

State of New Mexico
ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT
Santa Fe, New Mexico 87505



January 27, 1995

CERTIFIED MAIL
RETURN RECEIPT NO. P-176-012-098

Mr. Larry Gandy
Gandy Marley, Inc.
P.O. Box 827
Tatum, New Mexico 88267

RE: Commercial Landfarm Permit (NM-711-1-0020)
Gandy Marley, Inc.
Chavez County, New Mexico

Dear Mr. Gandy:

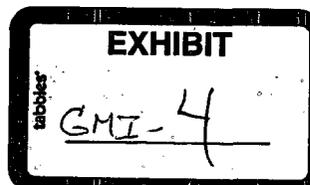
The permit application for the Gandy Marley, Inc. (Gandy Marley) Landfarm located in the SW/4 of Section 4, SE/4 of Section 5, NE/4 of Section 8 and the NW/4 of Section 9, Township 11 South, Range 31 East, NMPM, Chaves County, New Mexico, is hereby approved in accordance with the Oil Conservation Division (OCD) Rule 711 under the conditions contained in the enclosed attachment. The application consists of the original application dated October 11, 1994.

The operation, monitoring and reporting shall be as specified in the enclosed attachment. All modifications and alternatives to the approved landfarming methods must receive prior OCD approval. You are required to notify the Director of any facility expansion or process modification and to file the appropriate materials with the Division.

Please be advised approval of this facility does not relieve you of liability should your operation result in actual pollution of surface waters, ground water or the environment actionable under other laws and/or regulations. In addition, the OCD approval does not relieve you of liability for compliance with other laws and /or regulations.

Please be advised that all tanks exceeding 16 feet in diameter and exposed pits, ponds or lagoons must be screened, netted or otherwise rendered nonhazardous to migratory birds. In addition, OCD Rule 310 prohibits oil from being stored or retained in earthen reservoir, or in open receptacles.

VILLAGRA BUILDING - 406 Galisteo
Forestry and Resources Conservation Division
P.O. Box 1948 87504-1948
827-5630
Park and Recreation Division
P.O. Box 1147 87504-1147
827-7485



3040 South Pacheco
Office of the Secretary
827-5950
Administrative Services
827-5925
Energy Conservation & Management
827-5900
Mining and Minerals
827-5970
Oil Conservation
827-7131

ATTACHMENT TO OCD PERMIT APPROVAL
GANDY MARLEY, INC.
COMMERCIAL LANDFARM (NM-711-1-0020)
(January 27, 1995)

LANDFARM OPERATION

1. Disposal will occur only when an attendant is present.
2. The facility will be entirely fenced and separated from any future facility and have a sign at the entrance. The sign will be legible from at least 50 feet and will contain the following information: a) name of the facility, b) permit number, c) location by section, township and range, and d) emergency phone number.
3. An adequate berm will be constructed and maintained to prevent runoff and runoff for that portion of the facility containing contaminated soils.
4. All contaminated soils received at the facility will be spread and disked within 72 hours of receipt.
5. Soils will be spread in six inch lifts or less.
6. Soils will be disked a minimum of once every two weeks to enhance biodegradation of the contaminants.
7. Successive lifts of contaminated soils will not be spread until a laboratory measurement of Total Petroleum Hydrocarbons (TPH) in the previous lift is less than 100 parts per million (ppm), and the sum of all aromatic hydrocarbons (BTEX) is less than 50 ppm, and the benzene concentration is less than 10 ppm. Comprehensive records of laboratory analysis and the sampling locations will be maintained at the facility. Authorization from the OCD will be obtained prior to the spreading of successive lifts and/or removal of the remediated soils.
8. Only oilfield wastes regulated by the OCD which are exempt from RCRA Subtitle C regulations or non-hazardous by characteristic testing will be accepted at the facility. Solids from operations not currently exempt under RCRA Subtitle C or mixed exempt/non-exempt solids will be tested for the appropriate hazardous constituents. Test results must be submitted to the OCD along with a request to receive the non-exempt solids, and written OCD approval (case specific) must be obtained prior to disposal. Comprehensive records of all laboratory analyses and sample locations will be maintained by the operator.
9. Moisture will be added as necessary to enhance biodegradation and to control blowing dust. There will be no ponding, pooling or runoff allowed. Any ponding of precipitation will be removed within seventy-two (72) hours of discovery.

