

GW - 359

**GENERAL
CORRESPONDENCE**

YEAR(S):

2005



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON

Governor

Joanna Prukop

Cabinet Secretary

Mark E. Fesmire, P.E.

Director

Oil Conservation Division

November 29, 2005

Mr. Kyle J. Burns
#5 CR 3177
Aztec, New Mexico 87410

RE: Form C-137: Application for Waste Management Facility

Dear Mr. Burns:

The New Mexico Energy, Minerals and Natural Resources Division (NMEMNRD), Oil Conservation Division (**OCD**) received your "Form C-137: Application For Waste Management Facility" around January 13, 2005. Subsequent to your submittal, Mr. Ed Martin of the OCD has been in contact with you via telephone on different occasions to discuss the application provisions with you in more detail.

After reviewing and considering your application, OCD finds it to be administratively incomplete, since the provisions of the application were either incomplete or inadequately addressed. For example, when the application requires a contingency plan, it requires a detailed site-specific plan or report containing all applicable site-specific details, which should address OCD regulations (i.e., Rule 711 and other applicable regulations based on your site-specific operation). To review OCD regulations online, please visit our website at www.emnrd.state.nm.us/emnrd/ocd/ and click on rules where you will see a link to "access our rules."

More specifically, your application was determined to be administratively incomplete for the following reasons: 1) No site location for the treatment facility is disclosed; 2) The contingency plan for releases or spills is inadequate; 3) The inspection and maintenance plan is inadequate; 4) The geological/hydrological evidence demonstrating that disposal of oil field wastes will not adversely impact groundwater and surface water is not addressed; 5) The notice to adjacent property owners requirement of Rule 711 is not met; 6) The H₂S contingency plan is inadequate; and 7) No description of the treatment system, contaminants of concern (i.e., organics, general chemistry, metals, etc.) with basis for the selection of the treatment system was provided with your diagrams.

Please contact me at (505) 476-3491 if you have questions.

Sincerely,

Carl Chávez,
Environmental Engineer

cc: Mr. Larry Giglio, USEPA

Chavez, Carl J, EMNRD

From: Chavez, Carl J, EMNRD
Sent: Tuesday, November 22, 2005 2:32 PM
To: 'giglio.larry@epa.gov'
Cc: Roger (rcanderson@state.nm.us); Martin, Ed, EMNRD
Subject: OCD Status of KB Waterways C-137 Application for Waste Management Facility

Larry:

Good afternoon. I am writing to address your request yesterday morning for an OCD update on the above subject.

OCD received a Form C-137 Application For Waste Management Facility from Kyle Burns dated January 13, 2005. OCD has not responded; however, I am working on a letter to address Mr. Burns application this week. I will copy the EPA in the final letter.

Preliminarily, OCD finds the application to be administratively incomplete for the following reasons: 1) No site location for the facility was disclosed; 2) The contingency plan for releases or spills is inadequate; 3) The inspection and maintenance plan is inadequate; 4) The geological/hydrological evidence demonstrating that disposal of oil field wastes will not adversely impact groundwater and surface water has not been addressed due to Item #1 above; 5) The notice requirement of Rule 711 has not been met; 6) The H2S contingency plan is inadequate; and 7) No description of the treatment system, contaminants of concern (i.e., BTEX, PAHs, Chloride, Sodium, Mercury, Copper, etc.) with basis for the selection of the treatment system was provided with the diagrams, etc.

Since the applicant cannot give a location for the treatment plant, nor the location of the discharge, explanation of the operation, and the information required in the C-137 application, Mr. Burns application appears to be administratively incomplete, OCD cannot approve the application as submitted. The letter I'm writing to Mr. Burns will essentially indicate the above and recommend that he study application requirements, study OCD regulations or contact an Environmental Consultant to address OCD's C-137 application. Please contact me if you have questions.

Sincerely,

Carl J. Chavez, CHMM
New Mexico Energy, Minerals & Natural Resources Dept.
Oil Conservation Division, Environmental Bureau
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(Pollution Prevention Guidance is under "Publications")

11/22/2005