

GW - 305

**PERMITS,
RENEWALS,
& MODS
Application**

Hansen, Edward J., EMNRD

GW-305

From: Misty hein [mistyh@fergusoncc.com]
Sent: Thursday, September 25, 2008 6:39 AM
To: Hansen, Edward J., EMNRD
Subject: Ferguson signed receipt
Attachments: scan0001.jpg

Mr. Hansen:

Thank you for the reminder. Here is the signed receipt from the land owner. Please let me know if you need anything further.

Have a great day.

Misty Hein
Ferguson Construction Company
2200 South Commercial
PO Box 1329
Lovington, NM 88260
Ph: 505-396-3689
Fx: 505-396-6221
Email: mistyh@fergusoncc.com
Ferguson Construction Company primary email address: ferguson@fergusoncc.com

This inbound email has been scanned by the MessageLabs Email Security System.

9/25/2008

SENDER: COMPLETE THIS SECTION

- ☐ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Francis West Trust
2137 NW 155th St
Edmond OK

79013-9101

2. Article Number

(Transfer from service label)

7007 0220 0001 1733 4290

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Francis West* ☐ Agent
☐ Addressee

B. Received by (Printed Name)

F West

C. Date of Delivery

9-16

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

RECEIVED

2008 SEP 22 AM 8 19

ATTACHMENT- DISCHARGE PERMIT APPROVAL CONDITIONS

- 1. Payment of Discharge Plan Fees:** All discharge permits are subject to WQCC Regulations. Every billable facility that submits a discharge permit application will be assessed a filing fee of \$100.00, plus a flat fee (*see* WQCC Regulation 20.6.2.3114 NMAC). The Oil Conservation Division ("OCD") has received the required \$100.00 filing fee. *The flat fee for an oil and gas service company is \$1700.00. Please submit this amount along with the signed certification item 23. Checks should be made out to the New Mexico Water Quality Management Fund.*
- 2. Permit Expiration, Renewal Conditions and Penalties:** Pursuant to WQCC Regulation 20.6.2.3109.H.4 NMAC, this permit is valid for a period of five years. **The permit will expire on July 20, 2013** and an application for renewal should be submitted no later than 120 days before that expiration date. Pursuant to WQCC Regulation 20.6.2.3106.F NMAC, if a discharger submits a discharge permit renewal application at least 120 days before the discharge permit expires and is in compliance with the approved permit, then the existing discharge permit will not expire until the application for renewal has been approved or disapproved. *Expired permits are a violation of the Water Quality Act {Chapter 74, Article 6, NMSA 1978} and civil penalties may be assessed accordingly.*
- 3. Permit Terms and Conditions:** Pursuant to WQCC Regulation 20.6.2.3104 NMAC, when a permit has been issued, the owner/operator must ensure that all discharges shall be consistent with the terms and conditions of the permit. In addition, all facilities shall abide by the applicable rules and regulations administered by the OCD pursuant to the Oil and Gas Act, NMSA 1978, Sections 70-2-1 through 70-2-38.
- 4. Owner/Operator Commitments:** The owner/operator shall abide by all commitments submitted in its March 21, 2008 discharge plan application, including attachments and subsequent amendments and these conditions for approval. Permit applications that reference previously approved plans on file with the division shall be incorporated in this permit and the owner/operator shall abide by all previous commitments of such plans and these conditions for approval.
- 5. Modifications:** WQCC Regulation 20.6.2.3107.C and 20.6.2.3109 NMAC addresses possible future modifications of a permit. The owner/operator (discharger) shall notify the OCD of any facility expansion, production increase or process modification that would result in any significant modification in the discharge of water contaminants. The Division Director may require a permit modification if any water quality standard specified at 20.6.2.3103 NMAC is being or will be exceeded, or if a toxic pollutant as defined in WQCC Regulation 20.6.2.7 NMAC is present in ground water at any place of withdrawal for present or reasonably foreseeable future use, or that the Water Quality Standards for Interstate and Intrastate streams as specified in 20.6.4 NMAC are being or may be violated in surface water in New Mexico.
- 6. Waste Disposal and Storage:** The owner/operator shall dispose of all wastes at an OCD-approved facility. Only oil field RCRA-exempt wastes may be disposed of by injection in a Class II well. RCRA non-hazardous, non-exempt oil field wastes may be disposed of at an OCD-approved facility upon proper waste determination pursuant to 40 CFR Part 261. Any waste

stream that is not listed in the discharge permit application must be approved by the OCD on a case-by-case basis.

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

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

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

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

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

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

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

A. All below-grade tanks and sumps must be approved by the OCD prior to installation and must incorporate secondary containment with leak detection into the design. The owner/operator shall retrofit all existing systems without secondary containment and leak detection before discharge permit renewal. All existing below-grade tanks and sumps without secondary containment and leak detection must be tested annually or as specified herein. Systems that have secondary containment with leak detection shall have a monthly inspection of the leak detection system to determine if the primary containment is leaking. Small sumps or depressions in secondary containment systems used to facilitate fluid removal are exempt from these requirements if fluids are removed within 72 hours.

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

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

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

12. Underground Process/Wastewater Lines:

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

B. The owner/operator shall maintain underground process and wastewater pipeline schematic diagrams or plans showing all drains, vents, risers, valves, underground piping, pipe type, rating, size, and approximate location. All new underground piping must be approved by the OCD prior to installation. The owner/operator shall report any leaks or loss of integrity to the OCD within 15 days of discovery. The owner/operator shall maintain the results of all tests at the facility covered by this discharge permit and they shall be available for OCD inspection. The owner/operator shall notify the OCD at least 72 hours prior to all testing.

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

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

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

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

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

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

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

20. Additional Site Specific Conditions: N/A

21. Transfer of Discharge Permit: Pursuant to 20.6.2.3111 NMAC, prior to any transfer of ownership, control, or possession (whether by lease, conveyance or otherwise) of a facility with a discharge permit, the transferor shall notify the transferee in writing of the existence of the discharge permit, 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.

Upon receipt of such notification, the transferee shall have the duty to inquire into all of the provisions and requirements contained in such discharge permit, 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 permit. The transferee (new owner/operator) shall sign and return an original copy of these permit conditions and provide a written commitment to comply with the terms and conditions of the previously approved discharge permit.

22. Closure Plan and Financial Assurance: Pursuant to 20.6.2.3107 NMAC an owner/operator shall notify the OCD when any operations of the facility are to be discontinued for a period in excess of six months. Prior to closure, or as a condition of this permit, or request from the OCD, the operator will submit an approved closure plan, modified plan, and/or provide adequate financial assurance.

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

Conditions accepted by: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment."

FERGUSON Construction Co.

Company Name-print name above

Misty HEIN

Company Representative- print name

Misty Hein

Company Representative- Signature

Title Vice President

Date: Sep. 15, 2008

ACKNOWLEDGEMENT OF RECEIPT
OF CHECK/CASH

I hereby acknowledge receipt of check No: _____ dated 9/15/08

or cash received on _____ in the amount of \$ 1700⁰⁰

from Ferguson Construction

for GW-305

Submitted by: Lawrence Romero Date: 9/24/08

Submitted to ASD by: Lawrence Romero Date: 9/24/08

Received in ASD by: _____ Date: _____

Filing Fee _____ New Facility _____ Renewal ☒

Modification _____ Other _____

Organization Code 521.07 Applicable FY 2004

To be deposited in the Water Quality Management Fund.

Full Payment ☒ or Annual Increment _____

Hansen, Edward J., EMNRD

From: Misty hein [mistyh@fergusoncc.com]
Sent: Tuesday, September 09, 2008 9:03 AM
To: Hansen, Edward J., EMNRD
Subject: Ferguson Affidavit
Attachments: scan0001.jpg; scan0002.jpg

Mr. Hansen:

Attached you will find the affidavit of publication (legal notice in eng/span) and the receipt of mailing the legal notice to the land owner. I have not received the signed portion back yet. I will forward to you upon receipt. Please let me know if you need anything further. Thank you!

Misty Hein

Ferguson Construction Company

2200 South Commercial

PO Box 1329

Lovington, NM 88260

Ph: 505-396-3689

Fx: 505-396-6221

Email: mistyh@fergusoncc.com

Ferguson Construction Company primary email address: ferguson@fergusoncc.com

This inbound email has been scanned by the MessageLabs Email Security System.

9/9/2008

Affidavit of Publication

STATE OF NEW MEXICO)
) ss.
COUNTY OF LEA)

Joyce Clemens being first duly sworn on oath deposes and says that she is Advertising Director of **THE LOVINGTON LEADER**, a daily newspaper of general paid circulation published in the English language at Lovington, Lea County, New Mexico; that said newspaper has been so published in such county continuously and uninterruptedly for a period in excess of Twenty-six (26) consecutive weeks next prior to the first publication of the notice hereto attached as hereinafter shown; and that said newspaper is in all things duly qualified to publish legal notices within the meaning of Chapter 167 of the 1937 Session Laws of the State of New Mexico.

That the notice which is hereto attached, entitled

Legal Notice
was published in a regular and entire issue of **THE LOV-
INGTON LEADER** and not in any supplement thereof, for
one (1) day, beginning with the issue of
August 28, 2008 and ending with the issue
of August 28, 2008.

And that the cost of publishing said notice is the sum of \$ 123.15 which sum has been (Paid) as Court Costs.

Subscribed and sworn to before me this 5th day of September 2008

Debbie Schilling

Notary Public, Lea County, New Mexico

My Commission Expires June 22, 2010

**LEGAL NOTICE
PUBLIC NOTICE**

Ferguson Construction Company, P.O. Box 1329, Lovington, New Mexico 88260, has submitted a renewal application for the previously approved discharge plan (GW-305) for their Lovington Facility, located in the Township 16 South, Range 36 East, Section 15, Lea County, New Mexico. Approximately 2750 gallons of wash-down water, 1000 gallons of used oil, and 150 oil filters are generated on-site monthly, which are collected and temporarily stored in containment vessels prior to transport and disposal at an NMOCD approved facility. Groundwater most likely to be affected by a spill, leak, or accidental discharge is at a depth of approximately 60 feet, with a total dissolved solids concentration of approximately 2000 mg/l. The discharge plan addresses how oilfield products and waste will be properly handled, stored, and disposed of, including how spills, leaks, and other accidental discharges to the surface will be managed in order to protect fresh water. Any interested person may obtain information, submit comments or request to be placed on a facility specific mailing list for future notices by contacting Edward J. Hansen at the New Mexico OCD at 1220 South St. Francis Drive, Santa Fe, New Mexico 87505, Telephone (505) 476-3489. The OCD will accept comments and statements of interest regarding the renewal and will create a facility-specific mailing list for persons who wish to receive future notices.

Published in the Lovington Leader August 28, 2008.

LEGAL NOTICE
Aviso Publico

Ferguson Construction Company, P.O. Box 1329, Lovington, New Mexico 88260, ha presentado una aplicación de renovación para el plan de descarga (GW-305) para su ubicación en Lovington, localizado en el Municipio 16 Sur, Recorra 36 Este, Sección 15, Lea County New Mexico. Aproximadamente 2750 galones de wash down agua, 1000 galones de petróleo usado, y 150 filtros de aceite son generados en el sitio mensualmente, y son coleccionados y temporalmente almacenados en buques de contención antes de transporte y disposición en una instalación aprobada por el NMOCD. El agua subterránea con la mayor probabilidad para ser afectado por una caída, agujero, o descarga casual, esta en una profundidad de aproximadamente 2000 mg/l. El plan de descarga enseña como los productos petrolíferos y basura, serán manejados y eliminados para proteger el agua fresca. Cualquier persona interesada puede obtener la información, presentar comentarios o solicitar para ser colocado en una lista de direcciones para futuros avisos, puede ponerse en contacto con Edward J. Hansen, New Mexico OCD, 1220 South St. Francis Drive, Santa Fe, New Mexico 87505, Teléfono (505) 476-3489. El OCD aceptara comentarios y declaraciones de interés en cuanto a la renovación y creara una lista de direcciones para personas que desean recibir futuros avisos. (Este aviso publico es propuesto para ser publicado en el Lovington Daily Leader.)

Published in the Lovington Leader August 28, 2008.

7007 0220 0001 1733 4290

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


For delivery information visit our website at www.usps.com

CACTUS TX 79016 **OFFICIAL USE**

Postage	\$ 0.42	0660
Certified Fee	\$2.70	04
Return Receipt Fee (Endorsement Required)	\$2.20	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 5.32	09/08/2008

Sent to
Francis West Trust
 Street, Apt. No.,
 or PO Box No. **2137 NW 155th St**
 City, State, ZIP+4
Edmond OK 73013-9101

PS Form 3800, August 2006 See Reverse for Instructions



New Mexico Energy, Minerals and Natural Resources Department

Bill Richardson

Governor

Joanna Prukop

Cabinet Secretary

Reese Fullerton

Deputy Cabinet Secretary

Mark Fesmire

Division Director

Oil Conservation Division



September 8, 2008

Misty Hein
Ferguson Construction Company
2200 S. Commercial
P.O. Box 1329
Lovington, New Mexico 88260

Re: Discharge Permit (GW-305) Renewal
Ferguson Construction Company – Lovington Facility,
Section 15, Township 16 South, Range 36 East, NMPM,
Lea County, New Mexico

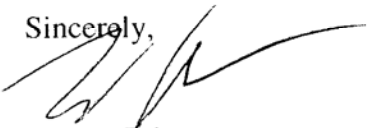
Dear Ms. Hein:

Pursuant to Water Quality Control Commission (WQCC) Regulations 20.6.2.3104 - 20.6.2.3114 NMAC, the Oil Conservation Division (OCD) hereby approves the discharge permit for the Ferguson Construction Company, (owner/operator) for the above referenced site contingent upon the conditions specified in the enclosed **Attachment to the Discharge Permit**. Enclosed are two copies of the conditions of approval. **Please sign and return one copy to the New Mexico Oil Conservation Division (OCD) Santa Fe Office within 30 days of receipt of this letter including permit fees.**

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

If you have any questions, please contact Edward Hansen of my staff at (505-476-3489) or E-mail edwardj.hansen@state.nm.us. On behalf of the staff of the OCD, I wish to thank you and your staff for your cooperation during this discharge permit review.

Sincerely,



Wayne Price

Environmental Bureau Chief

Attachments-1

xc: OCD District Office



ATTACHMENT- DISCHARGE PERMIT APPROVAL CONDITIONS

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

B. The owner/operator shall maintain underground process and wastewater pipeline schematic diagrams or plans showing all drains, vents, risers, valves, underground piping, pipe type, rating, size, and approximate location. All new underground piping must be approved by the OCD prior to installation. The owner/operator shall report any leaks or loss of integrity to the OCD within 15 days of discovery. The owner/operator shall maintain the results of all tests at the facility covered by this discharge permit and they shall be available for OCD inspection. The owner/operator shall notify the OCD at least 72 hours prior to all testing.

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

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

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

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

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

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

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

20. Additional Site Specific Conditions: N/A

21. Transfer of Discharge Permit: Pursuant to 20.6.2.3111 NMAC, prior to any transfer of ownership, control, or possession (whether by lease, conveyance or otherwise) of a facility with a discharge permit, the transferor shall notify the transferee in writing of the existence of the discharge permit, 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.

Upon receipt of such notification, the transferee shall have the duty to inquire into all of the provisions and requirements contained in such discharge permit, 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 permit. The transferee (new owner/operator) shall sign and return an original copy of these permit conditions and provide a written commitment to comply with the terms and conditions of the previously approved discharge permit.

22. Closure Plan and Financial Assurance: Pursuant to 20.6.2.3107 NMAC an owner/operator shall notify the OCD when any operations of the facility are to be discontinued for a period in excess of six months. Prior to closure, or as a condition of this permit, or request from the OCD, the operator will submit an approved closure plan, modified plan, and/or provide adequate financial assurance.

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

Conditions accepted by: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment."

Company Name-print name above

Company Representative- print name

Company Representative- Signature

Title_____

Date:_____

DISPLAY	CLASS.
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The Lovington

LEADER

The Oldest Newspaper in Lea County

Serving Since 1909

Drawer 1717 • Lovington, New Mexico 88260

Statement of Account For

Oil Conservation Division
• EMNRD
• Edward J. Hansen
• 1220 S. St. Francis Dr.
Santa Fe, NM 87505

Month of August 20 08

DISPLAY ADVERTISING:

_____ inches @ _____

CLASSIFIED ADVERTISING:

_____ words @ _____

_____ inches @ _____

OTHER CHARGES:

Legal Notice
GW-305
Ferguson Construction
PO# 52100-00000 13765
Ran August 2, 2008

TOTAL

96 32

TAX

Total This Month

Previous Balance

GW305
ok. to pay
Edward J. Hansen
8-27-08

PLEASE PAY THIS AMOUNT

96 32

Affidavit of Publication

STATE OF NEW MEXICO)

) ss.

COUNTY OF LEA)

Joyce Clemens being first duly sworn on oath deposes and says that she is Advertising Director of **THE LOVINGTON LEADER**, a daily newspaper of general paid circulation published in the English language at Lovington, Lea County, New Mexico; that said newspaper has been so published in such county continuously and uninterruptedly for a period in excess of Twenty-six (26) consecutive weeks next prior to the first publication of the notice hereto attached as hereinafter shown; and that said newspaper is in all things duly qualified to publish legal notices within the meaning of Chapter 167 of the 1937 Session Laws of the State of New Mexico.

That the notice which is hereto attached, entitled

Legal Notice

was published in a regular and entire issue of **THE LOVINGTON LEADER** and not in any supplement thereof, for

one (1) day, beginning with the issue of August 2, 2008 and ending with the issue of August 2, 2008.

And that the cost of publishing said notice is the sum of \$ 96.32 which sum has been (Paid) as Court Costs.

Joyce Clemens

Subscribed and sworn to before me this 20th day of August 2008.

Debbie Schilling

Debbie Schilling

Notary Public, Lea County, New Mexico

My Commission Expires June 22, 2010

LEGAL NOTICE 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 (20.6.2.3106 NMAC), the following discharge permit application(s) has been submitted to the Director of the New Mexico Oil Conservation Division ("NMOCD"), 1220 S. Saint Francis Drive, Santa Fe, New Mexico 87505; Telephone (505) 476-3440:

(GW-305) - Ferguson Construction Company, P.O. Box 1329, Lovington, New Mexico 88260, has submitted a renewal application for the previously approved discharge plan (GW-305) for their Lovington Facility, located in the Section 15, Township 16 South, Range 36 East, Lea County, New Mexico. Approximately 2750 gallons of wash-down water, 1000 gallons of used oil and 150 oil filters are generated on site monthly, which are collected and temporarily stored in containment vessels prior to transport and disposal at an NMOCD approved facility. Groundwater most likely to be affected by a spill, leak, or accidental discharge is at a depth of approximately 60 feet, with a total dissolved solids concentration of approximately 2000 mg/l.