10. Enhanced bio-remediation through the application of microbes (bugs) and/or fertilizers will only be permitted after prior approval from the OCD. Request for the application of microbes must include the location of the area designated for the bioremediation program, composition of additives, and the method, amount and frequency of application.
11. No free liquids or soils with free liquids will be accepted at the facility.
12. Comprehensive records of all materials received at the facility will be maintained at the facility. The records for each load will include: a) the origin, b) date received, c) quantity, d) exempt or non-exempt status and analyses for hazardous constituents if required, e) transporter, and f) exact cell location and any addition of microbes, moisture, fertilizers, etc.

TREATMENT ZONE MONITORING

1. One (1) background sample will be taken from the center portion of the landfarm two (2) feet below the native ground surface. The sample will be analyzed for total petroleum hydrocarbons (TPH), general chemistry, and heavy metals using EPA approved methods.
2. A treatment zone not to exceed three (3) feet beneath the landfarm will be monitored. A minimum of one random soil sample will be taken from each cell, with no cell being larger than five acres, six (6) months after the first contaminated soils are received in the cell and then quarterly thereafter. The sample will be taken at two (2) to three (3) feet below the native ground surface.
3. The soil samples will be analyzed using approved EPA methods for TPH and BTEX quarterly, and general chemistry and heavy metals annually.
4. After obtaining the soil samples the bore holes will be filled with an impermeable material such as bentonite cement.

REPORTING

1. Analytical results from the treatment zone monitoring will be submitted to the OCD Santa Fe Office within thirty (30) days of receipt from the laboratory.
2. The OCD will notified of any break, spill, fire or any other circumstance that could constitute a hazard or contamination in accordance with OCD Rule 116.

BOND

Pursuant to OCD Rule 711.10.(A) closure bonding requirements will be based upon Gandy Marley Inc. submitting an estimate for the closure of the facility to include the following:

- a. Remediation of the contaminated soils to the OCD standards in affect at the time of closure.
- b. Removal of all piping, liners, surface equipment and all other equipment.
- c. Recontouring and revegetation of the property to its original condition.

CLOSURE

The operator will notify the OCD of cessation of operations. Upon cessation of landfarming operations for six (6) consecutive months, the operator will complete cleanup of constructed facilities and restoration of the facility site within the following six (6) months, unless an extension is granted by the Director of the OCD. When the facility is to be closed no new material will be accepted. Existing soils will be remediated until they meet the OCD standards in effect at the time of closure. The area will then be reseeded with indigenous grasses and allowed to return to its natural state. Closure will be pursuant to all OCD requirements in affect at the time of closure, and any other applicable state or federal regulations.



STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION
2040 S. PACHECO
SANTA FE, NEW MEXICO 87505
(505) 827-7131
March 14, 1995

GandyMarley Inc.
PO Box 1658
Roswell, NM 88201

Attention: Bill Marley

Re: \$25,000 Cash Commercial Disposal Facility Bond
GandyMarley, Inc., Operator
Secs. 8 and 9, T-11-S, R-31-E, Chaves County
Bond No. OCD-523

Dear Mr. Marley:

The Oil Conservation Division hereby approves the above-referenced bond effective March 13, 1995.

Sincerely,

A handwritten signature in black ink, appearing to read "William J. Lemay".

WILLIAM J. LEMAY,
Director

dr/

cc: Oil Conservation Division
Hobbs, New Mexico



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Ground Water Protection and Remediation Bureau

Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502
(505) 827-2918 phone
(505) 827-2965 fax

MARK E. WEIDLER
SECRETARY

EDGAR T. THORNTON, III
DEPUTY SECRETARY

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 24, 1995

Larry Gandy, President
Gandy-Marley, Inc., Landfarm
P.O. Box 827
Tatum, New Mexico 88267

RE: Discharge Plan Approval, DP-1041, Gandy-Marley, Inc., Landfarm

Dear Mr. Gandy:

Pursuant to Water Quality Control Commission (WQCC) Regulation 3-109, the discharge plan application for DP-1041, submitted by the S. M. Stoller Corporation for the bioremediation and aeration of up to 10,000 cubic yards per month of hydrocarbon contaminated soils at the Gandy-Marley Inc., landfarm is hereby approved, subject to the conditions listed below. The facility is located approximately 33 miles northwest of Tatum, New Mexico in Sections 8 and 9, T11S, R31E, Chaves County. In approving this discharge plan, the New Mexico Environment Department (NMED) has determined that the requirements of WQCC Regulation 3-109.C have been met.

