants a public hearing, the hearing shall be conducted in accordance with Division hearing procedures. [3-15-97]

(f) Based on the record of the public hearing, the Division shall approve, approve subject to condition, or disapprove any or all of the proposed alternative abatement standard(s). The Division shall notify the petitioner by certified mail of its decision and the reasons therefore. [3-15-97]

nmac

(7) Modification of Abatement Standards. If applicable abatement standards are modified after abatement measures are approved, the abatement standards are modified after abatement measures are approved, the abatement standards that are in effect at the time that abatement measures are approved shall be the abatement standards for the duration of the abatement action, unless the Director determines that compliance with those standards may with reasonable probability create a present or future hazard to public health or the environment. In any appeal of the Director's determination that additional actions are necessary, the Director shall have the burden of proof. [3-15-97]

19.C. ABATEMENT PLAN REQUIRED.

(1) Unless otherwise provided by this Rule, all responsible persons who are abating, or who are required to abate, water pollution in excess of the standards and requirements set forth in Paragraph B. shall do so pursuant to an abatement plan approved by the Director. When an abatement plan has been approved, all actions leading to and including abatement shall be consistent with the terms and conditions of the abatement plan. [3-15-97]

(2) In the event of a transfer of the ownership, control or possession of a facility for which an abatement plan is required or approved, where the transferor is a responsible person, the transferee also shall be considered a responsible person for the duration of the abatement plan, and may jointly share the responsibility to conduct the actions required by this Rule with other responsible persons. The transferor shall notify the transferee in writing, at least thirty (30) days prior to the transfer, that abatement plan has been required or approved for the facility, and shall deliver or send by certified mail to the Director a copy of such notification together with a certificate or other proof that such notification has in fact been received by the transferee. The transferror and transferee may agree to a designated responsible person who shall assume the responsibility to conduct the actions required by this Rule. The responsible persons shall notify the Director in writing if a designated responsible person is agreed upon. If the Director determines that the designated responsible person has failed to conduct the actions required by this Rule, the Director shall notify all responsible persons of this failure in writing and allow them thirty (30) days, or longer for good cause shown, to conduct the required actions before setting a show cause hearing requiring those responsible persons to appear and show cause why they should not be ordered to comply, a penalty should not abe assessed, a civil action should not be commenced in district court or any other appropriate action should not be taken by the Division. [3-15-97]

(3) If the source of the water pollution to be abated is a facility that operated under a discharge plan, the Director may require the responsible person(s) to submit a financial assurance plan which covers the estimated costs to conduct the actions required by the abatement plan. Such a financial assurance plan shall be consistent with any financial assurance requirements adopted by the Division. [3-15-97]

19.D. EXEMPTIONS FROM ABATEMENT PLAN REQUIREMENT.

(1) Except a provided in Subparagraph (2) below, Paragraphs C and E do not apply to a person who is abating water pollution:

(a) from an underground storage tank, under the authority of the Underground Storage Tank Regulations (20 NMAC Part 5) adopted by the New Mexico Environmental Improvement Board, or in accordance with the New Mexico Ground Water Protection Act;

(b) under the authority of the U.S. Environmental Protection Agency pursuant to either the federal Comprehensive Environmental Response, Compensation and Liability act, and amendments, or the Resource Conservation and Recovery Act;

(c) pursuant to the Hazardous Waste Management Regulations (20 NMAC 4.1) adopted by the New Mexico Environmental Improvement Board;

(d) under the authority of the U.S. Nuclear Regulatory Commission or the U.S. Department of Energy pursuant to the Atomic Energy Act;

(e) under the authority of a ground-water discharge plan approved by the Director, provided that such abatement is consistent with the requirements and provisions of Paragraphs A, B, E(3), E(4), F, and K of this Rule.

(f) under the authority of a Letter of Understanding, Settlement Agreement or Administrative Order on Consent or other agreement signed by the Director or his designee prior to **(insert effective date of Rule)**, 1997, provided that abatement is being performed in full compliance with the terms of the Letter of Understanding, Settlement Agreement or Administrative Order or other agreement on Consent; and

(g) on an emergency basis, or while abatement plan approval is pending, or in a manner that will likely result in compliance with the standards and requirements set forth in Paragraph B within one year after notice is required to be given pursuant to 19 NMAC 15.c.116.b provided that the Division does not object to the abatement action.

[3-15-97]

(2) If the Director determines that abatement of water pollution subject to Paragraph D(1) will not met the standards of Paragraphs B(2) and B(3), or that additional action is necessary to protect health, welfare, environment or property, the Director may notify a responsible person, by certified mail, to submit an abatement plan pursuant to Paragraphs C and E(1). The notification shall state the reasons for the Director's determination. In any appeal of the Director's determination under this Paragraph, the Director shall have the burden of proof. [3-15-97]

19.E. ABATEMENT PLAN PROPOSAL.

(1) Except as provided for in Paragraph D of this Rule, a responsible person shall, within sixty (60) days of receipt of written notice from the Director that an abatement plan is required, submit an abatement plan proposal to the Director for approval. Stage 1 and Stage 2 abatement plan proposals may be submitted together. For good cause shown, the Director may allow for a total of one hundred and twenty (120) days to prepare and submit the abatement plan proposal. [3-15-97]

(2) Voluntary Abatement

(a) any person wishing to abate water pollution in excess of the standards and requirements set forth in Paragraph B may submit a Stage 1 abatement plan proposal to the Director for approval. Following approval by the Director of a final site investigation report prepared pursuant to Stage 1 of an abatement plan, any person may submit a Stage 2 abatement plan proposal to the Director for approval.

(b) Following approval of a Stage 1 or Stage 2 abatement plan proposal under E(2)(a) above, the person submitting the approved plan shall be a responsible person under this Rule for the purpose of performing the approved Stage 1 or Stage 2 abatement plan. Nothing in this Rule shall preclude the Director from applying 19 NMAC 15.C.116.D to a responsible person if applicable.

[3-15-97]

(3) Stage 1 abatement plan. The purpose of Stage 1 of the abatement plan shall be to design and conduct a site investigation that will adequately define site conditions, and provide the data necessary to select and design an effective abatement option. Stage 1 of the abatement plan may include, but not necessarily be limited to, the following information depending on the media affected, and as needed to select and implement an expeditious abatement option:

(a) Descriptions of the site, including a site map, and of site history including the nature of the release that caused the water pollution, and a summary of previous investigations;

(b) Site investigation work plan to define:

(i) site geology and hydrogeology, the vertical and horizontal extent and magnitude of vadose-zone and ground-water contamination, subsurface hydraulic conductivity, transmissivity, storativity, and rate and direction of contaminant migration, inventory of water wells inside and within one (1) mile from the perimeter of the three-dimensional body where the standards set forth in Subparagraph B92) are exceeded, and location and number of such wells actually or potentially affected by the pollution; and

(ii) surface-water hydrology, seasonal stream flow characteristics, ground-water/surface-water relationships, the vertical and horizontal extent and magnitude of contamination and impacts to surface water and stream sediments. The magnitude of contamination and impacts on surface water may be, in part, defined by conducting a biological assessment of fish, benthic macro invertebrates and other wildlife populations. Seasonal variations should be accounted for when conducting these assessments.

