

**EXPLANATORY PARAGRAPH:** This rule amends NMAC 19.15.9.712 with entirely new material. This is a rule of the Oil Conservation Division, adopted pursuant to the Oil and Gas Act and House Bill 533 of the 45th Legislature, 1st Session. The Rule permits disposal of certain non-domestic waste at solid waste facilities regulated by the New Mexico Environment Department.

**19.15.9.712. DISPOSAL OF CERTAIN NON-DOMESTIC WASTE AT SOLID WASTE FACILITIES.**

A. General - Certain non-domestic waste arising from the exploration, development, production or storage of crude oil or natural gas, certain nondomestic waste arising from the oil field service industry, and certain non-domestic waste arising from the transportation, treatment or refinement of crude oil or natural gas, may be disposed of at a solid waste facility.

B. Definitions - The following words and phrases have particular meanings for purposes of this section:

(1) "BTEX." The acronym "BTEX" in this section refers to benzene, toluene, ethylbenzene and xylene.

(2) "Discharge Plan." A "discharge plan" is a plan submitted and approved by the Division pursuant to NMSA 1978, Section 70-2-12(B)(22) (2000 Cum.Supp.) and rules and regulations of the Water Quality Control Commission.

(3) "EPA." The acronym "EPA" refers to the United States Environmental Protection Agency.

(4) "EPA Clean." The phrase "EPA Clean" refers to cleanliness standards established by the EPA in 40 C.F.R. Part 261, Section 261.7(b).

(5) "NESHAP." The acronym "NESHAP" refers to the National Emission Standards for Hazardous Air Pollutants of the EPA, 40 C.F.R. Part 61.

(6) "NORM." The acronym "NORM" refers to naturally occurring radioactive materials regulated by 20 NMAC 3.1, Subpart 14.

(7) "Section." "Section" or "this section" refers to Section 19.15.9.712.

(8) "Solid Waste Facility." A "solid waste facility" is a facility permitted or authorized as a solid waste facility by the New Mexico Environment Department pursuant to the Solid Waste Act, NMSA 1978, Sections 74-9-1 *et seq.* and rules and regulations of the Environmental Improvement Board, to accept industrial solid waste or other special waste.

(9) "TCLP" The acronym "TCLP" in this section refers to the testing protocol established by the EPA in 40 C.F.R. Part 261, entitled "Toxicity Characteristic Leaching Procedure" or an alternative hazardous constituent analysis approved by the Division.

(10) "TPH." The acronym "TPH" in this section refers to the phrase "total petroleum hydrocarbons."

(11) "Waste." The word "waste" refers to nondomestic waste resulting from the exploration, development, production or storage of crude oil or natural gas pursuant to NMSA 1978, Section 70-2-12(B)(21) and nondomestic waste arising from the oil field service industry, and certain non-domestic waste arising from the transportation, treatment or refinement of crude oil or natural gas pursuant to NMSA 1978, Section 70-2-12(B)(22).

C. Procedure

(1) Waste Listed in Subsection D, Paragraph (1) of Section 19.15.9.712. Waste listed in Subsection D, Paragraph (1) of Section 19.15.9.712 may be disposed of at a solid waste facility without prior written authorization of the Division.

(2) Waste Listed in Subsection D, Paragraph (2) of Section 19.15.9.712. Waste listed in Subsection D, Paragraph (2) of Section 19.15.9.712 may be disposed of at a solid waste facility after testing and prior written authorization of the Division. Before authorization is granted, copies of test results must be provided to the Division and to the solid waste facility where the waste is to be disposed. Disposal may commence only after written authorization of the Division. In appropriate cases and so long as a representative sample is tested, the Division may authorize disposal of a waste stream listed in Subsection D, Paragraph (2) of Section 19.15.9.712 without individual testing of each delivery.

(3) Waste Listed in Subsection D, Paragraph (3) of Section 19.15.9.712. Waste listed in Subsection D, Paragraph (3) of Section 19.15.9.712 may be disposed of at a solid waste facility on a case-by-case basis after testing required at the discretion of the Division and after prior written authorization of the Division. Before authorization is granted, copies of test results must be provided to the Division and to

the solid waste facility where the waste is to be disposed. Disposal may commence only after written authorization of the Division.

(4) Simplified Procedure for Holders of Discharge Plans. Holders of an approved discharge plan may amend the discharge plan to provide for disposal of waste listed in Waste Listed in Subsection D, Paragraph (2) of Section 19.15.9.712 and, as applicable, Subsection D, Paragraph (3) of Section 19.15.9.712. If the amendment to the Discharge Plan is approved, wastes listed in Subsection D, Paragraph (2) of Section 19.15.9.712 and Subsection D, Paragraph (3) of Section 19.15.9.712 may be disposed of at a solid waste facility without the necessity of prior written authorization of the Division.

D. Waste Governed By This Section

(1) Waste That Does Not Require Testing Before Disposal:

(a) Barrels, drums, 5-gallon buckets, 1-gallon containers so long as empty and EPA-clean.

(b) Uncontaminated brush and vegetation arising from clearing operations.

(c) Uncontaminated concrete.

(d) Uncontaminated construction debris.

(e) Non-friable asbestos and asbestos contaminated waste material, so long as the disposal complies with all applicable federal and state regulations for friable asbestos materials and so long as asbestos is removed from steel pipes and boilers and, if applicable, the steel recycled.