The approved Gandy Marley, Inc. landfarm is briefly described as follows:

Gandy Marley, Inc., landfarm will consist of approximately 33 unlined, bermed remediation enclosures (cells) each of which is 5 acres in area. Approximately 5 cells will be active at one time. Up to 10,000 cubic yards per month of contaminated soils will be spread into 6 inch lifts within the cells. After placement, the soils will be disked on a regular basis to enhance the contaminant biodegradation and aeration processes. Moisture will be added to enhance biological remediation and dust control. When lifts are deemed remediated, additional lifts may be added. Cells will contain no more than 4 lifts. Ground water below the site is at a depth of approximately 150 feet and has a total dissolved solids concentration of approximately 11,900 milligrams per liter.

Mr. Larry Gandy, DP-1041
March 24, 1995
Page 2

The approved discharge plan consists of the materials submitted by the S. M. Stoller Corporation dated December 15, 1994, February 13, 1995, March 7, 1995, and March 21, 1995. The discharge shall be managed in accordance with the approved plan and is subject to the conditions listed below.

However, approval of this discharge plan does not relieve you of your responsibility to comply with any other applicable federal, state and/or local laws and regulations, such as zoning requirements and nuisance ordinances.

CONDITIONS FOR APPROVAL

This discharge plan approval is subject to the following conditions for the following reasons:

1. Gandy Marley, Inc. shall maintain all records, including the information requirements listed in SPECIFIC REQUIREMENTS #3, for a period of at least 5 years.

The reason for this condition is to comply with WQCC 3-107.A.7.

2. In addition to parameters specified under SPECIFIC REQUIREMENTS, Gandy Marley, Inc. shall also test for benzene, toluene, ethylbenzene, and total xylenes (BTEX) and metals prior to operation.

The reason for this condition is to establish background levels for BTEX and metals.

SPECIFIC REQUIREMENTS

The terms and conditions of this approval contain specific requirements which are summarized below.

1. Gandy Marley, Inc. shall be authorized to accept and remediate by aeration and bioremediation no more than 10,000 cubic yards per month of contaminated soils. No liquid wastes shall be accepted.
2. Gandy Marley, Inc. shall only accept solids which are classified as non-hazardous by RCRA Subtitle C exemption or by characteristic testing. Wastes from operations not currently exempt under RCRA Subtitle C or mixed exempt and non-exempt wastes shall be sampled and analyzed with EPA method 1311 - Toxicity Characteristics Leaching Procedure (TCLP), to determine whether any hazardous constituents are present. Results of all analyses shall

be submitted to NMED.

3. All shipments of contaminated soils received by Gandy Marley, Inc. shall be accompanied by a properly completed manifest. All wastes accepted by Gandy Marley, Inc. shall be documented and logged at the time the wastes are placed in the facility. Each load shall be inspected to ensure that only acceptable wastes are placed in the facility. The following information will be recorded on an inspection form and maintained for a period of five years as specified under CONDITIONS FOR APPROVAL:
 - origin of material (including name and address of generator)
 - verification of analysis (if applicable)
 - name and signature of transporter
 - cell in which waste is placed
 - date that waste is received
 - description and quantity of waste
 - name and signature of authorized disposal facility employee
 - verification of properly completed manifest
4. All material accepted by Gandy Marley, Inc. shall be spread and disked within 72 hours of receipt. Contaminated soils shall not be mixed with remediated or uncontaminated soils. Soils shall be spread on the surface in layers (lifts) no more than six inches in height in each bermed area, and soils shall be disked a minimum of once every two weeks in order to enhance remediation of contaminants.
5. Gandy Marley, Inc. shall add moisture to appropriate cells, as needed, to diminish blowing dust and to enhance biological remediation of contaminated soils. Moisture shall not be added to saturated soils. Gandy Marley, Inc. shall ensure that added moisture does not result in saturation, ponding or run-off.
6. Gandy Marley, Inc. shall add additional lifts of contaminated soils only after laboratory analysis is conducted to verify that: (1) Total Petroleum Hydrocarbon (TPH) level in the previous lift is less than 100 ppm, (2) that the sum of all BTEX is less than 50 ppm, and (3) the benzene level is less than 10 ppm. All laboratory analysis results and sampling location descriptions shall be maintained at the facility. The facility shall be limited to 4 lifts per cell.
7. Site security shall be the responsibility of Gandy