(c) Monitoring program, including sampling stations and frequencies, for the duration of the abatement plan that may be modified, after approval by the Director, as additional sampling stations are created;

(d) Quality assurance plan, consistent with the sampling and analytical techniques listed in 20 NMAC 6.3107.B and with Section 1103 of the Water Quality Standards for Interstate and Intrastate Streams in New Mexico (20 NMAC 6.1), for all work to be conducted pursuant to the abatement plan;

(e) A schedule for all Stage 1 abatement plan activities, including the submission of summary quarterly progress reports, and the submission, for approval by the Director, of a detailed final site investigation report; and

(f) Any additional information that may be required to design and perform an adequate site investigation.

[3-15-97]

(4) Stage 2 Abatement Plan:

(a) Any responsible person shall submit a Stage 2 abatement plan proposal to the Director for approval within sixty (60) days, or up to one hundred and twenty (120) days for good cause shown, after approval by the Director of the final site investigation report prepared pursuant to Stage 1 of the abatement plan. A stage 1 and 2 abatement plan proposal may be submitted together. The purpose of Stage 2 of the abatement plan shall be to select and design, if necessary, an abatement option that, when implemented, will result in attainment of the abatement standards and requirements set forth in Paragraph B, including post-closure maintenance activities.

(b) Stage 2 of the abatement plan should include, at a minimum, the following information:

(i) Brief description of the current situation at the site;

(ii) Development and assessment of abatement options;

(iii) Description, justification and design, if necessary, of preferred abatement option;

(iv) Modification, if necessary, of the monitoring program approved pursuant to Stage 1 of the abatement plan, including the designation of pre- and post-abatement-completion sampling stations and sampling frequencies to be used to demonstrate compliance with the standards and requirements set forth in Paragraph B;

(v) Site maintenance activities, if needed, proposed to be performed after termination of abatement activities;

(vi) A schedule for the duration of abatement activities, including the submission of summary quarterly progress reports;

(vii) A public notification proposal designed to satisfy the requirements of Paragraphs G(2) and (3);

(viii) Any additional information that may be reasonably required to select, describe, justify and design an effective abatement option.

[3-15-97]

19.F. OTHER REQUIREMENTS.

nmac

(1) Any responsible person shall allow any authorized representative of the Director, upon presentation of proper credentials and with reasonable prior notice, to:

(a) enter the facility at reasonable times;

(b) inspect and copy records required by an abatement plan;

(c) inspect any treatment works, monitoring and analytical equipment;

(d) sample any wastes, ground water, surface water, stream sediment, plants, animals, or vadose-zone material including vadose-zone vapor;

(e) use monitoring systems and wells under such responsible person's control in order to collect samples of any media listed in (d) above; and

(f) gain access to off-site property not owned or controlled by such responsible person, but accessible to such responsible person through a third-party access agreement, provided that it is allowed by the agreement.

[3-15-97]

(2) Any responsible person shall provide the Director, or a representative of the Director, with at least four (4) working days advance notice of any sampling to be performed pursuant to an abatement plan, or any well plugging, abandonment or destruction at any facility where an abatement plan has been required. [3-15-97]

(3) Any responsible person wishing to plug, abandon or destroy a monitoring or water supply well within the perimeter of the 3-dimensional body where the standards set forth in Paragraph B(2) are exceeded, at any facility where an abatement plan has been required, shall propose such action by certified mail to the Director for approval, unless such approval is required from the State Engineer. The proposed action shall be designed to prevent water pollution that could result from water contaminants migrating through the well or borehole. The proposed action shall not take place without written approval from the Director, unless written approval or disapproval is not received by the responsible person within thirty (30) days of the date of receipt of the proposal. [3-15-97]

19.G. PUBLIC NOTICE AND PARTICIPATION.

(1) Prior to public notice, the applicant shall give written notice, as approved by the Division, of Stage 1 and Stage 2 abatement plans to the following persons:

(a) surface owners of record within one (1) mile of the perimeter of the geographic area where the standards and requirements set forth in Paragraph B are exceeded;

(b) the county commission where the geographic area where the standards and requirements set forth in Paragraph b are exceeded is located;

(c) the appropriate city official(s) if the geographic area where the standards and requirements set forth in Paragraph B are exceeded is located or is partially located within city limits or within one (1) mile of the city limits;

(d) those persons, as identified by the Director, who have requested notification, who shall be notified by mail;

(e) the New Mexico Trustee for Natural Resources, and any other local, state or federal governmental agency affected, as identified by the Director, which shall be notified by certified mail;

(f) the appropriate Governor or President of any Indian Tribe, Pueblo or Nation if the geographic area where the standards and requirements set forth in Paragraph B are exceeded is located or is partially located within tribal boundaries oar within one (1) mile of the tribal boundaries, who shall be notified by certified mail;

(g) The distance requirements for notice may be extended by the Director is the Director determines the proposed abatement plan has the potential to adversely impact public health or the environment at a distance greater than one (1) mile. The Director may require additional notice as needed. A copy and proof of such notice will be furnished to the Division.

[3-15-97]

(2) Within fifteen days after the Division determines that a Stage 1 abatement plan or a State 2 abatement plan is administratively complete, the responsible person will issue public notice in a form approved by the Division in a newspaper of general circulation in the county in which the release occurred, and in a newspaper of general circulation in the State. For the purposes of this paragraph, an administratively complete Stage 1 abatement plan is a document that satisfies the requirements of Paragraph E.(3), and an administratively complete Stage 2 abatement plan is a document that satisfies the requirements of Paragraph E.(4)(b). The public notice shall include, as approved in advance by the Director:

(a) name and address of the responsible person;

(b) location of the proposed abatement;

(c) brief description of the source extent, and estimated volume of release, whether the release occurred into the vadose zone, ground water or surface water; and a description of the proposed Stage 1 or Stage 2 abatement plan;

(d) brief description of the procedures followed by the Director in making a final determination;

(e) statement that a copy of the abatement plan can be viewed by the public at the Division's main office or at the Division's District office for the area in which the release occurred, and a statement describing how the abatement plan can be accessed by the public electronically from a Division-maintained site if such access is available;

(f) statement that the following comments and requests will be accepted for consideration if received by the Director within thirty (30) days after the date of publication of the public notice:

(i) written comments on the abatement plan; and

(ii) for a Stage 2 abatement plan, written requests for a public hearing that include reasons why a hearing should be held.