(f) Detergent buckets, so long as completely empty.

(g) Fiberglass tanks so long as the tank is empty, cut up or shredded, and EPA clean.

(h) Grease buckets, so long as empty and EPA clean.

(i) Uncontaminated ferrous sulfate or elemental sulfur so long as recovery and sale as a raw material is not possible.

(j) Metal plate and metal cable.

(k) Office trash.

(l) Paper and paper bags, so long as empty (paper bags).

(m) Plastic pit liners, so long as cleaned well.

(n) Soiled rags or gloves. If wet, must pass Paint Filter Test prior to disposal.

(o) Uncontaminated wood pallets.

(2) Waste That Must Be Tested:

(a) Activated alumina must be tested for TPH and BTEX.

(b) Activated carbon must be tested for TPH and BTEX.

(c) Amine filters must be tested for BTEX (and air-dried for at least 48 hours before testing).

(d) Friable asbestos and asbestos-contaminated waste material must be tested pursuant to NESHAP (and so long as the disposal otherwise complies with all applicable federal and state regulations for friable asbestos materials, and so long as asbestos is removed from steel pipes and boilers and, if applicable, the steel should be recycled before disposal).

(e) Cooling tower filters must be tested for TCLP/chromium (and drained and then air-dried for at least 48 hours before testing).

(f) Dehydration filter media must be tested for TPH and BTEX (and drained and then air-dried for at least 48 hours before testing).

(g) Gas condensate filters must be tested for BTEX (and drained and then air-dried for at least 48 hours before testing).

(h) Glycol filters must be tested for BTEX (and drained and then air-dried for at least 48 hours before testing).

(i) Iron sponge must be oxidized completely and then undergo Ignitability Testing.

(j) Junked pipes, valves, and metal pipe must be tested for NORM.

(k) Molecular sieve must be tested for TPH and BTEX (and must be cooled in a non-hydrocarbon inert atmosphere and hydrated in ambient air for at least 24 hours before testing).

(l) Pipe scale and other deposits removed from pipeline and equipment must be tested for TPH, TCLP/metals and NORM.

(m) Produced water filters must be tested for Corrosivity (and drained and then air-dried for at least 48 hours before testing).

(n) Sandblasting sand must be tested for TCLP/metals or, at the discretion of the Division, TCLP/total metals.

- (o) Waste oil filters must be tested for TCLP/metals (and must be drained thoroughly of oil for at least 24 hours before testing and oil and metal parts must be recycled).
- (3) Waste That May Be Disposed Of On A Case-By-Case Basis:
  - (a) Sulfur contaminated soil.
  - (b) Catalysts.
  - (c) Contaminated soil other than petroleum contaminated soil.
  - (d) Petroleum contaminated soil in the event of an emergency declared by the director.
  - (e) Contaminated concrete.
  - (f) Demolition debris not otherwise specified herein.
  - (g) Unused dry chemicals (in addition to any testing required by the Division, a copy of the Material Safety Data Sheet shall be forwarded to the Division and the solid waste facility on each chemical proposed for disposal).
  - (h) Contaminated ferrous sulfate or elemental sulfur.
  - (i) Unused pipe dope.
  - (j) Support balls.
  - (k) Tower packing materials.
  - (l) Contaminated wood pallets.
  - (m) Partial sacks of unused drilling mud (in addition to any testing required by the Division, a copy of the Material Safety Data Sheet shall be forwarded to Division and the solid waste facility at which the partial sacks will be disposed).
  - (n) Other wastes as applicable.

E. Testing

- (1) General - Testing required herein shall be conducted according to the Test Methods for Evaluating Solid Waste, EPA No. SW-846. Any questions concerning the standards or a particular testing facility should be directed to the Division.
- (2) Methodology - Testing must be conducted according to the test method listed:
  - (a) TPH: EPA method 418.1 or 8015 (D-R-O and G-R-O only) or an alternative hydrocarbon analysis approved by the Division.
  - (b) TCLP: EPA Method 1311 or an alternative hazardous constituent analysis approved by the Division.
  - (c) Paint Filter Testing: EPA Method 9095A.
  - (d) Ignitability Test: EPA Method 1030.
  - (e) Corrosivity: EPA Method 1110.
  - (f) Reactivity: Test procedures and standards established on a case-by-case basis by the Division.
  - (g) NORM. 20 NMAC 3.1, Subpart 14.
- (3) Limits - To be eligible for disposal pursuant to this section, substances found during testing shall not exceed the following limits:
  - (a) Benzene: Less than 10 mg/Kg.
  - (b) BTEX: Less than 500 mg/Kg (sum of all).
  - (c) TPH: Shall not exceed 1000 mg/Kg.
  - (d) Hazardous Air Pollutants: Shall not exceed the standards set forth in NESHAP.
  - (e) TCLP: Shall not exceed the following:
    - (i) Arsenic: 5.0 mg/l
    - (ii) Barium: 100.0 mg/l
    - (iii) Cadmium: 1.0 mg/l
    - (iv) Chromium: 5.0 mg/l
    - (v) Lead: 5.0 mg/l
    - (vi) Mercury: 0.2 mg/l
    - (vii) Selenium: 1.0 mg/l
    - (viii) Silver: 5.0 mg/l