The discharge plan addresses how oilfield products and waste will be properly handled, stored, and disposed of, including how spills, leaks, and other accidental discharges to the surface will be managed in order to protect fresh water.

The NMOCD has determined that the application is administratively complete and has prepared a draft permit. The NMOCD will accept comments and statements of interest regarding this application and will create a facility-specific mailing list for persons who wish to receive future notices. Persons interested in obtaining further information, submitting comments or requesting to be on a facility-specific mailing list for future notices may contact the Environmental Bureau Chief of the Oil Conservation Division at the address given above. The administrative completeness determination and draft permit may be viewed at the above address between 8:00 a.m. and 4:00 p.m. Monday through Friday, or may also be viewed at the NMOCD web site <http://www.emnrd.state.nm.us/ocd/>. Persons interested in obtaining a copy of the application and draft permit may contact the NMOCD at the address given above. Prior to ruling on any proposed discharge permit or major modification, the Director shall allow a period of at least thirty (30) days after the date of publication of this notice, during which interested persons may submit comments or request that NMOCD hold a public hearing. Requests for a

public hearing shall set forth the reasons why a hearing should be held. A hearing will be held if the Director determines that there is significant public interest.

If no public hearing is held, the Director will approve or disapprove the proposed permit based on information available, including all comments received. If a public hearing is held, the director will approve or disapprove the proposed permit based on information in the permit application and information submitted at the hearing.

Para obtener más información sobre esta solicitud en español, sírvase comunicarse por favor: New Mexico Energy, Minerals and Natural Resources Department (Dépto. Del Energía, Minerales y Recursos Naturales de Nuevo México), Oil Conservation Division (Dépto. Conservación Del Petróleo), 1220 South St. Francis Drive, Santa Fe, New Mexico (Contacto: Dorothy Phillips, 505-476-3461).

GIVEN under the Seal of New Mexico Oil Conservation Commission at Santa Fe, New Mexico, on this 31st day of July 2008:

STATE OF NEW MEXICO
OIL CONSERVATION
DIVISION

Mark Fesmire
Director
SEAL
Published in the
Lovington Leader August
2, 2008.

2008 AUG 12 PM 2 49

NM EMNRD OIL CONSERV

Edward Hansen
1220 S. St. Francis Dr.
Santa Fe, NM 87505

ALTERNATE ACCOUNT: 56689
AD NUMBER: 00263689 ACCOUNT: 00002212
LEGAL NO: 85766 P.O. #: 52100-00000137
194 LINES 1 TIME(S) 169.12
AFFIDAVIT: 7.00
TAX: 13.98
TOTAL: 190.10

NOTICE OF PUBLICATION

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

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AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO
COUNTY OF SANTA FE

I, L. Paquin, 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 # 85766 a copy of which is hereto attached was published in said newspaper 1 day(s) between 08/06/2008 and 08/06/2008 and that the notice was published in the newspaper proper and not in any supplement; the first date of publication being on the 6th day of August, 2008 and that the undersigned has personal knowledge of the matter and things set forth in this affidavit.

/s/ L. Paquin
LEGAL ADVERTISEMENT REPRESENTATIVE

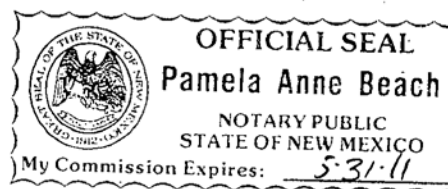
Subscribed and sworn to before me on this 6th day of August, 2008

Notary Pamela Anne Beach

Commission Expires: May 31, 2011

O.K. to pay
Edward F. Hansen
8-13-08

www.santafenewmexican.com



The NMOCD has determined that the application is administratively complete and has prepared a draft permit. The NMOCD will accept comments and statements of interest regarding this application and will create a facility-specific mailing list for persons who wish to receive future notices. Persons interested in obtaining further information, submitting comments or requesting to be on a facility-specific mailing list for future notices may contact the Environmental Bureau Chief of the Oil Conservation Division at the address given above. The administrative completeness determination and draft permit may be viewed at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, or may also be viewed at the NMOCD web site <http://www.emnrd.state.nm.us/ocd/>. Persons interested in obtaining a copy of the application and draft permit may contact the NMOCD at the address given above. Prior to ruling on any proposed discharge permit or major modification, the Director shall allow a period of at least thirty (30) days after the date of publication of this notice, during which interested persons may submit comments or request that NMOCD hold a public hearing. Requests for a public hearing shall set forth the reasons why a hearing should be held. A hearing will be held if the Director determines that there is significant public interest.

If no public hearing is held, the Director will approve or disapprove the proposed permit based on information available, including all comments

received. If a public hearing is held, the director will approve or disapprove the proposed permit based on information in the permit application and information submitted at the hearing.

Para obtener más información sobre esta solicitud en español, sírvase comunicarse por favor: New Mexico Energy, Minerals and Natural Resources Department (Depto. Del Energía, Minerales y Recursos Naturales de Nuevo México), Oil Conservation Division (Depto. Conservación Del Petróleo), 1220 South St. Francis Drive, Santa Fe, New Mexico (Contacto: Dorothy Phillips, 505-476-3461).

GIVEN under the Seal of New Mexico Oil Conservation Commission at Santa Fe, New Mexico, on this 31st day of July 2008.

STATE OF NEW MEXICO
OIL CONSERVATION
DIVISION

SEAL
Mark Fesmire,
Director
Legal No. 85766
Pub. August 6, 2008.

NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
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Oil Conservation Division
1220 South St. Francis Drive
Santa Fe, NM 87505
P: (505) 476-3440
F: (505) 476-3462

Applications, Draft Permits, Public Notices and Notification List

(NOTE: ALL DOCUMENTS POSTED IN PDF FORMAT)

**Notification List**

List of Rule 19 and WQCC Interested Parties (12/02/05)

Applications (Recently Filed and Deemed Administratively Complete.)

APPLICANT	PERMIT NUMBER (IF FOR RENEWAL)	FACILITY NAME	DATE FILED

Draft Permits and Public Notices

NOTE: FOR NEW APPLICATIONS, DRAFT PERMITS MAY NOT BE AVAILABLE UNTIL PUBLIC NOTICE PERIOD HAS EXPIRED.

SPANISH LANGUAGE PUBLIC NOTICE

FERGUSON CONSTRUCTION COMPANY (7/31/08) Lovington Service Facility (GW-305) Draft Permit, Public Notice, Administrative Completeness.**EL PASO NATURAL GAS COMPANY** (7/23/08) Eunice B Compressor Station (GW-151) Draft Permit, Public Notice, Administrative Completeness**EL PASO NATURAL GAS COMPANY** (7/16/08) Eunice C Compressor Station (GW-379) Draft Permit, Public Notice, Administrative Completeness**SOUTHERN UNION GAS SERVICES, LTD.** (7/16/08) House Compressor Station (GW-243) Draft Permit, Public Notice, Administrative Completeness**SOUTHERN UNION GAS SERVICES, LTD.** (7/16/08) AP-14 Compressor Station (GW-385) Draft Permit, Public Notice, Administrative Completeness**SOUTHERN UNION GAS SERVICES, LTD.** (7/16/08) Jal #4 Compressor Station (GW-107) Draft Permit, Public Notice, Administrative Completeness**NAVAJO REFINING COMPANY** (7/10/08) Artesia Refinery (GW-28) Draft Permit, Attachment One, Attachment Two, Public Notice, Administrative Completeness**BJ SERVICES COMPANY** (6/27/08) Farmington Service Facility (GW-97) Draft Permit, Public Notice, Administrative Completeness**KEY ENERGY SERVICES, INC** (6/27/08) Farmington Service Facility (GW-156) Draft Permit, Public Notice, Administrative Completeness**WILLIAMS FOUR CORNERS** (6/27/08) Culpepper Compressor Station (GW-353) Draft Permit, Public Notice, Administrative Completeness**WILLIAMS FOUR CORNERS** (6/23/08) Cabresto Compressor Station (GW-352) Draft Permit, Public Notice, Administrative Completeness**DCP MIDSTREAM LP** (6/19/08) South Hat Mesa Compressor Station (GW-128) Draft Permit, Public Notice, Administrative Completeness**DCP MIDSTREAM LP** (6/19/08) Sand Dunes Compressor Station (GW-142) Draft Permit, Public Notice, Administrative Completeness**DCP MIDSTREAM LP** (6/19/08) Cal-Mon Compressor Station (GW-143) Draft Permit, Public Notice,

Hansen, Edward J., EMNRD

From: Hansen, Edward J., EMNRD
Sent: Thursday, July 31, 2008 4:20 PM
To: Lovington Daily Leader
Subject: GW305 Discharge Permit Public Notice - Lovington Daily Leader
Attachments: GW305 Public Notice 7-31-08.DOC

Dear Sir or Madam:

Please publish the attached notice(s) once in the classified-legal notice section of the newspaper. The Oil Conservation Division (OCD) PO # is **52100-0000013765** and Account # DFA850323778 (account # included for your use only). Please mail an affidavit of proof of publication for the notice. Please contact me if you have questions. Thank you.

The Oil Conservation Division appreciates the ad placement services that you provide to our agency. In order to streamline the review and approval process for newspaper ad invoices, the OCD requests that you send the original invoice with an original affidavit of proof of posting directly to the OCD requestor (contact info. usually at the bottom of e-mails or letters). This will help the proper OCD staff person responsible for the ad placement to promptly receive invoices from newspaper companies and quickly approve invoices for payment.

The OCD appreciates your cooperation and we look forward to working with you in the future. Please contact me if you have questions or need further assistance in this matter.

Edward J. Hansen
Oil Conservation Division
EMNRD
1220 S. St. Francis Dr.
Santa Fe, New Mexico 87505

505-476-3489

Hansen, Edward J., EMNRD

From: Hansen, Edward J., EMNRD
Sent: Thursday, July 31, 2008 4:21 PM
To: 'Legals'
Subject: GW305 Discharge Permit Public Notice - SF New Mexican
Attachments: GW305 Public Notice 7-31-08.DOC

Dear Sir or Madam:

Please publish the attached notice(s) once in the classified-legal notice section of the newspaper. The Oil Conservation Division (OCD) PO # is **52100-0000013759** and Account # 56689 (account # included for your use only). Please mail an affidavit of proof of publication for the notice. Please contact me if you have questions. Thank you.

The Oil Conservation Division appreciates the ad placement services that you provide to our agency. In order to streamline the review and approval process for newspaper ad invoices, the OCD requests that you send the original invoice with an original affidavit of proof of posting directly to the OCD requestor (contact info. usually at the bottom of e-mails or letters). This will help the proper OCD staff person responsible for the ad placement to promptly receive invoices from newspaper companies and quickly approve invoices for payment.

The OCD appreciates your cooperation and we look forward to working with you in the future. Please contact me if you have questions or need further assistance in this matter.

Edward J. Hansen
Oil Conservation Division
EMNRD
1220 S. St. Francis Dr.
Santa Fe, New Mexico 87505

505-476-3489

7/31/2008

STATE OF NEW MEXICO
ENERGY MINERALS AND
NATURAL RESOURCES DEPARTMENT
1220 SOUTH SAINT FRANCIS DRIVE
SANTA FE, NEW MEXICO 87505

sent
RECEIVED
JUL 31 2008
Environmental Bureau
Oil Conservation Division

Field Supervisor
US Fish & Wildlife Service
2105 Osuna Road, Northeast
Albuquerque, NM 87113-1001

STATE OF NEW MEXICO
ENERGY MINERALS AND
NATURAL RESOURCES DEPARTMENT
1220 SOUTH SAINT FRANCIS DRIVE
SANTA FE, NEW MEXICO 87505

State Historic Preservation Officer
228 East Palace Avenue
Villa Rivera Room 101
Santa Fe, NM 87503

STATE OF NEW MEXICO
ENERGY MINERALS AND
NATURAL RESOURCES DEPARTMENT
1220 SOUTH SAINT FRANCIS DRIVE
SANTA FE, NEW MEXICO 87505

Dr. Harry Bishara
P.O. Box 748
Cuba, NM 87013

Hansen, Edward J., EMNRD

From: Hansen, Edward J., EMNRD

Sent: Thursday, July 31, 2008 4:19 PM

To: Thompson, Bruce C., DGF; Wunder, Matthew, DGF; Warren, Alvin, DIA; Kiger, Stephanie P, DIA; 'ddapr@nmda.nmsu.edu'; 'Linda_Rundell@nm.blm.gov'; 'psisneros@nmag.gov'; 'lsouthard@nmag.gov'; 'r@rthicksconsult.com'; 'sricdon@earthlink.net'; 'nmparks@state.nm.us'; Dantonio, John, OSE; 'sreid@nmoga.org'; Martinez, Elysia, NMENV; 'lazarus@glorietageo.com'; Stone, Marissa, NMENV; 'ron.dutton@xcelenergy.com'; 'cgarcia@fs.fed.us'; 'jbarnett@barnettwater.com'; Kieling, John, NMENV; 'bsg@garbhall.com'; Olson, Bill, NMENV; 'claudette.horn@pnm.com'; 'ekendrick@montand.com'; 'staff@ipanm.org'; Williams, Chris, EMNRD; Johnson, Larry, EMNRD; Gum, Tim, EMNRD; Bratcher, Mike, EMNRD; Perrin, Charlie, EMNRD; Powell, Brandon, EMNRD; Martin, Ed, EMNRD; 'dseawright@gmail.com'; 'jharris@rwdhc.com'

Subject: GW-305 Discharge Permit Renewal - Public Notice

Attachments: GW305 Public Notice 7-31-08.pdf

Hansen, Edward J., EMNRD

From: Hansen, Edward J., EMNRD
Sent: Thursday, July 31, 2008 4:17 PM
To: 'Misty hein'
Subject: Discharge Permit (GW-305) Renewal Application Administratively Complete
Attachments: GW305 Public Notice 7-31-08.pdf; GW305 DRAFT PERMIT renewal 07-31-08.pdf;
GW305_AdminCompLetter7-31-08.pdf

Dear Ms. Hein:

The submitted discharge permit application for the Ferguson Construction Company – Lovington Facility has been determined to be **administratively complete**.

I have attached the **Administratively Complete Letter**, **Draft Permit**, and **OCD Public Notice** for your records. The Administratively Complete Letter has also been sent to you via U.S. Mail.

Please see the Administratively Complete Letter for instructions for the public notice you are required to give.

Let me know if you have any questions regarding this matter.

Edward J. Hansen
Hydrologist
Environmental Bureau
505-476-3489

7/31/2008



New Mexico Energy, Minerals and Natural Resources Department

Bill Richardson

Governor
Joanna Prukop
Cabinet Secretary
Reese Fullerton
Deputy Cabinet Secretary

Mark Fesmire
Division Director
Oil Conservation Division



July 31, 2008

Misty Hein
Ferguson Construction Company
2200 S. Commercial
P.O. Box 1329
Lovington, New Mexico 88260

Re: **DRAFT** Discharge Permit (GW-305) Renewal
Ferguson Construction Company – Lovington Facility
Section 15, Township 16 South, Range 36 East, NMPM
Lea County, New Mexico

Dear Ms. Hein:

Pursuant to Water Quality Control Commission (WQCC) Regulations 20.6.2.3104 - 20.6.2.3114 NMAC, the Oil Conservation Division (OCD) hereby approves the discharge permit for the Ferguson Construction Company, (owner/operator) for the above referenced site contingent upon the conditions specified in the enclosed **Attachment to the Discharge Permit**. Enclosed are two copies of the conditions of approval. **Please sign and return one copy to the New Mexico Oil Conservation Division (OCD) Santa Fe Office within 30 days of receipt of this letter including permit fees.**

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

The final permit should be issued in approximately 45 days. If you have any questions, please contact Edward Hansen of my staff at (505-476-3489) or E-mail edwardj.hansen@state.nm.us. On behalf of the staff of the OCD, I wish to thank you and your staff for your cooperation during this discharge permit review.

Sincerely,

Wayne Price
Environmental Bureau Chief

Attachments-1
xc: OCD District Office



ATTACHMENT- DISCHARGE PERMIT APPROVAL CONDITIONS

- 1. Payment of Discharge Plan Fees:** All discharge permits are subject to WQCC Regulations. Every billable facility that submits a discharge permit application will be assessed a filing fee of \$100.00, plus a flat fee (*see* WQCC Regulation 20.6.2.3114 NMAC). The Oil Conservation Division ("OCD") has received the required \$100.00 filing fee. *The flat fee for an oil and gas service company is \$1700.00. Please submit this amount along with the signed certification item 23. Checks should be made out to the New Mexico Water Quality Management Fund.*
- 2. Permit Expiration, Renewal Conditions and Penalties:** Pursuant to WQCC Regulation 20.6.2.3109.H.4 NMAC, this permit is valid for a period of five years. **The permit will expire on July 20, 2013** and an application for renewal should be submitted no later than 120 days before that expiration date. Pursuant to WQCC Regulation 20.6.2.3106.F NMAC, if a discharger submits a discharge permit renewal application at least 120 days before the discharge permit expires and is in compliance with the approved permit, then the existing discharge permit will not expire until the application for renewal has been approved or disapproved. *Expired permits are a violation of the Water Quality Act [Chapter 74, Article 6, NMSA 1978] and civil penalties may be assessed accordingly.*
- 3. Permit Terms and Conditions:** Pursuant to WQCC Regulation 20.6.2.3104 NMAC, when a permit has been issued, the owner/operator must ensure that all discharges shall be consistent with the terms and conditions of the permit. In addition, all facilities shall abide by the applicable rules and regulations administered by the OCD pursuant to the Oil and Gas Act, NMSA 1978, Sections 70-2-1 through 70-2-38.
- 4. Owner/Operator Commitments:** The owner/operator shall abide by all commitments submitted in its March 21, 2008 discharge plan application, including attachments and subsequent amendments and these conditions for approval. Permit applications that reference previously approved plans on file with the division shall be incorporated in this permit and the owner/operator shall abide by all previous commitments of such plans and these conditions for approval.
- 5. Modifications:** WQCC Regulation 20.6.2.3107.C and 20.6.2.3109 NMAC addresses possible future modifications of a permit. The owner/operator (discharger) shall notify the OCD of any facility expansion, production increase or process modification that would result in any significant modification in the discharge of water contaminants. The Division Director may require a permit modification if any water quality standard specified at 20.6.2.3103 NMAC is being or will be exceeded, or if a toxic pollutant as defined in WQCC Regulation 20.6.2.7 NMAC is present in ground water at any place of withdrawal for present or reasonably foreseeable future use, or that the Water Quality Standards for Interstate and Intrastate streams as specified in 20.6.4 NMAC are being or may be violated in surface water in New Mexico.
- 6. Waste Disposal and Storage:** The owner/operator shall dispose of all wastes at an OCD-approved facility. Only oil field RCRA-exempt wastes may be disposed of by injection in a Class II well. RCRA non-hazardous, non-exempt oil field wastes may be disposed of at an OCD-approved facility upon proper waste determination pursuant to 40 CFR Part 261. Any waste

stream that is not listed in the discharge permit application must be approved by the OCD on a case-by-case basis.