(g) address and phone number at which interested persons may obtain further information.

[3-15-97]

(3) Any person seeking to comment on a Stage 1 abatement plan, or to comment or request a public hearing on a Stage 2 abatement plan, must file written comments or hearing requests with the Division within thirty (30) days of the date of public notice, or within thirty (30) days of receipt by the Director of a proposed significant modification of a Stage 2 abatement plan. Requests for a public hearing must set forth the reasons why a hearing should be held. A public hearing shall be held if the Director determines that there is significant public interest or that the request has technical merit. [3-15-97]

(4) The Division will distribute notice of the filing of an abatement plan with the next Division and Commission hearing docket following receipt of the plan. [3-15-97]

19.H. DIRECTOR APPROVAL OR NOTICE OF DEFICIENCY OF SUBMITTALS.

(1) The Director shall, within sixty (60) days of receiving an administratively complete Stage 1 abatement plan a site investigation report, a technical infeasibility demonstration, or an abatement completion report, approve the document, or notify the responsible person of the document's deficiency, based upon the information available. [3-15-97]

(2) If no public hearing is held pursuant to Paragraph G(3), then the Director shall, within ninety (90) days of receiving a Stage 2 abatement plan proposal, approve the plan, or notify the responsible person of the plan's deficiency, based upon the information available. [3-15-97]

(3) If a public hearing is held pursuant to Paragraph G(3), then the Director shall, within sixty (60) days of receipt of all required information, approve Stage 2 of the abatement plan proposal, or notify the responsible person of the plan's deficiency, based upon the information contained in the plan and information submitted at the hearing. [3-15-97]

(4) If the Director notifies a responsible person of any deficiencies in a site investigation report, or in a Stage 1 or Stage 2 abatement plan proposal, the responsible person shall submit a modified document to cure the deficiencies specified by the Director within thirty (30) days of receipt of the notice of deficiency. The responsible person shall be in violation of this Rule if he fails to submit a modified document within the required time, or if the modified document does not make a good faith effort to cure the deficiencies specified by the Director. [3-15-97]

(5) Provided that the other requirements of this Rule are met and provided further that Stage 2 of the abatement plan, if implemented, will result in the standards and requirements set forth in Paragraph B being met within a schedule that is reasonable given the particular circumstances of the site, the Director shall approve the plan. [3-15-97]

19.I. INVESTIGATION AND ABATEMENT.

Any responsible person who receives approval for Stage 1 and/or Stage 2 of an abatement plan shall conduct all investigation, abatement, monitoring and reporting activity in full compliance with this Rule and according to the terms and schedules contained in the approved abatement plans. [3-15-97]

19.J. ABATEMENT PLAN MODIFICATION.

(1) Any approved abatement plan may be modified, at the written request of the responsible person, in accordance with this Rule, and with written approval of the Director. [3-15-97]

(2) If data submitted pursuant to any monitoring requirements specified in the approved abatement plan or other information available to the Director indicates that the abatement action is ineffective, or is creating unreasonable injury to or interference with health, welfare, environment or property, the Director may require a responsible person to modify an abatement plan within the shortest reasonable time so as to effectively abate water pollution which exceeds the standards and requirements set forth in Paragraph B, and to abate and prevent unreasonable injury to or interference with health, welfare, environment or property. [3-15-97]

19.K. COMPLETION AND TERMINATION.

nmac

(1) Abatement shall be considered complete when the standards and requirements set forth in Paragraph B are met. At that time, the responsible person shall submit an abatement completion report, documenting compliance with the standards and requirements set forth in Paragraph B, to the Director for approval. The abatement completion report also shall propose any changes to long-term monitoring and site maintenance activities, if needed, to be performed after termination of the abatement plan. [3-15-97]

(2) Provided that the other requirements of this Rule are met and provided further that the standards and requirements set forth in Paragraph B have been met, the Director shall approve the abatement completion report. When the Director approves the abatement completion report, he shall also notify the responsible person in writing that the abatement plan is terminated. [3-15-97]

19.L. DISPUTE RESOLUTION.

In the event of any technical dispute regarding the requirements of B, D, E, J, or K or Section 116.D, including notices of deficiency, the responsible person may notify the Director by certified mail that a dispute has arisen, and desires to invoke the dispute resolution provisions of this Paragraph, provided that such notification must be made within thirty (30) days after receipt by the responsible person of the decision of the Director that causes the dispute. Upon such notification, all deadlines affected by the technical dispute shall be extended for a thirty (30) day negotiation period, or for a maximum of sixty (60) days if approved by the Director for good cause shown. During this negotiation period, the Director or his/her designee and the responsible person shall meet at least once. Such meeting(s) may be facilitated by a mutually agreed upon third party, but the third party shall assume no power or authority granted or delegated to the Director by the Oil and Gas Act or by the Division or Commission. If the dispute remains unresolved after the negotiation period, the decision of Director shall be final. [3-15-97]

19.M. APPEALS FROM DIRECTOR'S AND DIVISION'S DECISIONS.

(1) If the Director determines that (i) an abatement plan is required pursuant to Rule 116.D or Rule 19.D.(2), (ii) approves or provides notice of deficiency of a proposed abatement plan, technical infeasibility demonstration or abatement completion report, or (iii) modifies or terminates an approved abatement plan, he shall provide written notice of such action by certified mail to the responsible person and any person who participated in the action. [3-15-97, 6-30-97]

(2) Any person who participated in the action before the Director and who is adversely affected by the action listed in Subparagraph (1) above may file a petition requesting a hearing before a Division Examiner. [3-15-97]

(3) The petition shall be made in writing to the Division and shall be filed with the Division within thirty (30) days after receiving notice of the Director's action. The petition shall specify the portions of the action to which the petitioner objects, certify that a copy of the petition has been mailed or hand-delivered to the Director, and to the applicant or permittee if the petitioner is not the applicant or permittee, and attach a copy of the action for which review is sought. Unless a timely petition for hearing is made, the Director's action is final. [3-15-97]

(4) The hearing before the Division shall be conducted in the same manner as other Division hearings. [3-15-97]

(5) The cost of the court reporter for the hearing shall be paid by the petitioner. [3-15-97]

(6) Any party adversely affected by any order by the Division pursuant to any hearing held by an Examiner, shall have a right to have such matter heard de novo before the Commission. [3-15-97]

(7) The appeal provisions do not relieve the owner, operator or responsible person of their obligations to comply with any federal or state laws or regulations. [3-15-97]

nmac

1. if the existing concentration of any water contaminant in ground water is in conformance with the standard of ⏩Section⏪ ⏩3103⏪ of this Part, degradation of the ground water up to the limit of the standard will be allowed; and [2-18-77]