Marley, Inc. facility personnel. Employees shall verify that each transporter holds appropriate permits. Loads shall be accepted only during daylight hours, unless other prior arrangements have been made. Active cells shall be enclosed by a perimeter fence. When the facility is closed, the site shall be locked to prevent unauthorized dumping.

8. Gandy Marley, Inc. shall enclose the facility within a perimeter berm built to a height of five feet. The width of the perimeter berm shall be ten feet at the top and twenty feet at the base. The interior berms, which will separate the cells within the facility, shall be constructed to a height of two feet. The width of the interior berms will be one foot at the top and three feet at the base.
9. Gandy Marley, Inc. shall construct all berms according to sound engineering practices. All berms shall be constructed of native soils. Berms shall be compacted by watering and packing at the time they are constructed.
10. Gandy Marley, Inc. shall inspect the facility on a regular basis and immediately following significant precipitation and/or wind. Inspections shall include examination of berms, fences, and the remediation area. Perimeter and interior berms shall be maintained to prevent erosion. General maintenance shall be routinely performed and necessary repairs shall be made immediately.
11. Gandy Marley, Inc. shall remove excess water within 72 hours following the discovery of ponding within the facility. Excess precipitation or excess water application shall be removed by vacuum and temporarily stored for later application to active cells within the facility. A water truck, which shall be housed at the facility, shall be used to store and apply the water. Application of the water to active cells shall be done in accordance with operational procedures described in the permit application.
12. Gandy Marley, Inc. shall collect and analyze three soil samples prior to operation in order to establish background levels of organic constituents and to establish general chemical characteristics of the proposed site. Analysis shall be conducted in accordance with EPA test method 8015 or another appropriate EPA-approved method. Gandy Marley, Inc. shall submit the

results to NMED prior to discharge at the site.

13. Gandy Marley, Inc. shall monitor a treatment zone three feet beneath the bottom of each cell. Six months following the placement of contaminated soils, a minimum of three soil samples shall be taken from beneath the cell in which the soils were placed. Gandy Marley, Inc. shall sample quarterly thereafter. Samples shall be analyzed to identify any variations in levels of the constituents found in the background sample taken prior to operation. This sampling and analysis schedule shall apply to each cell. EPA test methods 8015 and 8020 or 8040 shall be used to monitor the treatment zone for cells in which gasoline and/or diesel contaminated soils have been placed. Gandy Marley, Inc. shall submit all analytical results to NMED semi-annually by March 1 and October 1.
14. In the event that soil sample analysis indicates leaching of contaminants into the treatment zone, Gandy Marley, Inc. shall take the following steps: (1) application of contaminated soils shall cease for the cell in question, (2) remediation of soils currently in place within the cell shall continue until deemed adequate, (3) remediated soils shall be removed from the cell, (4) the native ground surface shall be ripped to at least the depth of contaminant migration and allowed to aerate until remediation is adequate, and (5) the cell shall be closed in accordance with the closure plan.
15. Subsequent to collecting soil samples, Gandy Marley, Inc. shall fill boreholes with an impermeable material such as cement or bentonite to prevent contamination below the native ground surface.
16. Gandy Marley, Inc. shall be allowed to remove remediated soils from the facility in accordance with applicable regulations and upon approval from NMED.
17. Upon closure, Gandy Marley, Inc. shall notify NMED that operations have ceased and existing soils which have previously been placed at the facility shall continue to be managed until such time that remediation is deemed adequate by NMED. Within six months following verification that all existing soils have met NMED remediation standards, the site shall be covered and mounded to ensure that stormwater does not collect above or leach into the closed cells. The site shall be restored with natural vegetation. Existing fences shall be maintained following closure and access shall be

restricted. Any additional closure requirements or conditions of NMED shall be met.