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

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

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

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

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

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

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

A. All below-grade tanks and sumps must be approved by the OCD prior to installation and must incorporate secondary containment with leak detection into the design. The owner/operator shall retrofit all existing systems without secondary containment and leak detection before discharge permit renewal. All existing below-grade tanks and sumps without secondary containment and leak detection must be tested annually or as specified herein. Systems that have secondary containment with leak detection shall have a monthly inspection of the leak detection system to determine if the primary containment is leaking. Small sumps or depressions in secondary containment systems used to facilitate fluid removal are exempt from these requirements if fluids are removed within 72 hours.

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

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

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

12. Underground Process/Wastewater Lines

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

B. The owner/operator shall maintain underground process and wastewater pipeline schematic diagrams or plans showing all drains, vents, risers, valves, underground piping, pipe type, rating, size, and approximate location. All new underground piping must be approved by the OCD prior to installation. The owner/operator shall report any leaks or loss of integrity to the OCD within 15 days of discovery. The owner/operator shall maintain the results of all tests at the facility covered by this discharge permit and they shall be available for OCD inspection. The owner/operator shall notify the OCD at least 72 hours prior to all testing.

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

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

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

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

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

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

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

20. Additional Site Specific Conditions: N/A

21. Transfer of Discharge Permit: Pursuant to 20.6.2.3111 NMAC, prior to any transfer of ownership, control, or possession (whether by lease, conveyance or otherwise) of a facility with a discharge permit, the transferor shall notify the transferee in writing of the existence of the discharge permit, 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.

Upon receipt of such notification, the transferee shall have the duty to inquire into all of the provisions and requirements contained in such discharge permit, 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 permit. The transferee (new owner/operator) shall sign and return an original copy of these permit conditions and provide a written commitment to comply with the terms and conditions of the previously approved discharge permit.

22. Closure Plan and Financial Assurance: Pursuant to 20.6.2.3107 NMAC an owner/operator shall notify the OCD when any operations of the facility are to be discontinued for a period in excess of six months. Prior to closure, or as a condition of this permit, or request from the OCD, the operator will submit an approved closure plan, modified plan, and/or provide adequate financial assurance.

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

Conditions accepted by: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment."

Company Name-print name above

Company Representative- print name

Company Representative- Signature

Title

Date:

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 (20.6.2.3106 NMAC), the following discharge permit application(s) has been submitted to the Director of the New Mexico Oil Conservation Division ("NMOCD"), 1220 S. Saint Francis Drive, Santa Fe, New Mexico 87505, Telephone (505) 476-3440:

(GW-305) – Ferguson Construction Company, P.O. Box 1329, Lovington, New Mexico 88260, has submitted a renewal application for the previously approved discharge plan (GW-305) for their Lovington Facility, located in the Section 15, Township 16 South, Range 36 East, Lea County, New Mexico. Approximately 2750 gallons of wash-down water, 1000 gallons of used oil, and 150 oil filters are generated on site monthly, which are collected and temporarily stored in containment vessels prior to transport and disposal at an NMOCD approved facility. Groundwater most likely to be affected by a spill, leak, or accidental discharge is at a depth of approximately 60 feet, with a total dissolved solids concentration of approximately 2000 mg/l. The discharge plan addresses how oilfield products and waste will be properly handled, stored, and disposed of, including how spills, leaks, and other accidental discharges to the surface will be managed in order to protect fresh water.

The NMOCD has determined that the application is administratively complete and has prepared a draft permit. The NMOCD will accept comments and statements of interest regarding this application and will create a facility-specific mailing list for persons who wish to receive future notices. Persons interested in obtaining further information, submitting comments or requesting to be on a facility-specific mailing list for future notices may contact the Environmental Bureau Chief of the Oil Conservation Division at the address given above. The administrative completeness determination and draft permit may be viewed at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, or may also be viewed at the NMOCD web site <http://www.emnrd.state.nm.us/ocd/>. Persons interested in obtaining a copy of the application and draft permit may contact the NMOCD at the address given above. Prior to ruling on any proposed discharge permit or major modification, the Director shall allow a period of at least thirty (30) days after the date of publication of this notice, during which interested persons may submit comments or request that NMOCD hold a public hearing. Requests for a public hearing shall set forth the reasons why a hearing should be held. A hearing will be held if the Director determines that there is significant public interest.

If no public hearing is held, the Director will approve or disapprove the proposed permit based on information available, including all comments received. If a public hearing is held, the director will approve or disapprove the proposed permit based on information in the permit application and information submitted at the hearing.

Para obtener más información sobre esta solicitud en español, sirvase comunicarse por favor: New Mexico Energy, Minerals and Natural Resources Department (Depto. Del Energia, Minerals y Recursos Naturales de Nuevo México), Oil Conservation Division (Depto. Conservación Del Petróleo), 1220 South St. Francis Drive, Santa Fe, New México (Contacto: Dorothy Phillips, 505-476-3461)

GIVEN under the Seal of New Mexico Oil Conservation Commission at Santa Fe, New Mexico, on this 31st day of July 2008.

STATE OF NEW MEXICO
OIL CONSERVATION DIVISION

S E A L

Mark Fesmire, Director



New Mexico Energy, Minerals and Natural Resources Department

Bill Richardson
Governor

Joanna Prukop
Cabinet Secretary
Reese Fullerton
Deputy Cabinet Secretary

Mark Fesmire
Division Director
Oil Conservation Division



July 31, 2008

Misty Hein
Ferguson Construction Company
2200 S. Commercial
P.O. Box 1329
Lovington, New Mexico 88260

RE: Discharge Permit (GW-305) Renewal
Ferguson Construction Company – Lovington Facility
Lea County, New Mexico
Determination of Administratively Complete

Dear Ms. Hein:

The New Mexico Oil Conservation Division (OCD) has received the Ferguson Construction Company, dated March 19, 2008, to renew the discharge permit, GW-305, for the Ferguson Construction Company – Lovington Facility in Section 15, Township 16 South, Range 36 East, NMPM, Lea County, New Mexico. The application was received on March 21, 2008, and the filing fee was received on March 21, 2008. The application and a follow-up correspondence, which proposed the newspaper to publish the public notice, provided the required information in order to deem the application “administratively” complete.

Now that the submittal is deemed “administratively” complete, the New Mexico Water Quality Control Commission regulations (WQCC) public notice requirements of 20.6.2.3108 NMAC must be satisfied and demonstrated to the OCD. The OCD hereby approves your submitted draft version of the public notice for translation into Spanish and publication in the specified newspaper in both English and Spanish.

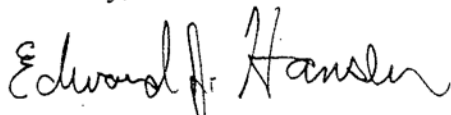


The public notice must be given no later than August 30, 2008. Once the notice has been given, then please submit to the OCD within 15 days of public notice:

- 1) proof that the notice was published in the newspaper in both English and Spanish (affidavit of publication from the newspaper) (the notice must be published as a **display ad** and not in the legal or classified ad section) and
- 2) proof that the notice was sent via certified mail to each landowner [signed certified mail receipt (green card) by each landowner – *this is not required if you are the landowner*].

If you have any questions regarding this matter, please do not hesitate to contact me at (505) 476-3489 or edwardj.hansen@state.nm.us. On behalf of the staff of the OCD, I wish to thank you and your staff for your cooperation during this discharge permit renewal review.

Sincerely,



Edward J. Hansen
Hydrologist
Environmental Bureau

EJH:ejh

Hansen, Edward J., EMNRD

From: Misty hein [mistyh@fergusoncc.com]
Sent: Tuesday, June 17, 2008 1:18 PM
To: Hansen, Edward J., EMNRD
Subject: Response to request
Attachments: Ferguson Response 08 renewal.doc

Mr. Hansen:

Thank you for your continued assistance in the progression of this process. I am submitting to you the attached response. I believe it addresses all the issues / concerns. Please let me know if you need more detail. Thank you again.

Misty Hein
Ferguson Construction Company
2200 South Commercial
PO Box 1329
Lovington, NM 88260
Ph: 505-396-3689
Fx: 505-396-6221
Email: mistyh@fergusoncc.com
Ferguson Construction Company primary email address: ferguson@fergusoncc.com

This inbound email has been scanned by the MessageLabs Email Security System.

6/17/2008

On May 5, 2008, Ferguson Construction Company (Ferguson) of Lovington, New Mexico received a request from the New Mexico Energy, Minerals and Natural Resource Department (NMEMNRD) for additional information required to process the renewal of the Ferguson discharge permit (GW-305).

Item #3 of this correspondence stated:

Please indicate how secondary containment, which incorporates an impermeable pad with curbing, will be installed for the oil/water separator. In addition, please indicate how secondary containment with leak detection will be installed for the mechanic shop septic system 1,305 gallon storage tank. Please submit a schedule, including completion within the next 5 years (i.e., prior to the next renewal of your permit, July 20, 2013), for implementation of secondary containment for the oil/water separator and the storage tank.

Ferguson proposes the following modifications to the discharge permit to satisfy the NMEMNRD requests as indicated above:

- Ferguson will disconnect all piping from the 1,305 gallon mechanic shop septic system and the septic system will be removed.
- Ferguson will pipe all wastewater from the mechanic shop to the City of Lovington municipal sewer system.
- The below grade oil / water separator located west of the mechanic shop will have the internal components removed, leaving the outer concrete walls and concrete floor intact. Following cleaning of the exposed interior walls and floor, the walls and floor will be coated with a waterproof coating. Should the redesign of this "vault" be deemed technically infeasible, a new vault will be constructed of concrete or fiberglass. A steel oil / water separator will be purchased and installed in the vault. The vault will be covered with expanded metal or plate steel with ports, allowing for periodic visual inspection of the vault in the event of a leak within the separator or associated piping and safeguarding personnel and wildlife. The vault will act as secondary containment for the oil / water separator.
- Water from the oil / water separator will be piped to the City of Lovington municipal sewer system. Oil from the oil/water separator will be periodically removed using a vacuum truck.

On approval of this proposal by the NMEMNRD, Ferguson will implement these modifications by December 31, 2011.

Hansen, Edward J., EMNRD

From: Hansen, Edward J., EMNRD
Sent: Thursday, June 05, 2008 8:21 AM
To: 'Misty hein'
Subject: RE: GW-305 (Ferguson Construction facility) Permit Renewal

Dear Mr. Hein:

The New Mexico Oil Conservation Division (NMOCD) has reviewed your request for submittal extension of additional information regarding the renewal application for discharge permit GW-305 (Ferguson Construction facility). The NMOCD hereby approves the extension for submittal of additional information until Wednesday, June 18, 2008.

Also, please be advised that NMOCD approval of this extension does not relieve the owner/operator of responsibility should operations pose a threat to ground water, surface water, human health or the environment. In addition, NMOCD approval does not relieve the owner/operator of responsibility for compliance with any NMOCD, federal, state, or local laws and/or regulations.

If you have questions regarding this matter, please contact me at 505-476-3489.

Edward J. Hansen
Hydrologist
Environmental Bureau
New Mexico Oil Conservation Division

From: Misty hein [mailto:mistyh@fergusoncc.com]
Sent: Thursday, June 05, 2008 5:55 AM
To: Hansen, Edward J., EMNRD
Subject: RE: GW-305 (Ferguson Construction facility) Permit Renewal

Mr. Hansen:

Thank you again for taking the time to speak with myself yesterday regarding secondary containment / leak detection for Ferguson's current septic system.

In order to ensure that I have a realistic / accurate time line for implementation, I would like to request a 10 day extension for the below #3 request. Ferguson will submit a plan to you promptly before the completion of the ten days. I appreciate your consideration of this extension.

Misty Hein
Ferguson Construction Company
2200 South Commercial
PO Box 1329
Lovington, NM 88260
Ph: 505-396-3689
Fx: 505-396-6221
Email: mistyh@fergusoncc.com
Ferguson Construction Company primary email address: ferguson@fergusoncc.com

From: Hansen, Edward J., EMNRD [mailto:edwardj.hansen@state.nm.us]

6/5/2008

Sent: Monday, May 05, 2008 6:11 PM
To: mistyh@fergusoncc.com
Cc: Rita Staton
Subject: FW: GW-305 (Ferguson Construction facility) Permit Renewal

Misty,

Thank you for submitting your revised (May 2, 2008) application for the renewal of discharge permit (GW-305).

I need a couple of items before I can deem the application complete:

- 1) Attached is an example public notice. Please fill in the high-lighted portions as they pertain to your facility and return it to me for approval (prior to publication – I'll give you further publication details once the notice has been approved). (The OCD public notice given in 2003 indicated that the depth to groundwater at the site is ~60' and the TDS concentration is ~2000 mg/L.)
- 2) Also, please submit the name of the newspaper that you propose to publish the public notice. (The *Lovington Daily Leader* would be an acceptable newspaper for your public notice.)
- 3) Please indicate how secondary containment, which incorporates an impermeable pad with curbing, will be installed for the oil/water separator. In addition, please indicate how secondary containment with leak detection will be installed for the mechanic shop septic system 1305 gallon storage tank. Please submit a schedule, including completion within the next 5 years (i.e., prior to the next renewal of your permit, July 20, 2013), for implementation of secondary containment for the oil/water separator and the storage tank.

Please submit the above information to me within 30 days (June 5, 2008).

Thank you for your cooperation in this matter. Please let me know if you have any questions regarding this matter.

Edward J. Hansen
Hydrologist
Environmental Bureau
505-476-3489

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6/5/2008

Hansen, Edward J., EMNRD

From: Misty hein [mistyh@fergusoncc.com]
Sent: Friday, May 16, 2008 6:57 AM
To: Hansen, Edward J., EMNRD
Subject: public notice
Attachments: PUBLIC NOTICE.doc

Mr. Hansen:

I am attaching the Public Notice that I created based on your example. I did change the utilization to monthly. I was not sure if this is exceptable. I can make whatever adjustments needed. Please advise. Thank you.

Misty Hein

Ferguson Construction Company

2200 South Commercial

PO Box 1329

Lovington, NM 88260

Ph: 505-396-3689

Fx: 505-396-6221

Email: mistyh@fergusoncc.com

Ferguson Construction Company primary email address: ferguson@fergusoncc.com

This inbound email has been scanned by the MessageLabs Email Security System.

7/31/2008

PUBLIC NOTICE

Ferguson Construction Company, P.O. Box 1329, Lovington, New Mexico 88260, has submitted a renewal application for the previously approved discharge plan (GW-305) for their Lovington Facility, located in the Township 16 South, Range 36 East, Section 15, Lea County, New Mexico. Approximately 2750 gallons of wash-down water, 1000 gallons of used oil, and 150 oil filters are generated on site monthly, which are collected and temporarily stored in containment vessels prior to transport and disposal at an NMOCD approved facility. Groundwater most likely to be affected by a spill, leak, or accidental discharge is at a depth of approximately 60 feet, with a total dissolved solids concentration of approximately 2000 mg/l. The discharge plan addresses how oilfield products and waste will be properly handled, stored, and disposed of, including how spills, leaks, and other accidental discharges to the surface will be managed in order to protect fresh water. Any interested person may obtain information, submit comments or request to be placed on a facility specific mailing list for future notices by contacting Edward J. Hansen at the New Mexico OCD at 1220 South St. Francis Drive, Santa Fe, New Mexico 87505, Telephone (505) 476-3489. The OCD will accept comments and statements of interest regarding the renewal and will create a facility-specific mailing list for persons who wish to receive future notices.

(This public notice is proposed to be published in the Lovington Daily Leader.)

Hansen, Edward J., EMNRD

From: Misty hein [mistyh@fergusoncc.com]
Sent: Friday, May 16, 2008 6:32 AM
To: Hansen, Edward J., EMNRD
Subject: RE: GW-305 (Ferguson Construction facility) Permit Renewal

Mr. Hansen:

I am working to complete the action items listed below. Could you please assist me with #3? We are not sure whom to contact in regards to improving the two mentioned items. If you have any literature or other types of resources it would be greatly appreciated.

The public notice will be sent to you this morning. Thank you again for all of your assistance.

Misty Hein
 Ferguson Construction Company
 2200 South Commercial
 PO Box 1329
 Lovington, NM 88260
 Ph: 505-396-3689
 Fx: 505-396-6221
 Email: mistyh@fergusoncc.com
 Ferguson Construction Company primary email address: ferguson@fergusoncc.com

Kyle ~
 FLEXI-LINER
 1-800-423-4909

2 clips
 #525
 for 1400 gal
 tank
 cube tank
 need leak
 detection
 (could be pipe
 in corner of
 the tank)

From: Hansen, Edward J., EMNRD [mailto:edwardj.hansen@state.nm.us]
Sent: Monday, May 05, 2008 6:11 PM
To: mistyh@fergusoncc.com
Cc: Rita Staton
Subject: FW: GW-305 (Ferguson Construction facility) Permit Renewal

Misty,

Thank you for submitting your revised (May 2, 2008) application for the renewal of discharge permit (GW-305).

I need a couple of items before I can deem the application complete:

- 1) Attached is an example public notice. Please fill in the high-lighted portions as they pertain to your facility and return it to me for approval (prior to publication – I'll give you further publication details once the notice has been approved). (The OCD public notice given in 2003 indicated that the depth to groundwater at the site is ~60' and the TDS concentration is ~2000 mg/L.)
- 2) Also, please submit the name of the newspaper that you propose to publish the public notice. (The *Lovington Daily Leader* would be an acceptable newspaper for your public notice.)
- 3) Please indicate how secondary containment, which incorporates an impermeable pad with curbing, will be installed for the oil/water separator. In addition, please indicate how secondary containment with leak detection will be installed for the mechanic shop septic system 1305 gallon storage tank. Please submit a schedule, including completion within the next 5 years (i.e., prior to the next renewal of your permit, July 20, 2013), for implementation of secondary containment for the oil/water separator and the storage tank.