2. if the existing concentration of any water contaminant in ground water exceeds the standard of ⏩Section⏪ ⏩3103⏪, no degradation of the ground water beyond the existing concentration will be allowed. [2-18-77]

B. Ground water standards are numbers that represent the pH range and maximum concentrations of water contaminants in the ground water which still allow for the present and future use of ground water resources. [2-18-77]

C. The standards are not intended as maximum ranges and concentrations for use, and nothing herein contained shall be construed as limiting the use of waters containing higher ranges and concentrations. [2-18-77]

20 NMAC 6.2.III.3102 [RESERVED]

20 NMAC 6.2.III.3103 STANDARDS FOR GROUND WATER OF 10,000 mg/l TDS CONCENTRATION OR LESS

The following standards are the allowable pH range and the maximum allowable concentration in ground water for the contaminants specified unless the existing condition exceeds the standard or unless otherwise provided in Section 3109.D. Regardless of whether there is one contaminant or more than one contaminant present in ground water, when an existing pH or concentration of any water contaminant exceeds the standard specified in Subsection A, B, or C, the existing pH or concentration shall be the allowable limit, provided that the discharge at such concentrations will not result in concentrations at any place of withdrawal for present or reasonably foreseeable future use in excess of the standards of this Section.

These standards shall apply to the dissolved portion of the contaminants specified with a definition of dissolved being that given in the publication "Methods for Chemical Analysis of Water and Waste of the U.S. Environmental Protection Agency," with the exception that standards for mercury, organic compounds and non-aqueous phase liquids shall apply to the total unfiltered concentrations of the contaminants. [2-18-77, 11-17-83, 3-3-86,12-1-95]

A. Human Health Standards-Ground water shall meet the standards of Subsection A and B unless otherwise provided. If more than one water contaminant affecting human health is present, the toxic pollutant criteria as set forth in the definition of toxic pollutant in Section 1101 for the combination of contaminants, or the Human Health Standard of Section 3103.A. for each contaminant shall apply, whichever is more stringent.

Non-aqueous phase liquid shall not be present floating atop of or immersed within ground water, as can be reasonably measured.

Arsenic (As)	0.1 mg/l
Barium (Ba)	1.0 mg/l
Cadmium (Cd)	0.01 mg/l
Chromium (Cr)	0.05 mg/l
Cyanide (CN)	0.2 mg/l
Fluoride (F)	1.6 mg/l
Lead (Pb)	0.05 mg/l
Total Mercury (Hg)	0.002 mg/l
Nitrate (NO_3 as N)	10.0 mg/l
Selenium (Se)	0.05 mg/l
Silver (Ag)	0.05 mg/l
Uranium (U)	5.0 mg/l
Radioactivity: Combined Radium-226 & Radium-2283	0.0 pCi/l
Benzene	0.01 mg/l
Polychlorinated biphenyls (PCB's)	0.001 mg/l
Toluene	0.75 mg/l
Carbon Tetrachloride	0.01 mg/l
1,2-dichloroethane (EDC)	0.01 mg/l
1,1-dichloroethylene (1,1-DCE)	0.005 mg/l
1,1,2,2-tetrachloroethylene (PCE)	0.02 mg/l
1,1,2-trichloroethylene (TCE)	0.1 mg/l
ethylbenzene	0.75 mg/l
total xylenes	0.62 mg/l
methylene chloride	0.1 mg/l
chloroform	0.1 mg/l
1,1-dichloroethane	0.025 mg/l
ethylene dibromide (EDB)	0.0001 mg/l
1,1,1-trichloroethane	0.06 mg/l
1,1,2-trichloroethane	0.01 mg/l
1,1,2,2-tetrachloroethane	0.01 mg/l
vinyl chloride	0.001 mg/l
PAHs: total naphthalene plus monomethylnaphthalenes	0.03 mg/l

NEXT

nmac

benzo-a-pyrene	0.0007 mg/l

[2-18-77, 1-29-82, 3-3-86, 12-1-95]

B. Other Standards for Domestic Water Supply

Chloride (Cl)	250.0 mg/l
Copper (Cu)	1.0 mg/l
Iron (Fe)	1.0 mg/l
Manganese (Mn)	0.2 mg/l
Phenols	0.005 mg/l
Sulfate (SO_4)	600.0 mg/l
Total Dissolved Solids (TDS)	1000.0 mg/l
Zinc (Zn)	10.0 mg/l
pH	between 6 and 9

[2-18-77]

C. Standards for Irrigation Use - Ground water shall meet the standards of Subsection A, B, and C unless otherwise provided.

Aluminum (Al)	5.0 mg/l
Boron (B)	0.75 mg/l
Cobalt (Co)	0.05 mg/l
Molybdenum (Mo)	1.0 mg/l
Nickel (Ni)	0.2 mg/l

[2-18-77]

20 NMAC 6.2.III.3104 DISCHARGE PLAN REQUIRED

Unless otherwise provided by this Part, no person shall cause or allow effluent of leachate to discharge so that it may move directly of indirectly into ground water unless he is discharging pursuant to a discharge plan approved by the secretary. When a plan has been approved, discharges must be consistent with the terms and conditions of the plan. In the event of a transfer of the ownership, control, or possession of a facility for which an approved discharge plan is in effect, the transferee shall have authority to discharge under such plan, provided that the transferee has complied with Section 3111 of this Part, regarding transfers. [2-18-77, 12-24-87, 12-1-95]

20 NMAC 6.2.III.3105 EXEMPTIONS FROM DISCHARGE PLAN REQUIREMENT

Sections 3104 and 3106 of this Part do not apply to the following: [2-18-77]

A. Effluent or leachate which conforms to all the listed numerical standards of ▶▶Section◀◀ ▶▶3103◀◀ and has a total nitrogen concentration of 10 mg/l or less, and does not contain any toxic pollutant. To determine conformance, samples may be taken by the agency before the effluent or leachate is discharged so that it may move directly or indirectly into ground water; provided that if the discharge is by seepage through non-natural or altered natural materials, the agency may take samples of the solution before or after seepage. If for any reason the agency does not have access to obtain the appropriate samples, this exemption shall not apply; [2-18-77, 6-20-80, 7-2-81]

B. Effluent which is discharged from a sewerage system used only for disposal of household and other domestic waste which is designed to receive and which receives 2,000 gallons or less of liquid waste per day; [2-18-77, 12-24-87]

C. Water used for irrigated agriculture, for watering of lawns, trees, gardens or shrubs, or for irrigation for a period not to exceed five years for the revegetation of any disturbed land area, unless that water is received directly from any sewerage system; [2-18-77]