GENERAL DISCHARGE PLAN REQUIREMENTS

In addition to any other requirements provided by law, approval of discharge plan, DP-1041, is subject to the following general requirements:

Monitoring and Reporting

Monitoring and reporting shall be as specified in the discharge plan and supplements thereto. These requirements are summarized on the attached sheet(s). Any inadvertent omissions from this summary of a discharge plan monitoring or reporting requirement shall not relieve you of responsibility for compliance with that requirement.

Record Keeping

1. The discharger shall maintain at the facility, a written record of the manifests and soil quality analyses.

The following information shall be recorded and shall be made available to the NMED upon request.

- a. The dates, exact place and times of sampling or field measurements.
 - b. The name and job title of the individuals who performed the sampling or measurements.
 - c. The dates the analyses were performed.
 - d. The name and job title of the individuals who performed the analyses.
 - e. The analytical techniques or methods used.
 - f. The results of such analyses, and
 - g. The results of any split sampling, spikes or repeat sampling.
2. The discharger shall maintain a written record of any spills, seeps, and/or leaks of effluent, leachate and/or process fluids not authorized by this discharge plan.
 3. The discharger shall maintain a written record of the

Mr. Larry Gandy, DP-1041
March 24, 1995
Page 7

operation, maintenance and repair of facilities/equipment used to treat, store and/or dispose of soil; and/or to monitor soil quality. This will include repairs, replacement or calibration of any monitoring equipment and repairs or replacement of any equipment used in Gandy Marley, Inc.'s soil treatment system.

4. The discharger shall maintain a written record of the amount of contaminated soil accepted for treatment.

Inspection and Entry

In accordance with § 74-6-9.B & E NMSA 1978 and WQCC Regulation 3-107.D., the discharger shall allow the Secretary or his authorized representative, upon the presentation of credentials, to:

1. Enter at regular business hours or at other reasonable times upon the discharger's premises or where records must be kept under the conditions of this discharge plan.
2. Inspect and copy, during regular business hours or at other reasonable times, any records required to be kept under the conditions of the discharge plan.
3. Inspect, at regular business hours or at other reasonable times, any facility, equipment (including monitoring and control equipment), practices or operations regulated or required under this discharge plan.
4. Sample or monitor, at reasonable times for the purpose of assuring discharge plan compliance or as otherwise authorized by the New Mexico Water Quality Act, any effluent at any location before or after discharge.

Duty to Provide Information

In accordance with § 74-6-9.B NMSA 1978 and WQCC Regulation 3-107.D., the discharger shall furnish to the NMED, within a reasonable time, any relevant information which it may request to determine whether cause exists for modifying, terminating and/or renewing this discharge plan or to determine compliance with this plan. The discharger shall furnish to the NMED, upon request, copies of records required to be kept by this discharge plan.

Spills, Leaks and Other Unauthorized Discharges

This approval authorizes only those discharges specified in the discharge plan. Any unauthorized discharges violate WQCC Regulation 3-104, and must be reported to the NMED and remediated as required by WQCC Regulation 1-203. This requirement applies to all seeps, spills, and/or leaks discovered from the Gandy Marley,

Mr. Larry Gandy, DP-1041
March 24, 1995
Page 8

Inc. soil treatment system.

Retention of Records

The discharger shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this discharge plan, and records of all data used to complete the application for this discharge plan, for a period of at least five years from the date of the sample collection, measurement, report or application. This period may be extended by request of the Secretary at any time.

