

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

A. IN GENERAL. Certain non-domestic waste arising from the exploration, development, production or storage of crude oil or natural gas, certain non-domestic 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 but only with the concurrence of the New Mexico Environment Department.

B. DEFINITIONS. The following words and phrases have particular meanings for purposes of this Rule:

1. **"BTEX."** The acronym "BTEX" in this Rule 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, § 70-2-12(B)(22) (2000 Cum.Supp.) and rules and regulations of the Water Quality Control Commission.
3. **"Division."** "Division" or "the Division" is the Oil Conservation Division of the Energy, Minerals and Natural Resources Department.
4. **"EPA."** The acronym "EPA" refers to the United States Environmental Protection Agency.
5. **"EPA Clean."** The phrase "EPA Clean" refers to cleanliness standards established by the EPA in 40 C.F.R. Part 261, § 261.7(b).
6. **"NESHAP."** The acronym "NESHAP" refers to the National Emission Standards for Hazardous Air Pollutants of the EPA, 40 C.F.R. Part 61.
7. **"NORM."** The acronym "NORM" refers to naturally occurring radioactive materials regulated by 20 NMAC 3.1, Subpart 14.
8. **"Rule."** "Rule" or "this Rule" refers to NMAC 19.15.9.712.
9. **"Solid Waste Facility."** A "solid waste facility" is a facility permitted as a solid waste facility by the New Mexico Environment Department pursuant to the Solid Waste Act, NMSA 1978, §§ 74-9-1 *et seq.* and rules and regulations of the Environmental Improvement Board, to accept industrial or other special waste.
10. **"TCLP"** The acronym "TCLP" in this Rule refers to the testing protocol established by the EPA in 40 C.F.R. Part 261, entitled "Toxicity Characteristic Leaching Procedure."

11. "TPH." The acronym "TPH" in this Rule refers to the phrase "total petroleum hydrocarbons."

12. "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, § 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, § 70-2-12(B)(22).

C. PROCEDURE.

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

2. Waste Listed in Section 19.15.9.712(D)(2). Waste listed in NMAC § 19.15.9.712(D)(2) 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 19.15.9.712(D)(2) without individual testing of each delivery.

3. Waste Listed in Section 19.15.9.712(D)(3). Waste listed in NMAC § 19.15.9.712(D)(3) 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 NMAC §19.15.9.712(D)(2) and, as applicable, NMAC § 19.15.9.712(D)(3). If the amendment to the Discharge Plan is approved, wastes listed in NMAC §§ 19.15.9.712(D)(2) and 19.15.9.712(D)(3) may be disposed of at a solid waste facility without the necessity of prior written authorization of the Division.

D. WASTE GOVERNED BY THIS RULE.

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 pipe 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 TPH and 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/total 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 TPH and BTEX (and drained and then air-dried for at least 48 hours before testing).

- h. Glycol filters must be tested for TPH and 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 sleeves 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 TPH and must undergo Corrosivity testing (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 concrete.
- d. Demolition debris not otherwise specified herein.
- e. 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).
- f. Contaminated ferrous sulfate or elemental sulfur.
- g. Unused pipe dope.
- h. Support balls.
- i. Tower packing materials.
- j. Contaminated wood pallets.
- k. 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).
 - l. Other wastes as applicable.

E. TESTING:

1. In 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 for the following substances must also be conducted according to the test method listed:

- a. TPH: EPA method 418.1 or modified 8015.
- b. TCLP: EPA Method 1311.
- 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 Rule, 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:
 - Arsenic: 5.0 mg/l
 - Barium: 100.0 mg/l
 - Cadmium: 1.0 mg/l
 - Chromium: 5.0 mg/l
 - Lead: 5.0 mg/l
 - Mercury: 0.2 mg/l
 - Selenium: 1.0 mg/l
 - Silver: 5.0 mg/l