Please submit the above information to me within 30 days (June 5, 2008).

5/16/2008

Thank you for your cooperation in this matter. Please let me know if you have any questions regarding this matter.

Edward J. Hansen
Hydrologist
Environmental Bureau
505-476-3489

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5/16/2008

Hansen, Edward J., EMNRD

From: Hansen, Edward J., EMNRD
Sent: Monday, May 05, 2008 6:11 PM
To: 'mistyh@fergusoncc.com'
Cc: 'Rita Staton'
Subject: FW: GW-305 (Ferguson Construction facility) Permit Renewal
Attachments: Public Notice Example for DP Renewal.doc

Misty,

Thank you for submitting your revised (May 2, 2008) application for the renewal of discharge permit (GW-305).

I need a couple of items before I can deem the application complete:

- 1) Attached is an example public notice. Please fill in the high-lighted portions as they pertain to your facility and return it to me for approval (prior to publication – I'll give you further publication details once the notice has been approved). (The OCD public notice given in 2003 indicated that the depth to groundwater at the site is ~60' and the TDS concentration is ~2000 mg/L.)
- 2) Also, please submit the name of the newspaper that you propose to publish the public notice. (The *Lovington Daily Leader* would be an acceptable newspaper for your public notice.)
- 3) Please indicate how secondary containment, which incorporates an impermeable pad with curbing, will be installed for the oil/water separator. In addition, please indicate how secondary containment with leak detection will be installed for the mechanic shop septic system 1305 gallon storage tank. Please submit a schedule, including completion within the next 5 years (i.e., prior to the next renewal of your permit, July 20, 2013), for implementation of secondary containment for the oil/water separator and the storage tank.

Please submit the above information to me within 30 days (June 5, 2008).

Thank you for your cooperation in this matter. Please let me know if you have any questions regarding this matter.

Edward J. Hansen
Hydrologist
Environmental Bureau
505-476-3489

5/5/2008

Hansen, Edward J., EMNRD

From: Rita Staton [ritas@fergusoncc.com]
Sent: Friday, May 02, 2008 11:30 AM
To: Hansen, Edward J., EMNRD
Subject: Revised discharge plan
Attachments: Discharge Renewal Plan 08.doc; Diagram Discharge Plan.xls

Thank you for your assistance.
Rita

Rita Staton
Ferguson Construction Company
PO Box 1329 Lovington NM 88260
Phone 575-396-3689 Fax 575-396-6221
Email: ritas@fergusoncc.com
Ferguson Construction primary email:
ferguson@fergusoncc.com

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5/2/2008

Ferguson Construction Company

Discharge Renewal Plan

I. Type of Operation

Ferguson Construction Company is located in Lovington, New Mexico and specializes in oil and gas pipeline construction.

The major purpose of the facility is to provide an equipment yard, office, routine maintenance buildings, and chemical storage area for Ferguson Construction Company. The normal hours of operation are from 6:00 a.m. to 5:00 p.m. Monday through Friday. The facility is fenced and secured during hours when company personnel are not present.

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

Operator: **Ferguson Construction Company**
 2200 Commercial Street; P.O. Box 1329
 Lovington, New Mexico 88260
 (575)396-3689

Responsible Party: Same as above

Local Representative:

Mark Wieser- President

III. Location of the Discharge Plan Facility

Ferguson Construction Company main facility is located at 2200 Commercial Street in Lovington, NM. The legal description of the facility is Township 16 South, Range 36 East, Section 15 and the elevation is 3882 feet above sea level.

Ferguson Construction Company warehouse facility is located 3515 Main Street in Lovington, NM. The legal description of the facility is Township 16 South, Range 36 East, Section 15 and the elevation is 3879 feet above sea level.

IV. Landowners

The main facility landowner of record is:

Francis West
9009 N May Condo #151
Oklahoma City, OK 73120

The warehouse facility landowner of record is:

Ferguson Construction Company
P.O. Box 1329
Lovington, NM 88260

V. Facility Description

Main Facility

The main facility is situated on approximately 16.46 acres of land. The facility consists of the following:

- An office building
- A training office building
- An ice machine building
- A maintenance/shop building and wash bay
- A welding shop
- A fuel island protected by secondary containment consisting of:
 - 1-4,000 gallon above ground diesel tank for highway use
 - 1-10,000 gallon above ground unleaded gasoline tank
 - 1-10,000 gallon above ground diesel tank for non-highway use
- A fuel island protected by secondary containment consisting of:
 - 1-6,000 gallon above ground unleaded gasoline tank
- Four (4) storage buildings
- A paint shop
- A sandblasting area
- An equipment storage area
- A tire repair shop
- One active septic system serving the office sewage only (Class V injection well)
- One active septic system serving the maintenance shop and wash bay (no leach field)
- 1-3,000 gallon steel tank for used motor oil and gear oils protected by secondary containment
- 1-4,000 gallon steel tank for used motor oil and gear oils protected by secondary containment

- 1-500 gallon steel tank for Hydraulic Oil protected by secondary containment
- 1-500 gallon steel tank for Motor Oil protected by secondary containment

All storage tanks at the facility are above ground storage tanks (AST), and are constructed of either fiberglass or carbon steel.

Warehouse Facility

The warehouse facility is situated on approximately 3 acres of land. The facility includes facility/property boundaries, buildings, fences, tanks, locations of discharge, storage facilities, etc. The facility consists of the following:

- Warehouse building
- Well house
- Storage building
- Two (2) Gas Cylinder Storage Areas
- 1 – 500 gallon steel tank for Unleaded Gasoline protected by secondary containment
- Multiple pipe racks for storage

The warehouse facility utilizes a water well onsite for domestic use. There are minimal records regarding this well, however, the State Engineer list the last testing of the well to be in 1952 and the water level at that time was 56.33'. No other information regarding this well was available at the time of writing.

The warehouse facility uses the municipal sewage system for disposal of domestic waste.

VI. Materials Stored or Used at the Facility

<p align="center">TABLE 1</p> <p align="center">Materials Stored or Used at the Lovington, NM Main Facility Ferguson Construction Company</p>
--

<u>Material Stored</u>	<u>General Compositions</u>	<u>Solid or Liquid</u>	<u>Container Type</u>	<u>Volume Stored</u>
Category 1. Drilling Fluids				
N/A				
Category 2. Brines (KCL, NA, CL, ETC.)				
N/A				
Category 3. Acids/Caustic				
N/A				
Category 4. Detergents/Soaps				
Steamer Detergent	Non- Ionic Surfactant	Liquid	Steel Drum	15 Gallons
Category 5 Solvents/ Degreasers				
Parts Washing Solvent	Light Petroleum Distillates (Naphtha)	Liquid	Steel Parts Washing	60 Gallons
Category 6. Paraffin Treatment/Emulsion Breakers				
N/A				
Category 7. Biocides				
N/A				
Category 8. Others				
Motor Oil	Solvent refined petroleum hydrocarbs	Liquid	Steel Tank	500 Gallons
Antifreeze	Ethylene Glycol	Liquid	Steel Drum	220 Gallons
#2 Diesel Fuel	Light hydrocarbon distillates	Liquid	AST	< 10,000 Gallons
#2 Diesel Fuel	Light hydrocarbon distillates	Liquid	AST	<4,000 Gallons
Unleaded Gasoline	Light hydrocarbon distillates	Liquid	AST	<16,000 Gallons

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

**Table 2:
Sources and Quantities of Efficient and Waste Solids Generated
At the Lovington, NM Main Facility- Ferguson Construction Company
Category per NMOCD Discharge Plan Guidelines**

<u>Effluent Type</u>	<u>Volume Generated</u>	<u>Additional Constituents</u>	<u>Volume of Additional Constituents</u>
1. Truck Wastes	None	None	None
2. Truck, Washing	2200 gallons/month	Residues of Soap Road Grime, from exterior washing only	10 gallons/month
3. Steam Cleaning of parts, exterior of truck	550 gallons/month	Residues of Soap from exterior washing	10 gallons/month
4. Solvent/Degreaser	3 gallons/month	None	None
5. Spent Acids/ Caustics, or completion fluids	Not applicable	None	None
6. Waste Slop Oil	None	None	None
7. Waste Lubrication and Motor Oils	1000 gallons/month	None	None
8. Oil Filters	150 filters/month	None	None
9. Solids and Sludge from Tanks	Not applicable	None	None
10. Painting Wastes	None	None	None
11. Sewage*	120 gallons/day	None	None
12. Other Waste Liquids	None	None	None
13. Other Waste Solids	2000 lbs./month	None	None
14. Spent automotive batteries	2/month	Lead, Acid	None

*The sewage from the mechanic shop is mixed with the effluent from the wash bay. See items 2 and 3.

The Current HAZCOM (Hazard Communication per 29 CFR 1910.1200) inventory is as follow:

Amount Used Per Month	Waste Generated
1, 1, 1 Trichloroethane	0
Antifreeze – 37 gal/month	0
Bead Sealer – 2 quarts/month	0
Black Beauty sandblasting agent – 500#/month	0
Brake Fluid – 4 quarts/month	0
Carburetor choke cleaner – 28 cans/month	0
Carburetor cleaner fuel treatment – 1 can/month	0
Cement patch – 3 ounces/month	0
Copper Slag Sandblasting agent – 0-300#/month (Discontinuing use)	0
Diesel Fuel – 8,000 gal/month	0
Enamel Spray paint – 5 cans/month	0
Engine Oil – 265 quarts/month	0
Epoxy – no inventory – used on job as needed (Comes with pipe)	0
Markers – 63/month	0
Methanol – 1 bbl/month	0
Mineral Spirits – 83 gal/month	0
Paint – 46 gal/month	0
Paint Thinner – 5 gal/month	0
Power Steering fluid – 25 quarts/month	0
Primer – 11 gal/month	0
Propane – 21 gal/month	0
Refrigerant – 5-1# cans/month	0
Resin – no inventory – used on job as needed (Comes with pipe)	0
Silica Sand sandblasting agent – 2,000 #/month	0
Starting fluid – 29 cans/month	0
Steamer detergent – 36 ounces/month	0
Tape – 321 rolls/month	0
Tire Sealer – 5 gal/month	0
Transmission Fluid – 140 quarts/month	0
Unleaded Gasoline – 12,000 gal/month	0
WD -40 – 60 cans/month	0

* Quantities and Material Safety Data Sheets are available for inspection at the Ferguson Construction Company office during normal business hours.

Table 1
Materials Stored or Used at the Lovington, NM Warehouse Facility
Ferguson Construction Company

Material Stored	General Composition	Solid or Liquid	Container Type	Volume Stored
Category 1. Drilling Fluids				
N/A				
Category 2. Brines (KCL, NaCL, etc.)				
N/A				
Category 3. Acids/Caustic				
N/A				
Category 4. Detergents/Soaps				
N/A				
Category 5. Solvents and Degreasers				
Parts Washing Solvent	Light Petroleum Distillates (Naphtha)	Liquid	Parts- washing drum	<30 gallons
Category 6. Paraffin Treatment/Emulsion Breakers				
N/A				
Category 7. Biocides				
N/A				
Category 8. Others				
Motor Oil	Solvent refined petroleum hydrocarbs	Liquid	Quart Cans	<10 gallons
Unleaded Gasoline	Light Hydrocarbon Distillates	Liquid	AST	<500 gallons
Methanol	Light Hydrocarbon Distillates			

Table 2
Sources and Quantities of Effluent and Waste Solid Generated
At the Lovington, NM Warehouse Facility- Ferguson Construction Company
Category per NMOCDD Discharge Plan Guidelines

Effluent Type	Volume Generated	Additional Constituents	Volume of Additional Constituents
1. Truck Wastes	None	None	None
2. Truck, Tank, and Drum Washing	None	None	None
3. Steam Cleaning of parts, exterior of tanks	None	None	None
4. Solvent/ Degreaser	1.5 gal/month	None	None
5. Spent acids or caustics, or completion fluids	None	None	None
6. Waste Slop Oil	None	None	None
7. Waste Lubrication and Motor Oils	None	None	None
8. Oil Filters	None	None	None
9. Solids and Sludge	None	None	None
10. Painting Wastes	None	None	None
11. Sewage	30 gallons/day	None	None
12. Other Wastes Liquids	Not Applicable	None	None
13. Other Wastes Solids	500 lbs/month	None	None
14. Spent Automotive Batteries	None	None	None

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

Main Facility

- 1. Truck Wastes (Original Contents Trucked) – Not Applicable**
- 2. Truck, Tank, and Drum Washing – Exterior washing of vehicles is done onsite. The wash bay in the mechanic shop is used for this purpose. The runoff from washing is collected in an underground tank (1305 gallon capacity), which is connected to an oil/water separator outside the shop. The wash bay effluent from the separator is discharged into the active septic system. Lea County Septic Tank Service removes and disposes of septic system waste. The remaining waste (oily sludge) collected by the oil/water separator is removed and disposed of by Lea County Septic Tank Service, FEIN 85-0305287. Approximately six (6) times a year, the underground tank is pumped out by the septic service and taken to the municipal waste treatment plant. Samples of oily sludge is tested by Cardinal Laboratories Inc.**

3. **Steams Cleaning of Parts, Equipment, or Tanks** – parts of exterior vehicles are steam-cleaned onsite. The wash bay in the mechanic shop is used for this purpose. The runoff from washing is collected in an underground tank (1305 gallon capacity), which is connected to an oil/water separator outside the shop. The wash bay effluent from the separator is discharged into the active septic system. Lea County Septic Tank Service removes and disposes of septic system waste. The remaining waste (oily sludge) collected by the oil/water separator is removed and disposed of by Lea County Septic Tank Service, FEIN 85-0305287. Approximately six (6) times a year, the underground tank is pumped out by the septic service and taken to the municipal waste treatment plant. Samples of the oily sludge is tested by Cardinal Laboratories Inc.
4. **Solvent and degreaser** is only used in a closed system parts washer inside the shop and reclaimed by a recycler.
5. **Spent Acids or Caustics, or Completion Fluids** – Not applicable.
6. **Waste Slop Oil**- Not applicable
7. **Waste Lubrication and Motor Oils**- Waste oil from vehicle maintenance operations performed onsite by Ferguson personnel is collected and stored in a labeled above ground storage tank. The tank is located in adequate secondary containment for the entire volume.
8. **Oil filters**- Oil filters are completely drained into the recycle tank and the filters are taken by the waste oil recycler.
9. **Solids and Sludge from Tanks**- Not applicable.
10. **Painting Wastes**- All painting done onsite is done by compressor and spray gun. No wastes are generated as a result of this process. Any incidental paint waste is allowed to fully dry and the residue is disposed of as industrial wastes in the municipal landfill by Waste Management.
11. **Sewage** – Domestic sewage from the main facility is handled by either septic system or city sewage system. The offices in the front of the yard are discharged through the active septic system (Class V injection well) located on the property. The domestic sewage from the mechanic shop is discharged through the active septic system located near the shop. The wash bay effluent is also discharged into this septic system after going through the oil/water separator. The domestic waste in the welding shop is discharged through the city sewage system.

12. Other Waste Liquids – Not applicable.

13. Other Waste Solids – Industrial solid waste consisting of general refuse (office trash, paper, plastic, etc.) is stored in the waste bin beside the office pending transport and disposal at the municipal landfill by Waste Management.

14. Spent automotive batteries are turned in for recycling at the time of purchase of new batteries.

All storage tanks at the facility are above ground storage tanks (AST), and are constructed of either fiberglass or carbon steel. The storage tanks are used to store wastes (used oil), motor oils and fuels (diesel and unleaded gasoline). All tanks are surrounded by secondary containment areas. Secondary containment for the fuel storage is concrete. All drains and underground piping are sealed, with access limited to authorized persons when storm water must be removed. All effluent from these containment areas will be visually inspected, properly classified and disposed of in the POTW unless inspection indicates that contaminants exist in the water (i.e. sheen or oil layer on top of the tank). If contaminants exist that are not allowed in the POTW, this waste will be properly classified per RCRA and any other federal and state regulations to insure proper disposal.

Warehouse Facility

1. Truck Wastes (Original Contents Trucked) – Not applicable

2. Truck, Tank, and Drum Washing – Not applicable

3. Steam Cleaning of Parts, Equipment, or Tanks – Not applicable

4. Solvent and a degreaser is only used in a closed system parts washer inside the shop and reclaimed by a recycler

5. Spent Acids or Caustics, or Completion Fluids – Not applicable

6. Waste Slop Oil – Not applicable

7. Waste Lubrication and Motor Oils – None

8. Oil Filters- None

9. Solids and Sludge from tanks – Not applicable

10. Painting Wastes – Not applicable

11. Sewage – Domestic sewage from the warehouse facility is handled by the city sewage system.
12. Other Waste Liquids Not applicable
13. Other Waste Solids – Industrial solid waste consisting of general refuse (office trash, paper, plastic, etc.) is stored in the waste bin beside the office pending transport and disposal at the municipal landfill by Waste Management.
14. Spent automotive batteries – Not applicable
15. Ferguson Construction constructed loading pads along the sides of the fuel islands at the main facility. The island containing the diesel has three loading pads constructed of concrete with adequate containment for accident spills. The gasoline island has one loading pad constructed of concrete with adequate containment for accidental spills.
16. Ferguson Construction constructed a contained sandblast area near the paint shop at the main facility. This area consists of a solid fence around the existing area to contain the blast material for reuse. The fence also prevents the used material from being scattered elsewhere in the yard.
17. Ferguson Construction constructed a drum storage area near the rear of the yard at the warehouse facility. This area is constructed of concrete with containment lips sufficient to contain spills of 250 gallons. A portion of that area is dedicated to the storage of empty drums awaiting transportation. These drums are stored on their side with the bungs in place. All drums of usable product are stored in this area and only removed when the material is ready for use.
18. The drain and pump system located in the mechanic shop at the main facility is routinely drained and inspected for leaks, which is repaired as needed. The oil/water separator has been opened and tested for hazardous material (RCI and TCLP). Lea County Septic Tank Service removes and disposes of the waste. Cardinal Laboratories, Inc. performs routine sample tests of waste.

IX. Proposed Modifications

No Modifications at this time.

X. Inspection, Maintenance, and Reporting

Chemical and waste storage area facilities are visually inspected routinely (weekly) for leaks, corrosion or integrity problems; accumulated liquids in containment areas; improper labeling and storage practices; and open or deteriorated containers. Each storage area is enclosed in secondary containment, and isolated from other potential waste streams.

Normal maintenance of the material storage facilities is performed by facility personnel under supervision of the owner, operations manager, and the safety supervisor. Routine maintenance includes inspection of storage areas, remediation of minor spills, and routine maintenance involving the repair of leaking fittings or valves, which do not pose any threat to personnel or the public.

