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Environmental Bureau
Oil Conservation Division



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

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September 13, 1996

Mr. Scott Maddox
WestTex 66 Pipeline Company (WT66PC)
360 Adams Building
Bartlesville, Oklahoma 74004
918-661-1399

Ref: NMOCD procedure for handling RCRA Non-Exempt crude oil leaks,
spills and releases from pipeline operations.

Dear Scott,

Per your request, I have enclosed the following information and forms for your use (items 1-5) and the typical "NMOCD procedure for handling RCRA Non-Exempt crude oil releases from leaks, spills, etc." below.

1. Guidelines For Remediation of Leaks, Spills and Releases.
2. Notification form for leaks and spills.
3. Rule 116 pertaining to leaks, spills, and notifications.
4. C-103 form for submitting site investigation, work, and closure plans.
5. List of NMOCD permitted surface waste management facilities.

The typical procedure that has been used by pipeline companies dealing with non-exempt leaks, spills and releases is as follows:

1. After the emergency response is over and the initial reporting requirements per rule 116 satisfied, the generator and/or operator should make a hazardous waste determination per EPA RCRA CFR 40 262.11 for any non-exempt waste generated on site. If any waste is determined to be hazardous then the New Mexico Environmental Department (Hazardous and Radioactive Material Bureau) must be contacted 505-827-1557.

If the waste is non-hazardous then the NMOCD will have jurisdiction on the disposition of the stocked piled soils, water, oil, etc and the final clean-up and abatement of the vadose zone and/or ground water.

It is recommended that contaminated soil be placed on and covered with plastic, and bermed to prevent any further threat to the environment. All liquids must be picked up.

2. If any waste material and/or contaminates are left on site then the operator submits a C-103 with site investigation and/or remediation work plan included or attached for approval. Any waste shipped off-site must have NMOCD approval.
3. Per NMOCD guidelines, lateral and vertical extent of the contamination must be determined and spill site cleaned up as allowed by the NMOCD guidelines.
4. Submit a final C-103 form and report to NMOCD for approval upon completion of job. (Not to be confused with the subsequent spill report required in 10 days by rule 116.)

In summarizing, most leaks can be divided into two separate issues.

One; being the most heavily contaminated soils that are excavated from, around and under the pipeline leak which are stocked piled on site for either on-site treatment or off-site disposal, or those left in place. After the emergency response is over these waste must be demonstrated they are RCRA Non-Hazardous before treatment or disposal.

Since most companies have to excavate in the area to repair the pipe, it is recommended that companies take this opportunity to remove the major source of the contamination at this time. However, please note NMOCD recognizes that excavation is only one of many technologies that can be used. For example, the guidelines allow any viable treatment technology such as in-situ methods, bioremediation, etc.

Two; being the remaining contaminates left in the vadose zone. The operator should demonstrate that remaining contaminates are below the ranking criteria standards found in the guidelines. The operator must demonstrate this by sampling and testing, and providing the NMOCD with acceptable documentation that the ranking criteria have been met in order to obtain closure from the NMOCD, or provide a viable and proven risk assessment method that will demonstrate that an alternate clean-up level is protective of surface water, ground water, human health and the environment.

In order to expedite closures the operator is advised to supply accurate information concerning depth to ground water, wellhead protection area, and distance to surface water bodies.

The operator should take note of the definition of depth to ground water as defined in the guidelines III.A.1. (Depth to Ground Water). This appears to be the single most misconception concerning clean-up levels.

Other Pertinent Issues related to Non-Exempt Spills:

Operators are allowed to use "Knowledge of Process" in making hazardous waste determinations by building a sampling and testing results data base from contaminated soils from spills in the area. This can save the company time and money when cleaning up crude oil pipelines leaks and spills.

All "Knowledge of Process" approvals must be approved by the NMOCD Environmental Bureau located in Santa Fe, NM. If a company has not received "Knowledge of Process" approval, then each individual leak or spill will have to be sampled and tested to demonstrate the contaminated material is Non-Hazardous and final approval of the site restoration must have NMOCD Environmental Bureau (Santa Fe) approval also.

NMOCD encourages all operators to notify the landowner i.e. fee, deeded, Tribal, BLM, NM State land etc, and obtain their concurrence before submitting any remediation action plans. NMOCD rules, regulations and approvals may not supersede certain land owners rights.

Recent Spill:

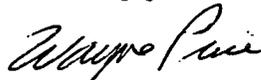
In reference to (WT66PC) recent spill located near the Wiser C battery sec 28-Ts17s-R33e, your request for an extension to submit the subsequent report is hereby granted.

NMOCD understands (WT66PC) is requesting this time in order to be able to sample and test the leak site so as you may include these results in the report to demonstrate the contaminated soils are non-hazardous as required per RCRA CFR 40 262.11 and to show that your emergency response actions of treatment (mixing, plowing etc.) and containment has rendered the site safer for the immediate protection of public health, wildlife and the environment.

However, (WT66PC) should sometime in the near future submit a final closure report demonstrating that the NMOCD guideline clean-up standards have been met.

If you require any further assistance concerning this matter please do not hesitate to call (505-393-6161) or write.

Sincerely yours,



Wayne Price-Environmental Engineer

cc: Jerry Sexton-NMOCD District I Supervisor
Roger Anderson-NM NMOCD Environmental Bureau Chief, Santa Fe
Bill Olson-NMOCD Hydrogeologist-Environmental Bureau

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