D. Discharges resulting from the transport or storage of water diverted, provided that the water diverted has not had added to it after the point of diversion any effluent received from a sewerage system, that the source of the water diverted was not mine workings, and that the secretary has not determined that a hazard to public health may result; [2-18-77, 12-1-95]

E. Effluent which is discharged to a watercourse which is naturally perennial; discharges to dry arroyos and ephemeral streams are not exempt from the discharge plan requirement, except as otherwise provided in this Section; [2-18-77]

F. Those constituents which are subject to effective and enforceable effluent limitations in a National Pollutant Discharge Elimination System (NPDES) permit, where discharge onto or below the surface of the ground so that water contaminants may move directly or indirectly into ground water occurs downstream from the outfall where NPDES effluent limitations are imposed, unless the secretary determines that a hazard to public health may result. For purposes of this Subsection, monitoring requirements alone do not constitute effluent limitations; [2-18-77, 12-1-95]

G. Discharges resulting from flood control systems; [2-18-77]

H. Leachate which results from the direct natural infiltration of precipitation through disturbed materials, unless the secretary determines that a hazard to public health may result; [2-18-77, 6-26-80, 12-1-95]

I. Leachate which results entirely from the direct natural infiltration of precipitation through undisturbed materials; [2-18-77, 6-26-80]

J. Leachate from materials disposed of in accordance with the Solid Waste Management Regulations (20 NMAC 9.1) adopted by the New Mexico Environmental Improvement Board; [2-18-77, 12-1-95]

K. Natural ground water seeping or flowing into conventional mine workings which re-enters the ground by natural gravity flow prior to pumping or transporting out of the mine and without being used in any mining process; this exemption does not apply to solution mining; [2-18-77]

L. Effluent or leachate discharges resulting from activities regulated by a mining plan approved and permit issued by the New Mexico Coal Surface Mining Commission, provided that this exemption shall not be construed as limiting the application of appropriate ground water protection requirements by the New Mexico Coal Surface Mining Commission; [2-18-77]

M. Effluent or leachate discharges which are regulated by the Oil Conservation Commission and the regulation of which by the Water Quality Control Commission would interfere with the exclusive authority granted under Section 70-2-12 NMSA 1978, or under other laws, to the Oil Conservation Commission. [2-18-77]

20 NMAC 6.2.III.3106 APPLICATION FOR DISCHARGE PLAN APPROVALS AND RENEWALS

A. Any person who, before or on June 18, 1977, is discharging any of the water contaminants listed in ▶▶Section◀◀ ▶▶3103◀◀ or any toxic pollutant so that they may move directly or indirectly into ground water shall, within 120 days of receipt of written notice from the secretary that a discharge plan is required, or such longer time as the secretary shall for good cause allow, submit a discharge plan to the secretary for approval; such person may discharge without an approved discharge plan until 240 days after written notification by the secretary that a discharge plan is required or such longer time as the secretary shall for good cause allow. [2-18-77, 6-26-80, 7-2-81, 12-1-95]

B. Any person who intends to begin, after June 18, 1977, discharging any of the water contaminants listed in ▶▶Section◀◀ ▶▶3103◀◀ or any toxic pollutant so that they may move directly or indirectly into ground water shall notify the secretary giving the information enumerated in ▶▶Section◀◀ 1201.B.; the secretary shall, within 60 days, notify such person if a discharge plan is required; upon submission, the secretary shall review the discharge plan pursuant to Sections 3108 and 3109; for good cause shown, the secretary may allow such person to discharge without an approved plan for a period not to extend beyond February 18, 1978; after February 18, 1978, for good cause shown the secretary may allow such person to discharge without an approved discharge plan for a period not to exceed 120 days. [2-18-77, 6-26-80, 7-2-81, 12-1-95]

C. A proposed discharge plan shall set forth in detail the methods or techniques the discharger proposes to use or processes expected to naturally occur which will ensure compliance with this Part. At least the following information shall be included in the plan: [2-18-77]

1. Quantity, quality and flow characteristics of the discharge; [2-18-77]
2. Location of the discharge and of any bodies of water, watercourses and ground water discharge sites within one mile of the outside perimeter of the discharge site, and existing or proposed wells to be used for monitoring; [2-18-77]
3. Depth to and TDS concentration of the ground water most likely to be affected by the discharge; [2-18-77]
4. Flooding potential of the site; [2-18-77]

nmac

5. Location and design of site(s) and method(s) to be available for sampling, and for measurement or calculation of flow; [2-18-77]

6. Depth to and lithological description of rock at base of alluvium below the discharge site if such information is available; [2-18-77]

7. Any additional information that may be necessary to demonstrate that approval of the discharge plan will not result in concentrations in excess of the standards of ▶▶Section◀◀ ▶▶3103◀◀ or the presence of any toxic pollutant at any place of withdrawal of water for present or reasonably foreseeable future use. Detailed information on site geologic and hydrologic conditions may be required for a technical evaluation of the applicant's proposed discharge plan; and [2-18-77, 6-26-80, 7-2-81]

8. Additional detailed information required for a technical evaluation of effluent disposal wells or in situ extraction wells as provided in Subpart V of this Part. [9-20-82]

D. An applicant for a discharge plan shall pay fees as specified in Section 3114. [8-17-91]

E. An applicant for a permit to dispose of or use septage or sludge, or within a source category designated by the commission, may be required by the secretary to file a disclosure statement as specified in 74-6-5.1 of the Water Quality Act. [12-1-95]

F. If the holder of an approved discharge plan submits an application for discharge plan renewal at least 120 days before the discharge plan expires, and the discharger is not in violation of the approved discharge plan on the date of its expiration, then the existing approved discharge plan for the same activity shall not expire until the application for renewal has been approved or disapproved. A discharge plan continued under this provision remains fully effective and enforceable. An application for discharge plan renewal must include and adequately address all of the information necessary for evaluation of a new discharge plan. Previously submitted materials may be included by reference provided they are current, readily available to the secretary and sufficiently identified to be retrieved. [12-1-95]

20 NMAC 6.2.III.3107 MONITORING, REPORTING, AND OTHER REQUIREMENTS

A. Each discharge plan shall provide for the following as the secretary may require: [2-18-77, 12-1-95]

1. The installation, use, and maintenance of effluent monitoring devices; [2-18-77]

2. The installation, use, and maintenance of monitoring devices for the ground water most likely to be affected by the discharge; [2-18-77]

3. Monitoring in the vadose zone; [2-18-77]

4. Continuation of monitoring after cessation of operations; [2-18-77]

5. Periodic submission to the secretary of results obtained pursuant to any monitoring requirements in the discharge plan and the methods used to obtain these results; [2-18-77, 12-1-95]

6. Periodic reporting to the secretary of any other information that may be required as set forth in the discharge plan; [2-18-77, 12-1-95]