The owner or the safety supervisor will determine which activities can be performed by facility personnel and which need to be contracted out due to the potential hazards involved.

Inspection and maintenance records are maintained in the Ferguson Construction Company office, which include inspection dates, results, actions taken and modifications or repairs performed.

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

Emergency Response Plan

In the event a toxic substance release should occur from fires, explosion, or any unplanned sudden, or non-sudden release of a hazardous waste – the responsible Ferguson Construction Company Employee at the scene, or the operation, shall take the following actions:

1. Promptly notify the immediate supervisor or any supervisor, of the release, the location, and approximately magnitude. It is of the utmost importance that this first notification be given IMMEDIATELY on detection of a release so that notification of other company employees, residents of the area, and the general public may begin evacuation; if warranted by the contingency plan.

2. Promptly render a judgment as to:

Whether or not any human life or property is in danger
The source and cause of the emission

Whether or not the toxic substance release can be readily stopped or brought under control without posing a danger to the health of safety of the employee.

3. If any human life or property is in danger, take prompt action to alleviate such danger, to the extent possible. If the escape can be readily stopped, or brought under control, the employee should do so.
4. If a reportable quantity of hazardous materials is released, notifications will be made to the appropriate agencies (NMOCD District Office, Bureau of Land Management, National Response Center, etc) within 24 hours pursuant to 29 CFR 1910.120, NMOCD Rule 116, WQCC 1203, or other governing regulations.

Note: Ferguson Construction Company does not expect any employee to place his/her life or health in jeopardy as result of any action taken under this plan. Action under points 2, 3, and 4 above should be taken in conjunction with another company employee, unless it is clearly evident that such action may be undertaken without risk to the employee. No employee shall attempt to go on a leak detection mission without first notifying his/her immediate supervisor, or another company employee of his/her intentions.

5. All releases of hazardous materials will be cleaned up or remediate according to the appropriate federal, state and local regulations.

XII. Site Characteristics

From a hydrological standpoint, the site lies on the south edge of the High Plains in the Ogallala formation. The Ogallala formation varies in thickness from 100 to 250 feet. The saturated thickness of the Ogallala formation on the High Plains ranges from 25 feet to 175 feet, and this is the depth to water in this region. The recharge of the aquifer, if due entirely to precipitation as the formation, is topographically high and isolated. The Triassic rocks project above the water table in the western part of the Ogallala outcrop area in Lea County, and the Ogallala rocks are saturated only along valleys or in isolated depressions in the red-beds erosion surface.






The general direction of water table movement in this area is to the southeast, caused by the generally southeastward slope of the red-beds surface. Although recharge to the Ogallala apparently is distributed rather evenly, because of the even distribution of shallow depression on the High Plains, the position of the Mescalero Ridge relative to the buried red-beds ridge may permit a somewhat more concentrated recharge at the escarpment. Based on review of the monitor well data available in the Rhino Environment Dept., groundwater was encountered at approximately 58 feet below ground surface.





Geologically, the site is in the Kimbrough-Lea complex soil area. This complex is about 60 percent Kimbrough gravelly loam, 25 percent Lea loam, 10 percent inclusions of Stegall and Arvana soils, and 5 percent inclusion of Slaughter and Sharvana soils. In places the Kimbrough and Lea soils are equally distributed. The generally dominant Kimbrough soil is on slightly convex areas or on low knolls. It is very shallow over a thick bed of indurate caliche. The Lea soil has a dark grayish-brown to brown surface layer and a grayish-brown to brown loam subsoil. Indurate caliche is at a depth of 20 to 40 inches. The soils in this complex are used for a range of different things, ie., wildlife habitat and recreational areas. They are also a source of caliche for use in road construction.

XIII. Other Compliance Information

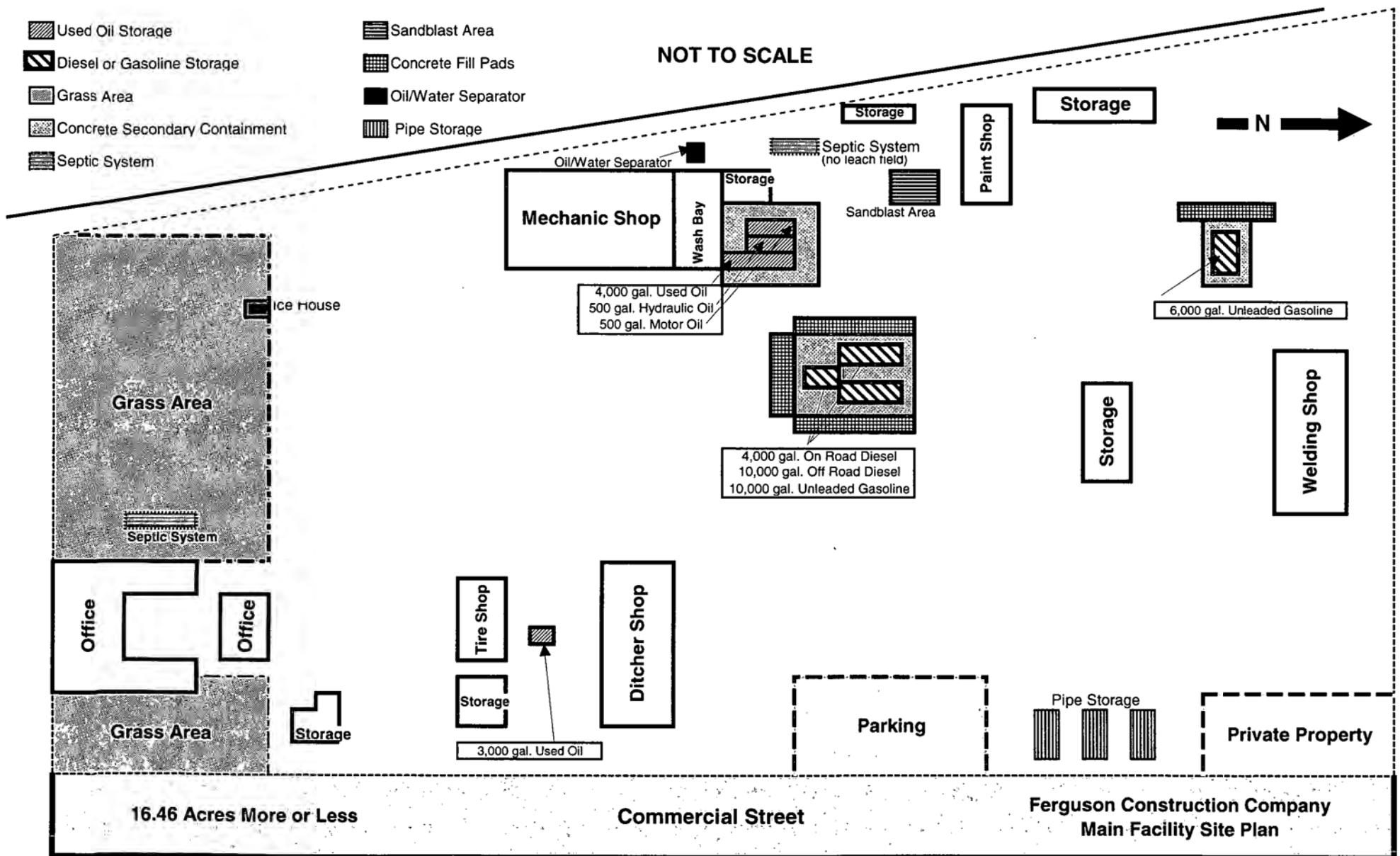
Ferguson Construction Company has initiated an intense housekeeping program to cleanup both facilities. Procedures will be implemented to insure that the general housekeeping conditions of the facilities are maintained in an appropriate manner.

Ferguson Construction Company is familiar with and understands the requirements of NMOCD Rule 116 and WQCC Section 103 and hereby agrees to comply with all aspects of these regulations.

-  Used Oil Storage
-  Diesel or Gasoline Storage
-  Grass Area
-  Concrete Secondary Containment
-  Septic System

-  Sandblast Area
-  Concrete Fill Pads
-  Oil/Water Separator
-  Pipe Storage

NOT TO SCALE



ACKNOWLEDGEMENT OF RECEIPT
OF CHECK/CASH

I hereby acknowledge receipt of check No. dated 3/19/08

or cash received on in the amount of \$ 100⁰⁰

from Ferguson Construction Co.

for GW-305

Submitted by: Lawrence Romero Date: 3/25/08

Submitted to ASD by: Lawrence Romero Date: 3/25/08

Received in ASD by: Date:

Filing Fee ✓ New Facility Renewal

Modification Other

Organization Code 521.07 Applicable FY 2004

To be deposited in the Water Quality Management Fund.

Full Payment or Annual Increment

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

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

Revised June 10, 2003

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

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

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

☐ New ☒ Renewal ☐ Modification

RECEIVED

MAR 21 2008
Environmental Bureau
Oil Conservation Division

1. Type: GROUND WATER DISCHARGE PLAN GW-305
2. Operator: FERGUSON CONSTRUCTION COMPANY
- Address: 2200 SOUTH COMMERCIAL LOVINGTON, NM 88260 P.O. Box 1329
- Contact Person: MISTY HEIN Phone: 575-396-3689
3. Location: /4 /4 Section 15 Township 16 Range 36 EAST
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: MISTY HEIN

Title: VICE PRESIDENT

Signature: 

Date: MARCH 19, 2008

E-mail Address: MISTYH@FERGUSONCC.COM

Ferguson Construction Company

Discharge Renewal Plan

I. Type of Operation

Ferguson Construction Company is located in Lovington, New Mexico and specializes in oil and gas pipeline construction.

The major purpose of the facility is to provide an equipment yard, office, routine maintenance buildings, and chemical storage area for Ferguson Construction Company. The normal hours of operation are from 6:00 a.m. to 5:00 p.m. Monday through Friday. The facility is fenced and secured during hours when company personnel are not present.

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

Operator: **Ferguson Construction Company**
2200 Commercial Street; P.O. Box 1329
Lovington, New Mexico 88260
(575)396-3689

Responsible Party: Same as above

Local Representative:

Mark Wieser- President

III. Location of the Discharge Plan Facility

Ferguson Construction Company main facility is located at 2200 Commercial Street in Lovington, NM. The legal description of the facility is Township 16 South, Range 36 East, Section 15 and the elevation is 3882 feet above sea level.

Ferguson Construction Company warehouse facility is located 3515 Main Street in Lovington, NM. The legal description of the facility is Township 16 South, Range 36 East, Section 15 and the elevation is 3879 feet above sea level.

IV. Landowners

The main facility landowner of record is:

Francis West
9009 N May Condo #151
Oklahoma City, OK 73120

The warehouse facility landowner of record is:

Ferguson Construction Company
P.O. Box 1329
Lovington, NM 88260

V. Facility Description

Main Facility

The main facility is situated on approximately 16.46 acres of land. The facility consists of the following:

- An office building
- A training office building
- An ice machine building
- A maintenance/shop building and wash bay
- A welding shop
- A fuel island protected by secondary containment consisting of:
 - 1-4,000 gallon above ground diesel tank for highway use
 - 1-10,000 gallon above ground unleaded gasoline tank
 - 1-10,000 gallon above ground diesel tank for non-highway use
- A fuel island protected by secondary containment consisting of:
 - 1-6,000 gallon above ground unleaded gasoline tank
- Four (4) storage buildings
- A paint shop
- A sandblasting area
- An equipment storage area
- A tire repair shop
- One active septic system (leach field) serving the office sewage only(Class V injection well)
- One active septic system (leach field) serving the maintenance shop and wash bay
- 1-3,000 gallon steel tank for used motor oil and gear oils protected by secondary containment

- 1-4,000 gallon steel tank for used motor oil and gear oils protected by secondary containment
- 1-500 gallon steel tank for Hydraulic Oil protected by secondary containment
- 1-500 gallon steel tank for Motor Oil protected by secondary containment

All storage tanks at the facility are above ground storage tanks (AST), and are constructed of either fiberglass or carbon steel.

The main facility has a ground water monitor well that was drilled in May of 1995 when underground storage tanks were removed from the facility by Rhino Environment Services.

Warehouse Facility

The warehouse facility is situated on approximately 3 acres of land. The facility includes facility/property boundaries, buildings, fences, tanks, locations of discharge, storage facilities, etc. The facility consists of the following:

- Warehouse building
- Well house
- Storage building
- Two (2) Gas Cylinder Storage Areas
- 1 – 500 gallon steel tank for Unleaded Gasoline protected by secondary containment
- Multiple pipe racks for storage

The warehouse facility utilizes a water well onsite for domestic use. There are minimal records regarding this well, however, the State Engineer list the last testing of the well to be in 1952 and the water level at that time was 56.33'. No other information regarding this well was available at the time of writing.

The warehouse facility uses the municipal sewage system for disposal of domestic waste.

VI. Materials Stored or Used at the Facility

TABLE 1 Materials Stored or Used at the Lovington, NM Main Facility Ferguson Construction Company
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<u>Material Stored</u>	<u>General Compositions</u>	<u>Solid or Liquid</u>	<u>Container Type</u>	<u>Volume Stored</u>
Category 1. Drilling Fluids				
N/A				
Category 2. Brines (KCL, NA, CL, ETC.)				
N/A				
Category 3. Acids/Caustic				
N/A				
Category 4. Detergents/Soaps				
Steamer Detergent	Non- Ionic Surfactant	Liquid	Steel Drum	15 Gallons
Category 5 Solvents/ Degreasers				
Parts Washing Solvent	Light Petroleum Distillates (Naphtha)	Liquid	Steel Parts Washing	60 Gallons
Category 6. Paraffin Treatment/Emulsion Breakers				
N/A				
Category 7. Biocides				
N/A				
Category 8. Others				
Motor Oil	Solvent refined petroleum hydrocarbs	Liquid	Steel Tank	500 Gallons
Antifreeze	Ethylene Glycol	Liquid	Steel Drum	220 Gallons
#2 Diesel Fuel	Light hydrocarbon distillates	Liquid	AST	< 10,000 Gallons
#2 Diesel Fuel	Light hydrocarbon distillates	Liquid	AST	<4,000 Gallons
Unleaded Gasoline	Light hydrocarbon distillates	Liquid	AST	<16,000 Gallons

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

**Table 2:
Sources and Quantities of Efficient and Waste Solids Generated
At the Lovington, NM Main Facility- Ferguson Construction Company
Category per NMOCD Discharge Plan Guidelines**

<u>Effluent Type</u>	<u>Volume Generated</u>	<u>Additional Constituents</u>	<u>Volume of Additional Constituents</u>
1. Truck Wastes	None	None	None
2. Truck, Washing	2200 gallons/month	Residues of Soap Road Grime, from exterior washing only	10 gallons/month
3. Steam Cleaning of parts, exterior of truck	550 gallons/month	Residues of Soap from exterior washing	10 gallons/month
4. Solvent/Degreaser	3 gallons/month	None	None
5. Spent Acids/ Caustics, or completion fluids	Not applicable	None	None
6. Waste Slop Oil	None	None	None
7. Waste Lubrication and Motor Oils	1000 gallons/month	None	None
8. Oil Filters	150 filters/month	None	None
9. Solids and Sludge from Tanks	Not applicable	None	None
10. Painting Wastes	None	None	None
11. Sewage*	120 gallons/day	None	None
12. Other Waste Liquids	None	None	None
13. Other Waste Solids	2000 lbs./month	None	None
14. Spent automotive batteries	2/month	Lead, Acid	None

*The sewage from the mechanic shop is mixed with the effluent from the wash bay. See items 2 and 3.

The Current HAZCOM (Hazard Communication per 29 CFR 1910.1200) inventory is as follow:

Amount Used Per Month	Waste Generated
1, 1, 1 Trichloroethane	0
Antifreeze – 37 gal/month	0
Bead Sealer – 2 quarts/month	0
Black Beauty sandblasting agent – 500#/month	0
Brake Fluid – 4 quarts/month	0
Carburetor choke cleaner – 28 cans/month	0
Carburetor cleaner fuel treatment – 1 can/month	0
Cement patch – 3 ounces/month	0
Copper Slag Sandblasting agent – 0-300#/month (Discontinuing use)	0
Diesel Fuel – 8,000 gal/month	0
Enamel Spray paint – 5 cans/month	0
Engine Oil – 265 quarts/month	0
Epoxy – no inventory – used on job as needed (Comes with pipe)	0
Markers – 63/month	0
Methanol – 1 bbl/month	0
Mineral Spirits – 83 gal/month	0
Paint – 46 gal/month	0
Paint Thinner – 5 gal/month	0
Power Steering fluid – 25 quarts/month	0
Primer – 11 gal/month	0
Propane – 21 gal/month	0
Refrigerant – 5-1# cans/month	0
Resin – no inventory – used on job as needed (Comes with pipe)	0
Silica Sand sandblasting agent – 2,000 #/month	0
Starting fluid – 29 cans/month	0
Steamer detergent – 36 ounces/month	0
Tape – 321 rolls/month	0
Tire Sealer – 5 gal/month	0
Transmission Fluid – 140 quarts/month	0
Unleaded Gasoline – 12,000 gal/month	0
WD -40 – 60 cans/month	0

*** Quantities and Material Safety Data Sheets are available for inspection at the Ferguson Construction Company office during normal business hours.**

Table 1
Materials Stored or Used at the Lovington, NM Warehouse Facility
Ferguson Construction Company

Material Stored	General Composition	Solid or Liquid	Container Type	Volume Stored
Category 1. Drilling Fluids				
N/A				
Category 2. Brines (KCL, NaCL, etc.)				
N/A				
Category 3 Acids/Caustic				
N/A				
Category 4. Detergents/Soaps				
N/A				
Category 5. Solvents and Degreasers				
Parts Washing Solvent	Light Petroleum Distillates (Naphtha)	Liquid	Parts- washing drum	<30 gallons
Category 6. Paraffin Treatment/Emulsion Breakers				
N/A				
Category 7. Biocides				
N/A				
Category 8. Others				
Motor Oil	Solvent refined petroleum hydrocarbs	Liquid	Quart Cans	<10 gallons
Unleaded Gasoline	Light Hydrocarbon Distillates	Liquid	AST	<500 gallons
Methanol	Light Hydrocarbon Distillates			

Table 2
Sources and Quantities of Effluent and Waste Solid Generated
At the Lovington, NM Warehouse Facility- Ferguson Construction Company
Category per NMOCDD Discharge Plan Guidelines

Effluent Type	Volume Generated	Additional Constituents	Volume of Additional Constituents
1. Truck Wastes	None	None	None
2. Truck, Tank, and Drum Washing	None	None	None
3. Steam Cleaning of parts, exterior of tanks	None	None	None
4. Solvent/ Degreaser	1.5 gal/month	None	None
5. Spent acids or caustics, or completion fluids	None	None	None
6. Waste Slop Oil	None	None	None
7. Waste Lubrication and Motor Oils	None	None	None
8. Oil Filters	None	None	None
9. Solids and Sludge	None	None	None
10. Painting Wastes	None	None	None
11. Sewage	30 gallons/day	None	None
12. Other Wastes Liquids	Not Applicable	None	None
13. Other Wastes Solids	500 lbs/month	None	None
14. Spent Automotive Batteries	None	None	None

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

Main Facility

- 1. Truck Wastes (Original Contents Trucked) – Not Applicable**
- 2. Truck, Tank, and Drum Washing – Exterior washing of vehicles is done onsite. The wash bay in the mechanic shop is used for this purpose. The runoff from washing is collected in an underground tank (1305 gallon capacity), which is connected to an oil/water separator outside the shop and the effluent is discharged into a leach field. Approximately six (6) times a year, the underground tank is pumped out by a septic service and taken to the municipal waste treatment plant.**
- 3. Steams Cleaning of Parts, Equipment, or Tanks – parts of exterior vehicles are steam-cleaned onsite. The wash bay in the mechanic shop is used for this purpose. The runoff from washing is collected in an underground tank (1305 gallon capacity), which is connected to an oil/water separator outside the**

shop and the effluent is discharged into a leach field. Approximately six (6) times a year, the underground tank is pumped out by a septic service and taken to the municipal waste treatment plant.