Enforcement

Failure to grant the Secretary or his authorized representative access to the records required to be kept by this discharge plan or to allow an inspection of the discharge facilities or to the collection of samples is a violation of this discharge plan and the WQCC Regulations. Such violations as well as other violations of the discharge plan, may subject the discharger to a compliance order, a compliance order assessing a civil penalty or an action in district court pursuant to § 74-6-10 NMSA 1978, and/or modification or termination of this discharge plan pursuant to § 74-6-5.L NMSA 1978. Penalties assessed as part of a compliance order shall not exceed \$15,000 per day for violations of the terms of this permit or the requirements of § 74-6-5 NMSA 1978, and shall not exceed \$10,000 per day for violations of other sections of the Water Quality Act.

Modifications and/or Amendments

The discharger shall notify NMED, pursuant to WQCC Regs. 3-107.C, of any modifications or additions to the Gandy Marley, Inc. remediation system, including any management changes to the system as approved under this discharge plan. The discharger shall obtain NMED's approval, as a discharge plan modification, prior to any increase in the quantity or type of contaminated soil different from those approved in this plan. Please note that WQCC Regs. 3-109.E and F provide for possible future amendment of the plan.

Other Requirements

Please be advised that the approval of this plan does not relieve Gandy Marley, Inc. of liability should your operation result in actual pollution of surface or ground water which may be actionable under other laws and/or regulations.

RIGHT TO APPEAL

If Gandy Marley, Inc. is dissatisfied with this action taken by

Mr. Larry Gandy, DP-1041
March 24, 1995
Page 9

NMED, Gandy Marley, Inc. may file a petition for hearing before the WQCC. This petition shall be in writing to the Water Quality Control Commission within thirty (30) days of the receipt of this letter. Unless a timely request for hearing is made, the decision of the NMED shall be final.

TRANSFER OF DISCHARGE PLAN

Pursuant to WQCC Regulation 3-111, prior to any transfer of ownership, the discharger shall provide the transferee a copy of the discharge plan, including a copy of this approval letter and shall document such to the NMED.

PERIOD OF APPROVAL

Pursuant to WQCC Reg. 3-109.G.4., this discharge plan approval is for a period of five years. This approval will expire on March 24, 2000, and you must submit an application for renewal at least 120 days before that date.

Sincerely,



Marcy Leavitt, Chief
Ground Water Protection &
Remediation Bureau

ML:JR/jr

Enclosures:

xc: Garrison McCaslin, Dist. Manager, NMED Dist. 4
John Hoover, HPM, NMED Dist. 4, Roswell

NMED, GROUND WATER SECTION, DISCHARGE PLAN SUMMARY

Discharge Plan Number..... 1041
Date Report Generated..... 23-MAR-95
Staff Reviewer..... JOHN ROGERS

Legally Responsible Party. LARRY GANDY OWNER 398-4960
Owner..... LARRY GANDY
1109 EAST BROADWAY PO BOX 827
TATUM NM 88267

Facility..... GANDY MARLEY INC LANDFARM

Primary Waste Type..... INDUSTRIAL OTHER
Treatment..... HYDROCARBON REMEDIATION LAND FARMING
Discharge..... LAND APPLICATION DISPOSAL
Discharge Location..... 10,000 CUBIC YARDS OF CONTAMINATED SOIL PER MONTH

Application Received.....	17-DEC-94	Discharge Volume..	gpd
Public Notice Published...	10-FEB-95	Depth to GW.....	150 feet
Discharge Plan Approved...	24-MAR-95	TDS.....	11900 mg/l
Discharge Plan Expires....	24-MAR-00		

Monitoring Reports due.... 01-MAR 01-OCT

<u>Sampling Category</u>	<u>Annual Frequency</u>	<u>No. of Sites</u>	<u>of Sampling Description</u>
6	2	15	TPH and BTEX; 3 samples/cell at 3 feet beneath base of cell. Baseline, 6 months after soil emplacement, and quarterly thereafter. Report results semi-annually.
4	1	3	Metals; 3 samples over facility. Baseline only.

_____ If this space is checked, monitoring requirements are summarized or explained in more detail on the attached sheet. Any inadvertent omission from this summary does not relieve the discharger of responsibility for compliance with that requirement.

Send All monitoring reports or correspondence to: JOHN ROGERS
Ground Water Section
Environment Department
1190 St. Francis Drive
Santa Fe NM 87503
(505) 827-2900