7. The discharger to retain for a period of at least five years any monitoring data required in the discharge plan; [2-18-77]

8. A system of monitoring and reporting to verify that the plan is achieving the expected results; [2-18-77]

9. Procedures for detecting failure of the discharge system; [2-18-77]

10. Contingency plans to cope with failure of the discharge plan or system; [2-18-77]

11. A closure plan to prevent the exceedance of standards of ▶▶Section◀◀ ▶▶3103◀◀ or the presence of a toxic pollutant in ground water after the cessation of operation which includes: a description of closure measures, maintenance and monitoring plans, post-closure maintenance and monitoring plans, financial assurance, and other measures necessary to prevent and/or abate such contamination. [2-18-77, 12-1-95]

B. Sampling and analytical techniques shall conform with the following references unless otherwise specified by the secretary: [2-18-77, 12-1-95]

1. Standard Methods for the Examination of Water and Wastewater, latest edition, American Public Health Association; or [2-18-77]

2. Methods for Chemical Analysis of Water and Waste, and other publications of the Analytical Quality Laboratory, EPA; or [2-18-77]

3. Techniques of Water Resource Investigations of the U.S. Geological Survey; or [2-18-77]

4. Annual Book of ASTM Standards. Part 31. Water, latest edition, American Society For Testing and Materials; or [11-17-83]

5. Federal Register, latest methods published for monitoring pursuant to Resource Conservation and Recovery Act regulations; or [11-17-83]

6. National Handbook of Recommended Methods for Water-Data Acquisition, latest edition, prepared cooperatively by agencies of the United States Government under the sponsorship of the U.S.Geological Survey. [11-17-83]

C. The discharger shall notify the secretary of any facility expansion, production increase or process modification that would result in any significant modification in the discharge of water contaminants. [2-18-77, 12-1-95]

D. Any discharger of effluent or leachate shall allow any authorized representative of the secretary to: [2-18-77, 12-1-95]

1. inspect and copy records required by a discharge plan; [2-18-77]

2. inspect any treatment works, monitoring and analytical equipment; [2-18-77]

3. sample any effluent before or after discharge; [2-18-77]

4. use monitoring systems and wells installed pursuant to a discharge plan requirement in order to collect samples from ground water or the vadose zone. [2-18-77]

E. Each discharge plan for an effluent disposal well or in situ extraction well shall incorporate the requirements of Subpart V of this Part. [9-20-82]

20 NMAC 6.2.III.3108 PUBLIC NOTICE AND PARTICIPATION.

A. Within sixty (60) days of receipt of an application for a discharge plan, modification or renewal of an approved discharge plan, the department shall review the application for administrative completeness. To be deemed administratively complete, an application must provide all of the information required for purposes of issuing a public notice pursuant to paragraph 3108.C. If the department determines that the application is not administratively complete, the department shall notify the applicant of the deficiencies and state what additional information is necessary. [11-15-96]

B. Within thirty (30) days of deeming the application administratively complete, the department shall notify the applicant and the following persons:

1. the public, who shall be notified through publication of a notice in a newspaper of general circulation in this state;
2. those persons who have requested notification, who shall be notified by mail;
3. any local, state, federal, tribal or pueblo governmental agency affected which shall be notified by certified mail;
4. the Governor, Chairperson, or President of each Indian Tribe, Pueblo or Nation within the state of New Mexico, as identified by the department , shall be notified by mail.

[2-18-77, 12-24-87, 12-1-95; RN 20 NMAC 6.2.3108.A, 11-15-96, 11-15-96]

C. The public notice shall include:

1. name of the proposed discharger;
2. location of the discharge;

nmac

3. brief description of the activities which produce the discharge described in the application ;
4. quantity, quality and flow characteristics of the discharge;
5. depth to and TDS concentration of the ground water most likely to be affected by the discharge;
6. brief description of the procedures followed by the secretary in making a final determination;
7. statement on the comment period; and [2-18-77]
8. address and telephone number at which interested persons may obtain further information.

[2-18-77, 12-1-95; RN 20 NMAC 6.2.3108.B, 11-15-96, 11-15-96]

D. Following the public notice and prior to ruling on any proposed discharge plan or its modification or renewal, there shall be a period of at least thirty (30) days during which written comments may be submitted to the department and/or a public hearing requested in writing. All comments will be considered by the department. Requests for a hearing shall be in writing and shall set forth the reasons why a hearing should be held. A public hearing shall be held if the secretary determines there is significant public interest. The department shall notify the applicant of the decision and the reasons therefore in writing. [2-18-77, 12-14-87, 12-1-95; RN 20 NMAC 6.2.3108.C, 11-15-96, 11-15-96]

E. If a hearing is held, pursuant to Subsection D above, notice of the hearing shall be given by the department at least thirty (30) days prior to the hearing in accordance with Subsection B above. The notice shall include the information identified in Subsection C above in addition to the time, place and a brief description of the hearing procedures. The hearing shall be held pursuant to Section 3110 of this Part. [2-18-77, 12-14-87, 12-1-95; RN 20 NMAC 6.2.3108.D, 11-15-96, 11-15-96]

20 NMAC 6.2.III.3109 SECRETARY APPROVAL, DISAPPROVAL, MODIFICATION OR TERMINATION OF PROPOSED DISCHARGE PLANS, AND REQUIREMENT FOR ABATEMENT PLANS

A. The department shall evaluate the proposed discharge plan, modification or renewal based on information contained in the departments administrative record. The department may request from the discharger, either before or after the issuance of the public notice, additional information necessary for the evaluation of the application. The administrative record shall consist of the application, any additional information required by the secretary, any information submitted by the discharger or the general public, other information considered by the department, and, if a public hearing is held, all of the documents filed with the hearing clerk, all exhibits offered into evidence at the hearing, and the written transcript or tape recording of the hearing. [11-15-96]

B. The secretary shall, within sixty (60) days after the administrative record is complete and all required information is available , approve, approve with conditions or disapprove the proposed discharge plan, modification or renewal based on the administrative record. The secretary shall give written notice of the action taken to the applicant or permittee and any other person who participated in the permitting action who requests a copy in writing. [2-18-77, 12-1-95; RN 20 NMAC 6.2.3109.A, 11-15-96, 11-15-96]

C. Provided that the other requirements of this Part are met and the discharge plan, modification or renewal demonstrates that neither a hazard to public health nor undue risk to property will result, the secretary shall approve the proposed discharge plan, modification or renewal if the following requirements are met:

1. ground water that has a TDS concentration of 10,000 mg/l or less will not be affected by the discharge, or
2. the person proposing to discharge demonstrates that approval of the discharge plan, modification or renewal will not result in either concentrations in excess of the standards of ▶▶Section◀◀ ▶▶3103◀◀ or the presence of any toxic pollutant at any place of withdrawal of water for present or reasonably foreseeable future use, except for contaminants in the water diverted as provided in ▶▶Section◀◀ 3109.D., or
3. the plan conforms to either Subsection a or b below and Subsection c below.

a. Municipal, Other Domestic Discharges, and Discharges from Sewerage Systems Handling Only Animal Wastes.