4. Solvent and degreaser is only used in a closed system parts washer inside the shop and reclaimed by a recycler.
5. Spent Acids or Caustics, or Completion Fluids – Not applicable.
6. Waste Slop Oil- Not applicable
7. Waste Lubrication and Motor Oils- Waste oil from vehicle maintenance operations performed onsite by Ferguson personnel is collected and stored in a labeled above ground storage tank. The tank is located in adequate secondary containment for the entire volume.
8. Oil filters- Oil filters are completely drained into the recycle tank and the filters are taken by the waste oil recycler.
9. Solids and Sludge from Tanks- Not applicable.
10. Painting Wastes- All painting done onsite is done by compressor and spray gun. No wastes are generated as a result of this process. Any incidental paint waste is allowed to fully dry and the residue is disposed of as industrial wastes in the municipal landfill by Waste Management.
11. Sewage – Domestic sewage from the main facility is handled by either septic system or city sewage system. The offices in the front of the yard are discharged through the active septic system (Class V injection well) located on the property. The domestic sewage from the mechanic shop is discharged through the active septic system located near the shop. The wash bay effluent is also discharged into this septic system after going through the oil/water separator. The domestic waste in the welding shop is discharged through the city sewage system.
12. Other Waste Liquids – Not applicable.
13. Other Waste Solids – Industrial solid waste consisting of general refuse (office trash, paper, plastic, etc.) is stored in the waste bin beside the office pending transport and disposal at the municipal landfill by Waste Management.
14. Spent automotive batteries are turned in for recycling at the time of purchase of new batteries.

All storage tanks at the facility are above ground storage tanks (AST), and are constructed of either fiberglass or carbon steel. The storage tanks are used to store wastes (used oil), motor oils and fuels (diesel and unleaded gasoline). All tanks are surrounded by secondary containment areas. Secondary containment for the fuel storage is concrete. All drains and underground piping are sealed, with access limited to authorized persons when storm water must be removed. All effluent from these containment areas will be visually inspected, properly classified and disposed of in the POTW unless inspection indicates that contaminants exist in the water (i.e. sheen or oil layer on top of the tank). If contaminants exist that are not allowed in the POTW, this waste will be properly classified per RCRA and any other federal and state regulations to insure proper disposal.

Warehouse Facility

- 1. Truck Wastes (Original Contents Trucked) – Not applicable**
- 2. Truck, Tank, and Drum Washing – Not applicable**
- 3. Steam Cleaning of Parts, Equipment, or Tanks – Not applicable**
- 4. Solvent and a degreaser is only used in a closed system parts washer inside the shop and reclaimed by a recycler**
- 5. Spent Acids or Caustics, or Completion Fluids – Not applicable**
- 6. Waste Slop Oil – Not applicable**
- 7. Waste Lubrication and Motor Oils – None**
- 8. Oil Filters- None**
- 9. Solids and Sludge from tanks – Not applicable**
- 10. Painting Wastes – Not applicable**
- 11. Sewage – Domestic sewage from the warehouse facility is handled by the city sewage system.**
- 12. Other Waste Liquids Not applicable**
- 13. Other Waste Solids – Industrial solid waste consisting of general refuse (office trash, paper, plastic, etc.) is stored in the waste bin beside the office pending transport and disposal at the municipal landfill by Waste Management.**

14. Spent automotive batteries – Not applicable
15. Ferguson Construction constructed loading pads along the sides of the fuel islands at the main facility. The island containing the diesel has three loading pads constructed of concrete with adequate containment for accident spills. The gasoline island has one loading pad constructed of concrete with adequate containment for accidental spills.
16. Ferguson Construction constructed a contained sandblast area near the paint shop at the main facility. This area consists of a solid fence around the existing area to contain the blast material for reuse. The fence also prevents the used material from being scattered elsewhere in the yard.
17. Ferguson Construction constructed a drum storage area near the rear of the yard at the warehouse facility. This area is constructed of concrete with containment lips sufficient to contain spills of 250 gallons. A portion of that area is dedicated to the storage of empty drums awaiting transportation. These drums are stored on their side with the bungs in place. All drums of usable product are stored in this area and only removed when the material is ready for use.
18. The drain and pump system located in the mechanic shop at the main facility has been drained and inspected for leaks, which is repaired as needed. The oil/water separator has been opened and tested for hazardous material (RCI and TCLP). The leach field is located and a borehole drilled to a depth of 5' below the effluent piping. Soil samples have been taken in accordance with SW -846 and analyzed for the constituents regulated by the New Mexico Water Quality Control Commission. The results of the analytical tests have been provided to the New Mexico Oil Conservation Division. Further investigation has been performed as necessary depending upon the analytical results of the soil boring.

IX. Proposed Modifications

No Modifications at this time.

X. Inspection, Maintenance, and Reporting

Chemical and waste storage area facilities are visually inspected routinely (weekly) for leaks, corrosion or integrity problems; accumulated liquids in containment areas; improper labeling and storage practices; and open or deteriorated containers. Each storage area is enclosed in secondary containment, and isolated from other potential waste streams.

Normal maintenance of the material storage facilities is performed by facility personnel under supervision of the owner, operations manager, and the safety supervisor. Routine maintenance includes inspection of storage areas, remediation of minor spills, and routine maintenance involving the repair of leaking fittings or valves, which do not pose any threat to personnel or the public.

The owner or the safety supervisor will determine which activities can be performed by facility personnel and which need to be contracted out due to the potential hazards involved.

Inspection and maintenance records are maintained in the Ferguson Construction Company office, which include inspection dates, results, actions taken and modifications or repairs performed.

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

Emergency Response Plan

In the event a toxic substance release should occur from fires, explosion, or any unplanned sudden, or non-sudden release of a hazardous waste – the responsible Ferguson Construction Company Employee at the scene, or the operation, shall take the following actions:

- 1. Promptly notify the immediate supervisor or any supervisor, of the release, the location, and approximately magnitude. It is of the utmost importance that this first notification be given IMMEDIATELY on detection of a release so that notification of other company employees, residents of the area, and the general public may begin evacuation; if warranted by the contingency plan.**

- 2. Promptly render a judgment as to:**

Whether or not any human life or property is in danger

The source and cause of the emission

Whether or not the toxic substance release can be readily stopped or brought under control without posing a danger to the health of safety of the employee.

3. If any human life or property is in danger, take prompt action to alleviate such danger, to the extent possible. If the escape can be readily stopped, or brought under control, the employee should do so.
4. If a reportable quantity of hazardous materials is released, notifications will be made to the appropriate agencies (NMOCD District Office, Bureau of Land Management, National Response Center, etc) within 24 hours pursuant to 29 CFR 1910.120, NMOCD Rule 116, WQCC 1203, or other governing regulations.

Note: Ferguson Construction Company does not expect any employee to place his/her life or health in jeopardy as result of any action taken under this plan. Action under points 2, 3, and 4 above should be taken in conjunction with another company employee, unless it is clearly evident that such action may be undertaken without risk to the employee. No employee shall attempt to go on a leak detection mission without first notifying his/her immediate supervisor, or another company employee of his/her intentions.

5. All releases of hazardous materials will be cleaned up or remediate according to the appropriate federal, state and local regulations.

XII. Site Characteristics

From a hydrological standpoint, the site lies on the south edge of the High Plains in the Ogallala formation. The Ogallala formation varies in thickness from 100 to 250 feet. The saturated thickness of the Ogallala formation on the High Plains ranges from 25 feet to 175 feet, and this is the depth to water in this region. The recharge of the aquifer, if due entirely to precipitation as the formation, is topographically high and isolated. The Triassic rocks project above the water table in the western part of the Ogallala outcrop area in Lea County, and the Ogallala rocks are saturated only along valleys or in isolated depressions in the red-beds erosion surface.

The general direction of water table movement in this area is to the southeast, caused by the generally southeastward slope of the red-beds surface. Although recharge to the Ogallala apparently is distributed rather evenly, because of the even distribution of shallow depression on the High Plains, the position of the Mescalero Ridge relative to the buried red-beds ridge may permit a somewhat more concentrated recharge at the escarpment. Based on review of the monitor well data available in the Rhino Environment Dept., groundwater was encountered at approximately 58 feet below ground surface.

Geologically, the site is in the Kimbrough-Lea complex soil area. This complex is about 60 percent Kimbrough gravelly loam, 25 percent Lea loam, 10 percent inclusions of Stegall and Arvana soils, and 5 percent inclusion of Slaughter and Sharvana soils. In places the Kimbrough and Lea soils are equally distributed. The generally dominant Kimbrough soil is on slightly convex areas or on low knolls. It is

very shallow over a thick bed of indurate caliche. The Lea soil has a dark grayish-brown to brown surface layer and a grayish-brown to brown loam subsoil. Indurate caliche is at a depth of 20 to 40 inches. The soils in this complex are used for a range of different things, ie., wildlife habitat and recreational areas. They are also a source of caliche for use in road construction.

XIII. Other Compliance Information

Ferguson Construction Company has initiated an intense housekeeping program to cleanup both facilities. Procedures will be implemented to insure that the general housekeeping conditions of the facilities are maintained in an appropriate manner.

Ferguson Construction Company is familiar with and understands the requirements of NMOCD Rule 116 and WQCC Section 103 and hereby agrees to comply with all aspects of these regulations.



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON

Governor

Joanna Prukop

Cabinet Secretary

April 16, 2003

Lori Wrotenbery

Director

Oil Conservation Division

Mr. Mark Wieser
Ferguson Construction Company
2200 Commercial Street
P. O. Box 1329
Lovington, New Mexico 88260

**RE: Discharge Plan Renewal GW-305
Lovington Facilities
Lea County, New Mexico**

Dear Mr. Wieser:

The ground water discharge plan GW-305 for the Lovington Facilities located at 2200 Commercial Street in Section 15, Township 16 South, Range 36 East, and the warehouse facility located at 3515 Main Street in Section 15, Township 16 South, Range 36 East, NMPM, Lea County, New Mexico, is **hereby approved** under the conditions contained in the enclosed attachment. The discharge plan consists of the original discharge plan application dated May 7, 1998, approved July 20, 1998, and the renewal application dated March 6, 2003. Enclosed are two copies of the conditions of approval. **Please sign and return one copy to the New Mexico Oil Conservation Division (OCD) Santa Fe Office within 10 working days of receipt of this letter.**

The discharge plan was submitted pursuant to 20 NMAC 3106 of the New Mexico Water Quality Control Commission (WQCC) Regulations. It is approved pursuant to 20 NMAC 3109. Please note 20 NMAC 3109.E and 3109.G., which provide for possible future amendments or modifications of the plan. Please be advised that approval of this plan does not relieve Ferguson Construction Company of liability should operations result in pollution of surface water, ground water, or the environment.

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

Please note that 20 NMAC 3104 of the regulations provides: "When a plan has been approved, discharges must be consistent with the terms and conditions of the plan." Pursuant to 20 NMAC 3107.C., Ferguson Construction Company is required to notify the Director of any facility expansion, production increase, or process modification that would result in any change in the discharge of water quality or volume.

COPY

Mr. Mark Wieser
Discharge Plan Renewal GW-305
April 16, 2003
Page 2

Pursuant to 20 NMAC 3109.H.4., this plan approval is for a period of five years. This approval will expire on July 20, 2003, and Ferguson Construction Company should submit an application in ample time before this date. Note that under 20 NMAC 3106.F. of the regulations, if a discharger submits a discharge plan renewal application at least 120 days before the discharge plan expires and is in compliance with the approved plan, then the existing discharge plan will not expire until the application for renewal has been approved or disapproved. It should be noted that all discharge plan facilities will be required to submit the results of an underground drainage testing program as a requirement for discharge plan renewal.

The discharge plan application for the Ferguson Construction Company Lovington Facilities is subject to WQCC Regulation 3114. Every billable Facilities submitting a discharge plan renewal will be assessed a fee equal to the filing fee of \$100 plus a flat fee of \$1,700.00 for oil field service companies. The OCD has not received the filing fee.

Please make all checks payable to **NMED-Water Quality Management Fund** and addressed to the OCD Santa Fe Office.

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

Sincerely,



Roger C. Anderson
Chief, Environment Bureau
Oil Conservation Division

RCA/wjf
Attachment

xc: OCD Hobbs Office



ATTACHMENT TO THE DISCHARGE PLAN GW-305
FERGUSON CONSTRUCTION COMPANY
LOVINGTON FACILITIES
DISCHARGE PLAN APPROVAL CONDITIONS
(July 20, 1998)

1. Payment of Discharge Plan Fees: The \$100.00 filing fee has not been received. A flat fee of \$1,700.00 is required for discharge plans for oil field service companies. The required flat fee may be paid in a single payment due at the time of approval, or in equal annual installments over the duration of the plan, with the first payment due upon receipt of this approval.
2. Ferguson Commitments: Ferguson Construction Company will abide by all commitments submitted in the discharge plan renewal application dated March 6, 2003.
3. Waste Disposal: All wastes will be disposed of at an OCD approved facility. Only oilfield exempt wastes shall be disposed of down Class II injection wells. Non-exempt oilfield wastes that are non-hazardous may be disposed of at an OCD approved facility upon proper waste characterization per 40 CFR Part 261.
4. Drum Storage: All drums containing materials other than fresh water must be stored on an impermeable pad with curbing. All empty drums will be stored on their sides with the bungs in and lined up on a horizontal plane. Chemicals in other containers such as sacks or buckets will also be stored on an impermeable pad and curb type containment.
5. Process Areas: All process and maintenance areas which show evidence that leaks and spills are reaching the ground surface must be either paved and curbed or have some type of spill collection device incorporated into the design.
6. Above Ground Tanks: All above ground tanks which contain fluids other than fresh water must be bermed to contain a volume of one-third more than the total volume of the largest tank or of all interconnected tanks. All new tanks or existing tanks that undergo a major modification, as determined by the Division, must be placed within an impermeable bermed enclosure.
7. Above Ground Saddle Tanks: Above ground saddle tanks must have impermeable pad and curb type containment unless they contain fresh water or fluids that are gases at atmospheric temperature and pressure.
8. Labeling: All tanks, drums and containers will be clearly labeled to identify their contents and other emergency notification information.

9. Below Grade Tanks/Sumps: All below grade tanks, sumps, and pits must be approved by the OCD prior to installation or upon modification and must incorporate secondary containment and leak-detection into the design. All pre-existing sumps and below-grade tanks must demonstrate integrity on an annual basis. Integrity tests include pressure testing to 3 pounds per square inch above normal operating pressure and/or visual inspection of cleaned out tanks and/or sumps, or other OCD approved methods. The OCD will be notified at least 72 hours prior to all testing.
10. Underground Process/Wastewater Lines: All underground process/wastewater pipelines must be tested to demonstrate their mechanical integrity at present and then every 5 years thereafter, or prior to discharge plan renewal. The permittee may propose various methods for testing such as pressure testing to 3 pounds per square inch above normal operating pressure or other means acceptable to the OCD. The OCD will be notified at least 72 hours prior to all testing.
11. Class V Wells: Leach fields and other wastewater disposal systems at OCD regulated facilities which inject non-hazardous fluid into or above an underground source of drinking water are considered Class V injection wells under the EPA UIC program. All Class V wells that inject non-hazardous industrial wastes or a mixture of industrial wastes and domestic wastes will be closed unless it can be demonstrated that groundwater will not be impacted in the reasonably foreseeable future. The OCD allows industry to submit closure plans that are protective of human health, the environment and groundwater as defined by the WQCC, and are cost effective. Class V wells that inject domestic waste only must be permitted by the New Mexico Environment Department.
12. Housekeeping: All systems designed for spill collection/prevention will be inspected weekly and after each storm event to ensure proper operation and to prevent overtopping or system failure. A record of inspections will be retained on site for a period of five years.
13. Spill Reporting: All spills/releases will be reported pursuant to OCD Rule 116 and WQCC 1203 to the OCD Hobbs District Office.
14. Transfer of Discharge Plan: The OCD will be notified prior to any transfer of ownership, control, or possession of a facility with an approved discharge plan. A written commitment to comply with the terms and conditions of the previously approved discharge plan must be submitted by the purchaser and approved by the OCD prior to transfer.
15. Storm Water Plan: Ferguson Construction Company shall maintain storm water runoff controls. As a result of Ferguson Construction Company's operations any water contaminant that exceeds the WQCC standards listed in 20 NMAC 6.2.3101 is discharged in any storm water runoff then Ferguson Construction Company shall notify the OCD within 24 hours, modify the plan within 15 days and submit for OCD approval. Ferguson Construction Company shall also take immediate corrective actions pursuant to Item 12 of these conditions.

16. Closure: The OCD will be notified when operations of the facility are discontinued for a period in excess of six months. Prior to closure of the facility a closure plan will be submitted for approval by the Director. Closure and waste disposal will be in accordance with the statutes, rules and regulations in effect at the time of closure.
17. Certification: Ferguson Construction Company, by the officer whose signature appears below, accepts this permit and agrees to comply with all terms and conditions contained herein. Ferguson Construction Company further acknowledges that these conditions and requirements of this permit may be changed administratively by the Division for good cause shown as necessary to protect fresh water, human health and the environment.