The effluent is entirely domestic, is entirely from a sewerage system handling only animal wastes or is from a municipality and conforms to the following:

(1) the discharge is from an impoundment or a leach field existing on February 18, 1977 which receives less than 10,000 gallons per day and the secretary has not found that the discharge may cause a hazard to public health; or

(2) the discharger has demonstrated that the total nitrogen in effluent that enters the subsurface from a leach field or surface impoundment will not exceed 200 pounds per acre per year and that the effluent will meet the standards of ▶▶Section◀◀ ▶▶3103◀◀ except for nitrates and except for contaminants in the water diverted as provided in ▶▶Section◀◀ 3109.D.; or

(3) the total nitrogen in effluent that is applied to a crop which is harvested shall not exceed by more than 25% the maximum amount of nitrogen reasonably expected to be taken up by the crop and the effluent shall meet the standards of ▶▶Section◀◀ ▶▶3103◀◀ except for nitrates and except for contaminants in the water diverted as provided in ▶▶Section◀◀ 3109.D.

b. Discharges from industrial, mining or manufacturing operations.

(1) the discharger has demonstrated that the amount of effluent that enters the subsurface from a surface impoundment will not exceed 0.5 acre-feet per acre per year; or

(2) the discharger has demonstrated that the total nitrogen in effluent that enters the subsurface from a leach field or surface impoundment shall not exceed 200 pounds per acre per year and the effluent shall meet the standards of ▶▶Section◀◀ ▶▶3103◀◀ except for nitrate and contaminants in the water diverted as provided in ▶▶Section◀◀ 3109.D.; or

(3) the total nitrogen in effluent that is applied to a crop that is harvested shall not exceed by more than 25% the maximum amount of nitrogen reasonably expected to be taken up by the crop and the effluent shall meet the standards of ▶▶Section◀◀ ▶▶3103◀◀ except for nitrate and contaminants in the water diverted as provided in ▶▶Section◀◀ 3109.D.

c. All Discharges.

(1) the monitoring system proposed in the plan includes adequate provision for sampling of effluent and adequate flow monitoring so that the amount being discharged onto or below the surface of the ground can be determined.

(2) the monitoring data is reported to the secretary at a frequency determined by the secretary.

[2-18-77, 6-26-80, 7-2-81, 12-1-95, 11-15-96]

D. The secretary shall allow the following unless he determines that a hazard to public health may result: [2-18-77, 12-1-95]

1. the weight of water contaminants in water diverted from any source may be discharged provided that the discharge is to the aquifer from which the water was diverted or to an aquifer containing a greater concentration of the contaminants than contained in the water diverted; and provided further that contaminants added as a result of the means of diversion shall not be considered to be part of the weight of water contaminants in the water diverted; [2-18-77]

2. the water contaminants leached from undisturbed natural materials may be discharged provided that:

a. the contaminants were not leached as a product or incidentally pursuant to a solution mining operation; and

b. the contaminants were not leached as a result of direct discharge into the vadose zone from municipal or industrial facilities used for the storage, disposal, or treatment of effluent;

[2-18-77]

3. the water contaminants leached from undisturbed natural materials as a result of discharge into ground water from lakes used as a source of cooling water. [2-18-77]

E. If data submitted pursuant to any monitoring requirements specified in the approved discharge plan or other information available to the secretary indicates that this Part is being or may be violated or that the standards of ▶▶3103◀◀ are being or will be exceeded, or a toxic pollutant as defined in ▶▶Section◀◀ 1101 of this Part 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 in New Mexico are being or may be violated in surface water, due to the discharge, except as provided in ▶▶Section◀◀ 3109.D. of this Part: [2-18-77, 12-1-95]

1. the secretary may require a discharger to modify a discharge plan within the shortest reasonable time so as to achieve compliance with this Part and to provide that any exceeding of standards in ground water at any place of withdrawal for present or reasonably foreseeable future use, or in surface water, due to the discharge except as provided in Section 3109.D. will be abated or prevented. If the secretary requires that a discharge plan be modified to abate water pollution:

a. the abatement shall be consistent with the requirements and provisions of Sections 4101, 4103, 4106.C, 4106.E, 4107 and 4112 of this Part; and

b. the discharger may request of the secretary approval to carry out the abatement under Subpart IV of Part, in lieu of modifying the discharge plan. The discharger shall make the request in writing and shall include the reasons for the request.

[2-18-77, 12-1-95]

2. the secretary may terminate an approved discharge plan when a discharger fails to modify the plan in accordance with Subsection E.1. of this section. [2-18-77, 12-1-95]

3. the secretary may require modification, or may terminate a discharge plan for an effluent disposal well or in situ extraction well pursuant to the requirements of Subpart V of this Part. [9-20-82, 12-1-95]

F. If a discharge plan expires or is terminated for any reason and the standards of Subsection ▶▶3103◀◀ are being or will be exceeded, or a toxic pollutant as defined in ▶▶Section◀◀ 1101 of this Part is present in ground water, or that the Water Quality Standards for Interstate and Intrastate Streams in New Mexico are being or may be violated, the secretary may require the discharger to submit an abatement plan pursuant to Sections 4104 and 4106.A of this Part. [12-1-95; RN 20 NMAC 6.2.3109.E.4, 11-15-96]

G. At the request of the discharger, an approved discharge plan may be modified in accordance with this Subpart. [2-18-77; RN 20 NMAC 6.2.3109.F, 11-15-96]

nmac

H. The secretary shall not approve a discharge plan, modification, or renewal for:

1. any discharge for which the discharger has not provided a site and method for flow measurement and sampling;

2. any discharge that will cause any stream standard to be violated;

3. the discharge of any water contaminant which may result in a hazard to public health; or

4. a period longer than five years, except that for new discharges, the term of the discharge plan approval shall commence on the date the discharge begins, but in no event shall the term of the approval exceed seven years from the date the approval was issued. For those approvals expiring more than five years from the date of issuance, the discharger shall give prior written notification to the department of the date the discharge is to commence.The term of the approval shall not exceed five years from that date.