Accepted:

FERGUSON CONSTRUCTION COMPANY

by Mark Wieser / President
Title



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON

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April 16, 2003

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Mr. Mark Wieser
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The discharge plan was submitted pursuant to 20 NMAC 3106 of the New Mexico Water Quality Control Commission (WQCC) Regulations. It is approved pursuant to 20 NMAC 3109. Please note 20 NMAC 3109.E and 3109.G., which provide for possible future amendments or modifications of the plan. Please be advised that approval of this plan does not relieve Ferguson Construction Company of liability should operations result in pollution of surface water, ground water, or the environment.

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

Please note that 20 NMAC 3104 of the regulations provides: "When a plan has been approved, discharges must be consistent with the terms and conditions of the plan." Pursuant to 20 NMAC 3107.C., Ferguson Construction Company is required to notify the Director of any facility expansion, production increase, or process modification that would result in any change in the discharge of water quality or volume.

Mr. Mark Wieser
Discharge Plan Renewal GW-305
April 16, 2003
Page 2

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The discharge plan application for the Ferguson Construction Company Lovington Facilities is subject to WQCC Regulation 3114. Every billable Facilities submitting a discharge plan renewal will be assessed a fee equal to the filing fee of \$100 plus a flat fee of \$1,700.00 for oil field service companies. The OCD has not received the filing fee.

Please make all checks payable to **NMED-Water Quality Management Fund** and addressed to the OCD Santa Fe Office.

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

Sincerely,



Roger C. Anderson
Chief, Environment Bureau
Oil Conservation Division

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xc: OCD Hobbs Office

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FERGUSON CONSTRUCTION COMPANY
LOVINGTON FACILITIES
DISCHARGE PLAN APPROVAL CONDITIONS
(July 20, 1998)

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3. Waste Disposal: All wastes will be disposed of at an OCD approved facility. Only oilfield exempt wastes shall be disposed of down Class II injection wells. Non-exempt oilfield wastes that are non-hazardous may be disposed of at an OCD approved facility upon proper waste characterization per 40 CFR Part 261.
4. Drum Storage: All drums containing materials other than fresh water must be stored on an impermeable pad with curbing. All empty drums will be stored on their sides with the bungs in and lined up on a horizontal plane. Chemicals in other containers such as sacks or buckets will also be stored on an impermeable pad and curb type containment.
5. Process Areas: All process and maintenance areas which show evidence that leaks and spills are reaching the ground surface must be either paved and curbed or have some type of spill collection device incorporated into the design.
6. Above Ground Tanks: All above ground tanks which contain fluids other than fresh water must be bermed to contain a volume of one-third more than the total volume of the largest tank or of all interconnected tanks. All new tanks or existing tanks that undergo a major modification, as determined by the Division, must be placed within an impermeable bermed enclosure.
7. Above Ground Saddle Tanks: Above ground saddle tanks must have impermeable pad and curb type containment unless they contain fresh water or fluids that are gases at atmospheric temperature and pressure.
8. Labeling: All tanks, drums and containers will be clearly labeled to identify their contents and other emergency notification information.

9. Below Grade Tanks/Sumps: All below grade tanks, sumps, and pits must be approved by the OCD prior to installation or upon modification and must incorporate secondary containment and leak-detection into the design. All pre-existing sumps and below-grade tanks must demonstrate integrity on an annual basis. Integrity tests include pressure testing to 3 pounds per square inch above normal operating pressure and/or visual inspection of cleaned out tanks and/or sumps, or other OCD approved methods. The OCD will be notified at least 72 hours prior to all testing.
10. Underground Process/Wastewater Lines: All underground process/wastewater pipelines must be tested to demonstrate their mechanical integrity at present and then every 5 years thereafter, or prior to discharge plan renewal. The permittee may propose various methods for testing such as pressure testing to 3 pounds per square inch above normal operating pressure or other means acceptable to the OCD. The OCD will be notified at least 72 hours prior to all testing.
11. Class V Wells: Leach fields and other wastewater disposal systems at OCD regulated facilities which inject non-hazardous fluid into or above an underground source of drinking water are considered Class V injection wells under the EPA UIC program. All Class V wells that inject non-hazardous industrial wastes or a mixture of industrial wastes and domestic wastes will be closed unless it can be demonstrated that groundwater will not be impacted in the reasonably foreseeable future. The OCD allows industry to submit closure plans that are protective of human health, the environment and groundwater as defined by the WQCC, and are cost effective. Class V wells that inject domestic waste only must be permitted by the New Mexico Environment Department.
12. Housekeeping: All systems designed for spill collection/prevention will be inspected weekly and after each storm event to ensure proper operation and to prevent overtopping or system failure. A record of inspections will be retained on site for a period of five years.
13. Spill Reporting: All spills/releases will be reported pursuant to OCD Rule 116 and WQCC 1203 to the OCD Hobbs District Office.
14. Transfer of Discharge Plan: The OCD will be notified prior to any transfer of ownership, control, or possession of a facility with an approved discharge plan. A written commitment to comply with the terms and conditions of the previously approved discharge plan must be submitted by the purchaser and approved by the OCD prior to transfer.
15. Storm Water Plan: Ferguson Construction Company shall maintain storm water runoff controls. As a result of Ferguson Construction Company's operations any water contaminant that exceeds the WQCC standards listed in 20 NMAC 6.2.3101 is discharged in any storm water runoff then Ferguson Construction Company shall notify the OCD within 24 hours, modify the plan within 15 days and submit for OCD approval. Ferguson Construction Company shall also take immediate corrective actions pursuant to Item 12 of these conditions.

16. Closure: The OCD will be notified when operations of the facility are discontinued for a period in excess of six months. Prior to closure of the facility a closure plan will be submitted for approval by the Director. Closure and waste disposal will be in accordance with the statutes, rules and regulations in effect at the time of closure.
17. Certification: Ferguson Construction Company, by the officer whose signature appears below, accepts this permit and agrees to comply with all terms and conditions contained herein. Ferguson Construction Company further acknowledges that these conditions and requirements of this permit may be changed administratively by the Division for good cause shown as necessary to protect fresh water, human health and the environment.

Accepted:

FERGUSON CONSTRUCTION COMPANY

by _____
Title

ATTACHMENT TO THE DISCHARGE PLAN GW-305
FERGUSON CONSTRUCTION COMPANY
LOVINGTON FACILITIES
DISCHARGE PLAN APPROVAL CONDITIONS
(July 20, 1998)



1. Payment of Discharge Plan Fees: The \$50.00 filing fee has been received. A flat fee of \$1,380.00 is required for discharge plans for oil field service companies. The required flat fee may be paid in a single payment due at the time of approval, or in equal annual installments over the duration of the plan, with the first payment due upon receipt of this approval.
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3. Waste Disposal: All wastes will be disposed of at an OCD approved facility. Only oilfield exempt wastes shall be disposed of down Class II injection wells. Non-exempt oilfield wastes that are non-hazardous may be disposed of at an OCD approved facility upon proper waste characterization per 40 CFR Part 261.
4. Drum Storage: All drums containing materials other than fresh water must be stored on an impermeable pad with curbing. All empty drums will be stored on their sides with the bungs in and lined up on a horizontal plane. Chemicals in other containers such as sacks or buckets will also be stored on an impermeable pad and curb type containment.
5. Process Areas: All process and maintenance areas which show evidence that leaks and spills are reaching the ground surface must be either paved and curbed or have some type of spill collection device incorporated into the design.
6. Above Ground Tanks: All above ground tanks which contain fluids other than fresh water must be bermed to contain a volume of one-third more than the total volume of the largest tank or of all interconnected tanks. All new tanks or existing tanks that undergo a major modification, as determined by the Division, must be placed within an impermeable bermed enclosure.
7. Above Ground Saddle Tanks: Above ground saddle tanks must have impermeable pad and curb type containment unless they contain fresh water or fluids that are gases at atmospheric temperature and pressure.
8. Labeling: All tanks, drums and containers will be clearly labeled to identify their contents and other emergency notification information.

9. Below Grade Tanks/Sumps: All below grade tanks, sumps, and pits must be approved by the OCD prior to installation or upon modification and must incorporate secondary containment and leak-detection into the design. All pre-existing sumps and below-grade tanks must demonstrate integrity on an annual basis. Integrity tests include pressure testing to 3 pounds per square inch above normal operating pressure and/or visual inspection of cleaned out tanks and/or sumps, or other OCD approved methods. The OCD will be notified at least 72 hours prior to all testing.
10. Underground Process/Wastewater Lines: All underground process/wastewater pipelines must be tested to demonstrate their mechanical integrity at present and then every 5 years thereafter, or prior to discharge plan renewal. The permittee may propose various methods for testing such as pressure testing to 3 pounds per square inch above normal operating pressure or other means acceptable to the OCD. The OCD will be notified at least 72 hours prior to all testing.
11. Class V Wells: Leach fields and other wastewater disposal systems at OCD regulated facilities which inject non-hazardous fluid into or above an underground source of drinking water are considered Class V injection wells under the EPA UIC program. All Class V wells that inject non-hazardous industrial wastes or a mixture of industrial wastes and domestic wastes will be closed unless it can be demonstrated that groundwater will not be impacted in the reasonably foreseeable future. A final report of the results of an investigation of the soil and ground water conditions at the Class V well previously used for a mixed stream disposal, at the Ferguson Construction facility, must be submitted to the OCD by November 1, 1998. Closure of Class V wells must be in accordance with a plan approved by the Division's Santa Fe Office. The OCD allows industry to submit closure plans which are protective of human health, the environment and groundwater as defined by the WQCC, and are cost effective. Class V wells that inject domestic waste only must be permitted by the New Mexico Environment Department.
12. Housekeeping: All systems designed for spill collection/prevention will be inspected weekly and after each storm event to ensure proper operation and to prevent overtopping or system failure. A record of inspections will be retained on site for a period of five years.
13. Spill Reporting: All spills/releases will be reported pursuant to OCD Rule 116 and WQCC 1203 to the OCD Hobbs District Office.
14. Transfer of Discharge Plan: The OCD will be notified prior to any transfer of ownership, control, or possession of a facility with an approved discharge plan. A written commitment to comply with the terms and conditions of the previously approved discharge plan must be submitted by the purchaser and approved by the OCD prior to transfer.

15. Closure: The OCD will be notified when operations of the facility are discontinued for a period in excess of six months. Prior to closure of the facility a closure plan will be submitted for approval by the Director. Closure and waste disposal will be in accordance with the statutes, rules and regulations in effect at the time of closure.
16. Certification: Ferguson Construction Company, by the officer whose signature appears below, accepts this permit and agrees to comply with all terms and conditions contained herein. Ferguson Construction Company further acknowledges that these conditions and requirements of this permit may be changed administratively by the Division for good cause shown as necessary to protect fresh water, human health and the environment.

Accepted:



FERGUSON CONSTRUCTION COMPANY

by Director - Quality, Safety, Environment
Title

FERGUSON

CONSTRUCTION COMPANY
P.O. BOX 1329
LOVINGTON, NEW MEXICO 88260

JOB	SUB	JOB NO.	CO.	DIV.	VENDOR	REFERENCE	CHECK
			01	000	00000		

INVOICE NUMBER	INVOICE DATE	DESCRIPTION	GROSS AMOUNT	DISCOUNT	NET AMOUNT
072098	07/20/98	DISCHARGE PLAN RENEW	1,380.00		1,380.00
TOTALS →			1,380.00		1,380.00

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED ABOVE
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

FERGUSON

CONSTRUCTION COMPANY
P.O. BOX 1329
LOVINGTON, NEW MEXICO 88260

WESTERN COMMERCE BANK
LOVINGTON, NEW MEXICO

VOID AFTER 180 DAYS

CHECK DATE

CHECK NO.

07/24/98

035096

PAY

One Thousand Three Hundred Eighty Dollars and 00 Cents

CHECK AMOUNT
\$ *****1,380.00

TO THE
ORDER OF

NMED
WATER QUALITY MANAGEMENT
2040 S. PACHECO
SANTA FE NM 87505-

FERGUSON CONSTRUCTION COMPANY

Mark H. Hester



STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

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

July 20, 1998

CERTIFIED MAIL
RETURN RECEIPT NO. Z-357-869-991

Mr. Robert D. Hubbard
Ferguson Construction Company
2200 Commercial Street
P. O. Box 1329
Lovington, New Mexico 88260

**RE: Discharge Plan GW-305
Lovington Facilities
Lea County, New Mexico**

Dear Mr. Hubbard:

The ground water discharge plan GW-305 for the Lovington Facilities located at 2200 Commercial Street in Section 15, Township 16 South, Range 36 East, and the warehouse facility located at 3515 Main Street in Section 15, Township 16 South, Range 36 East, NMPM, Lea County, New Mexico, **is hereby approved** under the conditions contained in the enclosed attachment. The discharge plan consists of the original discharge plan application dated May 7, 1998 and the conditions in the enclosed attachment. Enclosed are two copies of the conditions of approval. **Please sign and return one copy to the New Mexico Oil Conservation Division (OCD) Santa Fe Office within 10 working days of receipt of this letter.**

The discharge plan was submitted pursuant to Section 3106 of the New Mexico Water Quality Control Commission (WQCC) Regulations. It is approved pursuant to Section 3109. Please note Sections 3109.E and 3109.G., which provide for possible future amendments or modifications of the plan. Please be advised that approval of this plan does not relieve Ferguson Construction Company of liability should operations result in pollution of surface water, ground water, or the environment.

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

Mr. Robert D. Hubbard
Lovington Facilities
July 20, 1998
Page 2

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

Pursuant to Section 3109.H.4., this plan approval is for a period of five years. This approval will expire on July 20, 2003, and Ferguson Construction Company should submit an application in ample time before this date. Note that under Section 3106.F. of the regulations, if a discharger submits a discharge plan renewal application at least 120 days before the discharge plan expires and is in compliance with the approved plan, then the existing discharge plan will not expire until the application for renewal has been approved or disapproved. It should be noted that all discharge plan facilities will be required to submit the results of an underground drainage testing program as a requirement for discharge plan renewal.

The discharge plan application for the Ferguson Construction Company Lovington Facilities is subject to WQCC Regulation 3114. Every billable Facilities submitting a discharge plan renewal will be assessed a fee equal to the filing fee of \$50 plus a flat fee of \$1,380.00 for oil field service companies. The OCD has received the filing fee.

Please make all checks payable to **NMED-Water Quality Management** and addressed to the OCD Santa Fe Office.

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

Sincerely,



Roger C. Anderson
Chief, Environment Bureau
Oil Conservation Division

RCA/wjf
Attachment

xc: OCD Hobbs Office

7 357 869 991

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to <i>Bob Hubbard</i>	
Street & Number <i>Ferguson Const.</i>	
Post Office, State, & ZIP Code <i>Covington</i>	
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 <i>4W-305</i>	

PS Form 3800, April 1995

ATTACHMENT TO THE DISCHARGE PLAN GW-305
FERGUSON CONSTRUCTION COMPANY
LOVINGTON FACILITIES
DISCHARGE PLAN APPROVAL CONDITIONS
(July 20, 1998)

1. Payment of Discharge Plan Fees: The \$50.00 filing fee has been received. A flat fee of \$1,380.00 is required for discharge plans for oil field service companies. The required flat fee may be paid in a single payment due at the time of approval, or in equal annual installments over the duration of the plan, with the first payment due upon receipt of this approval.
2. Ferguson Commitments: Ferguson Construction Company will abide by all commitments submitted in the discharge plan application dated May 7, 1998.
3. Waste Disposal: All wastes will be disposed of at an OCD approved facility. Only oilfield exempt wastes shall be disposed of down Class II injection wells. Non-exempt oilfield wastes that are non-hazardous may be disposed of at an OCD approved facility upon proper waste characterization per 40 CFR Part 261.
4. Drum Storage: All drums containing materials other than fresh water must be stored on an impermeable pad with curbing. All empty drums will be stored on their sides with the bungs in and lined up on a horizontal plane. Chemicals in other containers such as sacks or buckets will also be stored on an impermeable pad and curb type containment.
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Accepted:

FERGUSON CONSTRUCTION COMPANY

by _____
Title

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

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

Revised January 24, 2001

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

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

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

RECEIVED
MAR 10 2003
OIL CONSERVATION
DIVISION

☐ New ☒ Renewal ☐ Modification

1. Type: Please see attached Renewal Discharge Plan

2. Operator: _____

Address: _____

Contact Person: _____ Phone: _____

3. Location: _____ /4 _____ /4 Section _____ Township _____ Range _____
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: Mark Wieser Title: President

Signature: Mark Wieser Date: 3-6-03

FERGUSON CONSTRUCTION COMPANY

Discharge Plan Renewal

I. Type of Operation

Ferguson Construction Company is located in Lovington, New Mexico and specializes in oil and gas pipeline construction.

The major purpose of the facility is to provide an equipment yard, office, routine maintenance buildings, and chemical storage area for Ferguson Construction Company. The normal hours of operation are from 6:00 a.m. to 5:00 pm Monday through Friday. The facility is fenced and secured during hours when company personnel are not present.

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

Operator: **Ferguson Construction Company**
2200 Commercial Street; P.O. Box 1329
Lovington, NM 88260
(505) 396-3689

Responsible Party: Same as above

Local Representative:

Mark Wieser – President

III. Location of the Discharge Plan Facility

Ferguson Construction Company main facility is located at 2200 Commercial Street in Lovington, NM. The legal description of the facility is Township 16 South, Range 36 East, Section 15 and the elevation is 3882 feet above sea level.

Ferguson Construction Company warehouse facility is located 3515 Main Street in Lovington, NM. The legal description of the facility is Township 16 South, Range 36 East, Section 15 and the elevation is 3879 feet above sea level.

IV. Landowners

The main facility landowner of record is:

Frances West
9009 N May Condo #151
Oklahoma City, OK 73120

The warehouse facility landowner of record is:

Ferguson Construction Company
P.O. Box 1329
Lovington, NM 88260

V. Facility Description

Main Facility

The main facility is situated on approximately 16.46 acres of land. The facility consists of the following:

- An office building
- A training office building
- An ice machine building
- A maintenance/shop building and wash bay
- A welding shop
- A fuel island protected by secondary containment consisting of:
 - 1 – 4,000 gallon above ground diesel tank for highway use
 - 1 – 10,000 gallon above ground unleaded gasoline tank
 - 1 – 10,000 gallon above ground diesel tank for non-highway use
- A fuel island protected by secondary containment consisting of:
 - 1 – 6,000 gallon above ground unleaded gasoline tank
- Four (4) storage buildings
- A paint shop
- A sandblasting area
- An equipment storage area
- A tire repair shop
- One active septic system (leach field) serving the office sewage only (Class V injection well)
- One active septic system (leach field) serving the maintenance shop and wash bay
- 1 – 3,000 gallon steel tank for used motor oil and gear oils protected by secondary containment

- 1 – 4,000 gallon steel tank for used motor oil and gear oils protected by secondary containment
- 1 – 500 gallon steel tank for Hydraulic Oil protected by secondary containment
- 1 – 500 gallon steel tank for Motor Oil protected by secondary containment

All storage tanks at the facility are above ground storage tanks (AST), and are constructed of either fiberglass or carbon steel.