[2-18-77,6-26-80, 3-3-86, 12-1-95; RN 20 NMAC 6.2.3109.G, 11-15-96, 11-15-96]

20 NMAC 6.2.III3110 PUBLIC HEARING PARTICIPATION

A. The secretary may appoint an impartial hearing officer to preside over the hearing. The hearing officer may be a department employee other than an employee of the bureau evaluating the application. [2-18-77, 12-1-95; 20 NMAC 6.2.3108.C, 11-15-96]

B. The hearing shall be at a place in the area affected by the facility for which the discharge plan proposal, modification or renewal is sought. [11-15-96]

C. Any person who wishes to present technical evidence at the hearing shall, no later than ten (10) days prior to the hearing, file with the department, and if filed by a person who is not the applicant, serve on the applicant, a statement of intent to present evidence. A person who does not file a statement of intent to present evidence may present a general non-technical statement in support of or in opposition to the discharge plan proposal, modification or renewal. The statement of intent to present technical evidence shall include:

1. the name of the person filing the statement;

2. indication of whether the person filing the statement supports or opposes the discharge plan proposal, modification or renewal;

3. the name of each witness;

4. an estimate of the length of the direct testimony of each witness;

5. a list of exhibits, if any, to be offered into evidence at the hearing; and

6. a summary or outline of the anticipated direct testimony of each witness.

[11-15-96]

D. At the hearing, the New Mexico Rules of Civil Procedure, SCRA 1986, 1-001 to 1-102 and the New Mexico Rules of Evidence, SCRA 1986, 11-101 to 11-1102 shall not apply. At the discretion of the hearing officer, the rules may be used as guidance. Any reference to the Rules of Civil Procedure and the Rules of Evidence shall not be construed to extend or otherwise modify the authority and jurisdiction of the department under the Act. [11-15-96]

E. The hearing officer shall conduct a fair and impartial proceeding, assure that the facts are fully elicited, and avoid delay. The hearing officer shall have authority to take all measures necessary for the maintenance of order and for the efficient, fair and impartial adjudication of issues arising in the proceedings. [11-15-96]

F. At the hearing, all persons shall be given a reasonable chance to submit data, views or arguments orally or in writing and to examine witnesses testifying at the hearing. [2-18-77; 20 NMAC 6.2.3108.C, 11-15-96]

G. Unless otherwise allowed by the hearing officer, testimony shall be presented in the following order:

1. testimony by and examination of the applicant or permittee proving the facts relied upon to justify the proposed discharge plan, renewal or modification and meeting the requirements of the regulations;

2. testimony by and examination of technical witnesses supporting or opposing approval, approval subject to conditions, or disapproval of the proposed discharge plan, renewal or modification, in any reasonable order;

3. testimony by the general public; and

4. rebuttal testimony, if appropriate.

[11-15-96]

H. The secretary may provide translation service at a public hearing conducted in a locale where the Department can reasonably expect to receive testimony from non-English speaking people. [12-1-95; 20 NMAC 6.2.3108.C, 11-15-96]

I. If determined useful by the hearing officer, within thirty (30) days after conclusion of the hearing, or within such time as may be fixed by the hearing officer, the hearing officer may allow proposed findings of fact and conclusions of law and closing argument. All such submissions, if allowed, shall be in writing, shall be served upon the applicant or permittee, the department and all persons who request copies in advance in writing, and shall contain adequate references to the record and authorities relied on. No new evidence shall be presented unless specifically allowed by the hearing officer. [11-15-96]

J. The department shall make an audio recording of the hearing. If the applicant or permittee, or a participant requests a written transcript or certified copy of the audio recording, the requestor shall pay the cost of the transcription or audio copying. [11-15-96]

K. The hearing officer shall issue a report within thirty (30) days after the close of the hearing record. The report may include findings of fact, conclusions regarding all material issues of law or discretion, as well as reasons therefore. The report shall be served on the applicant or permittee, the department, and all persons who request copies in advance in writing. The report will be available for public inspection at the department's office in Santa Fe and at the field office closest to the point of the proposed discharge. [11-15-96]

L. The secretary shall issue a decision in the matter no later than thirty (30) days of receipt of the hearing report. The decision

shall be served and made available for inspection pursuant to Subsection K above. [11-15-96]

M. Any person who testifies at the hearing or submits a written statement for the record will be considered a participant for purposes of Subsection 3113 and NMSA 1978, 74-6-5.N. [11-15-96]

20 NMAC 6.2.III.3111 TRANSFER OF DISCHARGE PLAN

No purported transfer of any discharge plan shall be effective to create, alter or extinguish any right or responsibility of any person subject to this Part, unless the following transfer requirements are met:

A. Prior to any transfer of ownership, control, or possession (whether by lease, conveyance or otherwise) of a facility with an approved discharge plan, the transferror shall notify the transferee in writing of the existence of the discharge plan, and shall deliver or send by certified mail to the department a copy of such written notification, together with a certification or other proof that such notification has in fact been received by the transferee.

B. Upon receipt of such notification, the transferee shall have the duty to inquire into all of the provisions and requirements contained in such discharge plan, and the transferee shall be charged with notice of all such provisions and requirements as they appear of record in the department's file or files concerning such discharge plan.

C. Until both ownership and possession of the facility have been transferred to the transferee, the transferor shall continue to be responsible for any discharge from the facility.

D. Upon assuming either ownership or possession of the facility, the transferee shall have the same rights and responsibilities under the discharge plan as were applicable to the transferor.

E. Nothing in this Section or in this Part shall be construed to relieve any person of responsibility or liability for any act or omission which occurred while that person owned, controlled or was in possession of the facility.

[2-18-77, 12-24-87, 12-1-95, 11-15-96]

20 NMAC 6.2.III.3112 APPEALS FROM SECRETARY'S DECISIONS

A. If the secretary approves, approves subject to conditions, or disapproves a proposed discharge plan, renewal or modification, or modifies or terminates an approved plan, appeal therefrom shall be in accordance with the provisions of Sections 74-6-5(N), (O) and (P), NMSA 1978. The filing of an appeal does not act as a stay of any provision of the Act, the regulations, or any permit issued pursuant to the Act, unless otherwise ordered by the secretary or the commission. [2-18-77, 12-1-95, 11-15-96]

B. If the secretary determines that a discharger is not exempt from filing a discharge plan, or that the material to be discharged contains any toxic pollutant as defined in ⏩Section⏪ 1101, which is not included in the numerical standards of ⏩Section⏪ ⏩3103 ⏪, then the discharger may appeal such determination by filing with the commission's secretary a notice of appeal to the commission within thirty days after receiving the secretary's written determination, and the appeal therefrom and any action of the commission thereon shall be in accordance with the provisions of Sections 74-6-5(N),(O) and (P), NMSA 1978. [7-2-81, 12-1-95]

C. Proceedings before the commission shall be conducted in accordance with the commissions adjudicatory procedures, 20 NMAC 1.3. [11-15-96]

20 NMAC 6.2.III.3113 APPEALS FROM COMMISSION DECISIONS