The main facility has a ground water monitor well that was drilled in May of 1995 when underground storage tanks were removed from the facility by Rhino Environmental Services.

Warehouse Facility

The warehouse facility is situated on approximately 3 acres of land. The facility includes facility/property boundaries, buildings, fences, tanks, locations of discharge, storage facilities, etc. The facility consists of the following:

- Warehouse building
- Well house
- Storage building
- Two (2) Gas Cylinder Storage Areas
- 1 – 500 gallon steel tank for Unleaded Gasoline protected by secondary containment.
- Multiple pipe racks for storage

The warehouse facility utilizes a water well onsite for domestic use. There are minimal records regarding this well, however, the State Engineer list the last testing of the well to be in 1952 and the water level at that time was 56.33'. No other information regarding this well was available at the time of writing.

The warehouse facility uses the municipal sewage system for disposal of domestic waste.

VI. Materials Stored or Used at the Facility

<p align="center">Table 1</p> <p align="center">Materials Stored or Used at the Lovington, NM Main Facility</p> <p align="center">Ferguson Construction Company</p>
--

Material Stored	General Composition	Solid or Liquid	Container Type	Volume Stored
Category 1. Drilling Fluids				
N/A				
Category 2. Brines (KCL, NA CL, etc.)				
N/A				
Category 3. Acids/Caustic				
N/A				
Category 4. Detergents/Soaps				
Steamer Detergent	Non-Ionic Surfactant	Liquid	Steel drum	15 gallons
Category 5. Solvents and Degreasers				
Parts Washing Solvent	Light Petroleum Distillates (Naphtha)	Liquid	Steel parts Washing	60 gallons
Category 6. Paraffin Treatment/Emulsion Breakers				
N/A				
Category 7. Biocides				
N/A				
Category 8. Others				
Motor Oil	Solvent refined petroleum hydrocarbs	Liquid	Steel tank	500 gallons
Antifreeze	Ethylene Glycol	Liquid	Steel drum	220 gallons
#2 Diesel Fuel	Light hydrocarbon distillates	Liquid	AST	< 10,000 gallons
#2 Diesel Fuel	Light hydrocarbon distillates	Liquid	AST	<4,000 gallons
Unleaded Gasoline	Light hydrocarbon distillates	Liquid	AST	<16,000 gallons

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

Table 2:
Sources and Quantities of Efficient and Waste Solids Generated
at the Lovington, NM Main Facility - Ferguson Construction Company
Category per NMOCD Discharge Plan Guidelines

Effluent Type	Volume Generated	Additional Constituents	Volume of Additional Constituents
1. Truck Wastes	None	None	None
2. Truck, Washing	2200 gallons/month	Residues of Soap, Road Grime, from exterior washing only	10 gallons/month
3. Steam Cleaning of parts, exterior of truck	550 gallons/month	Residues of Soap, from exterior washing.	10 gallons/month
4. Solvent/Degreaser	3 gallons/month	None	None
5. Spent Acids/ Caustics, or completion fluids	Not applicable	None	None
6. Waste Slop oil	None	None	None
7. Waste Lubrication and Motor Oils	1000 gallons/month	None	None
8. Oil Filters	150 filters/month	None	None
9. Solids and Sludges from Tanks	Not applicable	None	None
10. Painting Wastes	None	None	None
11. Sewage *	120 gallons/day	None	None
12. Other Waste Liquids	None	None	None
13. Other Waste Solids	2000 lbs/mo.	None	None
14. Spent automotive batteries	2/month	Lead, Acid	None

* The sewage from the mechanic shop is mixed with the effluent from the wash bay. See Item 2 and 3.

The Current HAZCOM (Hazard Communication per 29 CFR 1910.1200) inventory is as follows:

Amount Used Per month	Waste generated
1,1,1 Trichloroethane	0
Antifreeze – 37 gal/month	0
Bead Sealer – 2 quarts/month	0
Black Beauty sandblasting agent – 500#/month	0
Brake Fluid – 4 quarts/month	0
Carburetor choke cleaner – 28 cans/month	0
Carburetor cleaner fuel treatment – 1 can/month	0
Cement patch – 3 ounces/month	0
Copper Slag Sandblasting agent – 0-300#/month (discontinuing use)	0
Diesel Fuel – 8,000 gal./month	0
Enamel Spray paint – 5 cans/month	0
Engine Oil – 265 quarts/month	0
Epoxy – no inventory – used on job as needed (comes with pipe)	0
Markers – 63/month	0
Methanol – 1 bbl/month	0
Mineral Spirits – 83 gal/month	0
Paint – 46 gal/month	0
Paint Thinner – 5 gal/month	0
Power Steering fluid – 25 quarts/month	0
Primer – 11 gal/month	0
Propane – 21 gal/month	0
Refrigerant – 5-1# cans/month	0
Resin – no inventory – used on job as needed (comes with pipe)	0
Silica Sand sandblasting agent – 2,000#/month	0
Starting fluid – 29 cans/month	0
Steamer detergent – 36 ounces/month	0
Tape – 321 rolls/month	0
Tire Sealer – 5 gal/month	0
Transmission Fluid – 140 quarts/month	0
Unleaded Gasoline – 12,000 gal/month	0
WD-40 – 61 cans/month	0

*Quantities and Material Safety Data Sheets are available for inspection at the Ferguson Construction Company office during normal office hours.

Table 1
Materials Stored or Used at the Lovington, NM Warehouse Facility
Ferguson Construction Company

Material Stored	General Composition	Solid or Liquid	Container Type	Volume Stored
Category 1. Drilling Fluids				
N/A				
Category 2. Brines (KCL, NaCl, etc.)				
N/A				
Category 3. Acids/Caustic				
N/A				
Category 4. Detergents/Soaps				
N/A				
Category 5. Solvents and Degreasers				
Parts Washing Solvent	Light Petroleum Distillates (Naphtha)	Liquid	Parts-washing drum	<30 gallons
Category 6. Paraffin Treatment/Emulsion Breakers				
N/A				
Category 7. Biocides				
N/A				
Category 8. Others				
Motor Oil	Solvent refined petroleum hydrocarbs	Liquid	Quart Cans	<10 gallons
Unleaded Gasoline	Light Hydrocarbon Distillates	Liquid	AST	<500 gallons
Methanol	Light Hydrocarbon Distillates	Liquid	Drum	1100 gallons

Table 2
Sources and Quantities of Effluent and Waste Solids Generated
at the Lovington, NM Warehouse Facility - Ferguson Construction Company
Category per NMOCD Discharge Plan Guidelines

Effluent Type	Volume Generated	Additional Constituents	Volume of Additional Constituents
1. Truck Wastes	None	None	None
2. Truck, Tank, and Drum Washing	None	None	None
3. Steam Cleaning of parts, exterior of tanks	None	None	None
4. Solvent/Degreaser	1.5 gal/month	None	None
5. Spent Acids/ Caustics, or completion fluids	None	None	None
6. Waste Slop Oil	None	None	None
7. Waste Lubrication and Motor Oils	None	None	None
8. Oil Filters	None	None	None
9. Solids and Sludges	None	None	None
10. Painting Wastes	None	None	None
11. Sewage	30 gallons/day	None	None
12. Other Wastes Liquids	Not Applicable	None	None
13. Other Waste Solids	500 lbs/month	None	None
14. Spent automotive batteries	None	None	None

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

Main Facility

1. **Truck Wastes (Original Contents Trucked) – Not Applicable**
2. **Truck, Tank, and Drum Washing – Exterior washing of vehicles is done onsite. The wash bay in the mechanic shop is used for this purpose. The runoff from washing is collected in an underground tank (1305 gallon capacity), which is connected, to an oil/water separator outside the shop and the effluent is discharged into a leach field. Approximately six (6) times a**

- year, the underground tank is pumped out by a septic service and taken to the municipal waste treatment plant.
3. **Steam Cleaning of Parts, Equipment, or Tanks** – parts of exterior vehicles are steam-cleaned onsite. The wash bay in the mechanic shop is used for this purpose. The runoff from washing is collected in an underground tank (1305 gallon capacity), which is connected, to an oil/water separator outside the shop and the effluent is discharged into a leach field. Approximately six (6) times a year, the underground tank is pumped out by a septic service and taken to the municipal waste treatment plant.
 4. **Solvent and degreaser** is only used in a closed system parts washer inside the shop, and reclaimed by a recycler.
 5. **Spent Acids or Caustics, or Completion Fluids** – Not applicable.
 6. **Waste Slop Oil** – Not Applicable
 7. **Waste Lubrication and Motor Oils** – Waste oil from vehicle maintenance operations performed onsite by Ferguson personnel is collected and stored in a labeled above-ground storage tank. The tank is located in adequate secondary containment for the entire volume.
 8. **Oil Filters** – Oil filters are completely drained into the recycle tank and the filters are taken by the waste oil recycler.
 9. **Solids and Sludges from Tanks** – Not Applicable.
 10. **Painting Wastes** – All painting done onsite is done by compressor and spray gun. No wastes are generated as a result of this process. Any incidental paint waste is allowed to fully dry and the residue is disposed of as industrial waste in the municipal landfill by Waste Management.
 11. **Sewage** – Domestic sewage from the main facility is handled by either septic system or city sewage system. The offices in the front of the yard are discharged through the active septic system (Class V injection well) located on the property. The domestic sewage from the mechanic shop is discharged through the active septic system located near the shop. The wash bay effluent is also discharged into this septic system after going through the oil/water separator. The domestic waste in the welding shop is discharged through the city sewage system.
 12. **Other Waste Liquids** – Not applicable
 13. **Other Waste Solids** – Industrial solid waste consisting of general refuse (office trash, paper, plastic, etc.) is stored in the waste bin beside the office

pending transport and disposal at the municipal landfill by Waste Management.

- 14. Spent automotive batteries are turned in for recycling at the time of purchase of new batteries.**

All storage tanks at the facility are above ground storage tanks (AST), and are constructed of either fiberglass or carbon steel. The storage tanks are used to store wastes (used oil), motor oils and fuels (diesel and unleaded gasoline). All tanks are surrounded by secondary containment areas. Secondary containment for the fuel storage is concrete. All drains and underground piping are sealed, with access limited to authorized persons when storm water must be removed. All effluent from these containment areas will be visually inspected, properly classified and disposed of in the POTW unless inspection indicates that contaminants exist in the water (i.e. sheen or oil layer on top of the tank). If contaminants exist that are not allowed in the POTW, this waste will be properly classified per RCRA and any other federal and state regulations to insure proper disposal.

Warehouse Facility

- 1. Truck Wastes (Original Contents Trucked) – Not applicable**
- 2. Truck, Tank, and Drum Washing – Not applicable**
- 3. Steam Cleaning of Parts, Equipment, or Tanks – Not applicable**
- 4. Solvent and a degreaser is only used in a closed system parts washer inside the shop, and reclaimed by a recycler.**
- 5. Spent Acids or Caustics, or Completion Fluids – Not Applicable**
- 6. Waste Slop Oil – Not Applicable**
- 7. Waste Lubrication and Motor Oils – None**
- 8. Oil Filters – None**
- 9. Solids and Sludges from tanks – Not applicable**
- 10. Painting Wastes – Not applicable**
- 11. Sewage – Domestic sewage from the warehouse facility is handled by the city sewage system.**
- 12. Other Waste Liquids – Not applicable**

13. **Other Waste Solids – Industrial solid waste consisting of general refuse (office trash, paper, plastic, etc.) is stored in the waste bin beside the office pending transport and disposal at the municipal landfill by Waste Management.**
14. **Spent automotive batteries – Not applicable**
15. **Ferguson Construction constructed loading pads along the sides of the fuel islands at the main facility. The island containing the diesel has three loading pads constructed of concrete with adequate containment for accident spills. The gasoline island has one loading pad constructed of concrete with adequate containment for accidental spills.**
16. **Ferguson Construction constructed a contained sandblast area near the paint shop at the main facility. This area consists of a solid fence around the existing area to contain the blast material for reuse. The fence also prevents the used material from being scattered elsewhere in the yard.**
17. **Ferguson Construction constructed a drum storage area near the rear of the yard at the warehouse facility. This area is constructed of concrete with containment lips sufficient to contain spills of 250 gallons. A portion of that area is dedicated to the storage of empty drums awaiting transportation. These drums are stored on their side with the bungs in place. All drums of usable product are stored in this area and only removed when the material is ready for use.**
18. **The drain and pump system located in the mechanic shop at the main facility has been drained and inspected for leaks, which is repaired as needed. The oil/water separator has been opened and tested for hazardous material (RCI and TCLP). The leach field is located and a borehole drilled to a depth of 5' below the effluent piping. Soil samples have been taken in accordance with SW – 846 and analyzed for the constituents regulated by the New Mexico Water Quality Control Commission. The results of the analytical tests have been provided to the New Mexico Oil Conservation Division. Further investigation has been performed as necessary depending upon the analytical results of the soil boring.**

IX. Proposed Modifications

No Modifications at this time.

X. Inspection, Maintenance, and Reporting

Chemical and waste storage area facilities are visually inspected routinely (weekly) for leaks corrosion or integrity problems; accumulated liquids in containment areas; improper labeling and storage practices; and open or deteriorated containers. Each storage area is enclosed in secondary containment, and isolated from other potential waste streams.

Normal maintenance of the material storage facilities is performed by facility personnel under supervision of the owner, operations manager, and the safety supervisor. Routine maintenance includes inspection of storage areas, remediation of minor spills, and routine maintenance involving the repair of leaking fittings or valves, which pose no threat to personnel or the public.

The owner or the safety supervisor will determine which activities can be performed by facility personnel and which need to be contracted out due to the potential hazards involved.

Inspection and maintenance records are maintained in the Ferguson Construction Company office, which include inspection dates, results, actions taken and modifications or repairs performed.

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

Emergency Response Plan

In the event a toxic substance release should occur from fires, explosion, or any unplanned sudden, or non-sudden release of a hazardous waste – the responsible Ferguson Construction Company Employee at the scene, or the operation, shall take the following actions:

1. Promptly notify his immediate supervisor or any supervisor, of the release, it's location, and approximately magnitude. It is of the utmost importance that this first notification be given IMMEDIATELY on detection of a release so that notification of other company employees, residents of the area, and the general public may begin evacuation; if warranted by this contingency plan.

2. Promptly render a judgment as to:

Whether or not any human life or property is in danger.

The source and cause of the emission.

Whether or not the toxic substance release can be readily stopped or brought under control without posing a danger to the health of safety of the employee.

3. If any human life or property is in danger, take prompt action to alleviate such danger, to the extent possible.

If the escape can be readily stopped, or brought under control, the employee should do so.

4. If a reportable quantity of hazardous materials is released, notification will be made to the appropriate agencies (NMOCD District Office, Bureau of Land Management, National Response Center, etc.) within 24 hours pursuant to 29 CFR 1910.120, NMOCD Rule 11 6, WQCC 1203, or other governing regulations.

Note: Ferguson Construction Company does not expect any employee to place his life or health in jeopardy as result of any action taken under this plan. Action under points 2, 3, and 4, above should be taken in conjunction with another company employee, unless it is clearly evident that such action may be undertaken without risk to the employee. No employee shall attempt to go on a leak detection mission without first notifying his immediate supervisor, or another company employee of his intentions.

5. All releases of hazardous materials will be cleaned up or remediated according to the appropriate federal, state, and local regulations.

XII. Site Characteristics

From a hydrological standpoint, the site lies on the south edge of the High Plains in the Ogallala formation. The Ogallala formation varies in thickness from 100 to 250 feet. The saturated thickness of the Ogallala formation on the High plains ranges from 25 feet to 175 feet, and this is the depth to water in this region. The recharge of the aquifer is due entirely to precipitation, as the formation is topographically high and isolated. The Triassic rocks project above the water table in the western part of the Ogallala outcrop area in Lea County, and the Ogallala rocks are saturated only along valleys or in isolated depressions in the red-beds erosion surface.

The general direction of water table movement in this area is to the southeast, caused by the generally southeastward slope of the red-beds surface. Although recharge to the Ogallala apparently is distributed rather evenly, because of the even distribution of shallow depression on the High Plains, the position of the Mescalero Ridge relative to the buried red-beds ridge may permit a somewhat more concentrated recharge at the escarpment. Based on review of the monitor well data available in the Rhino Environment Dept., groundwater was encountered at approximately 58 feet below ground surface.

Geologically, the site is in the Kimbrough-Lea complex soil area. This complex is about 60 percent Kimbrough gravelly loam, 25 percent Lea loam, 10 percent inclusions of Stegall and Arvana soils, and 5 percent inclusion of Slaughter and Sharvana soils. In places the Kimbrough and Lea soils are equally distributed. The generally dominant Kimbrough soil is on slightly convex areas or on low knolls. It is very shallow over a thick bed of indurated caliche. The Lea soil has a dark grayish-brown to brown surface layer and a grayish-brown to brown loam subsoil. Indurated caliche is at a depth of 20 to 40 inches. The soils in this complex are used a range, wildlife habitat, and recreational areas. They are also a source of caliche for use in road construction.

XIII. Other Compliance Information

Appendix C is a copy of the Waste Analysis Plan compiled at the request of the Environmental Protection Agency. The first inspection of the main facility by the OCD staff and an EPA Enforcement Officer resulted in the identification of twenty-two drums of waste material. Hazardous waste characteristics tests were performed on the material and only fifteen drums contained hazardous material. The material in these drums exhibited the characteristic of ignitability. Ferguson Construction Company has made application for an EPA Identification Number and upon receipt of that number the drums that were hazardous will be shipped to an approved TSDF for disposal.

Ferguson Construction Company has initiated an intense housekeeping program to cleanup both facilities. Procedures will be implemented to insure that the general housekeeping conditions of the facilities are maintained in an appropriate manner.

Ferguson Construction Company is familiar with and understands the requirements of NMOCD Rule 116 and WQCC Section 103 and hereby agrees to comply with all aspects of these regulations.