

**STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION COMMISSION**

**APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION FOR
REPEAL OF EXISTING RULES 709, 710 AND 711 CONCERNING SURFACE
WASTE MANAGEMENT AND ADOPTION OF NEW RULES GOVERNING
SURFACE WASTE MANAGEMENT**

**CASE NO. 13586
ORDER NO. R-12460-D**

NUNC PRO TUNC ORDER

It appearing that due to inadvertence, that Paragraph (5) and Paragraph (6) and Subparagraph (e) of Paragraph (14) of Subsection E; Paragraph (2) of Subsection G; Paragraph (4) of Subsection H; and Item (i) of Subparagraph (a) and Item (iv) of Subparagraph (e) of Paragraph (4) of Subsection J of 19.15.2.53 NMAC in Exhibit A of No, R-12460-B, dated October 19, 2006, do not correctly state the Oil Conservation Commission's intent to adopt the Oil Conservation Division's proposed language for those paragraphs and Paragraph (16) of Subsection E of 19.15.2.53 NMAC in the Division's proposal was omitted;

IT IS THEREFORE ORDERED THAT:

A. Paragraph (5) of Subsection E of 19.15.2.53 NMAC of Exhibit A is amended to read in its entirety as follows:

"The operator shall not place oil field waste containing free liquids in a landfill or landfarm cell. Operators shall use the paint filter test, as prescribed by the EPA (EPA SW-846, method 9095) to determine conformance of the oil field waste to this criterion."

B. Paragraph (6) of Subsection E of 19.15.2.53 NMAC of Exhibit A is amended to read in its entirety as follows:

"Surface waste management facilities shall accept only exempt or non-hazardous waste, except as provided in Subparagraph (c) of Paragraph (6) of Subsection E of 19.15.2.53 NMAC. The operator shall not accept hazardous waste at a surface waste management facility. The operator shall not accept wastes containing regulated naturally occurring radioactive material (NORM) at a surface waste management facility except as provided in Subsection C of 19.15.9.714 NMAC. The operator shall require the following documentation for accepting oil field wastes, and both the operator and the generator shall maintain and make the documentation available for division inspection."

C. Subparagraph (e) of Paragraph (14) of Subsection E of 19.15.2.53 NMAC of Exhibit A is amended to read in its entirety as follows:

"include an evacuation plan for surface waste management facility personnel that describes signals to be used to begin evacuation, evacuation routes and alternate evacuation routes in cases where fire or releases of wastes could block the primary routes;"

D. Paragraph (16) of Subsection E of 19.15.2.53 NMAC from the Division's proposed language is inserted and reads in its entirety as follows:

"Training program. Each operator shall conduct an annual training program for key personnel that includes general operations, permit conditions, emergencies proper sampling methods and identification of exempt and non-exempt waste and hazardous waste. The operator shall maintain records of such training, subject to division inspection, for five years."

E. Paragraph (2) of Subsection G of 19.15.2.53 NMAC of Exhibit A is amended to read in its entirety as follows:

"Background testing. Prior to beginning operation of a new landfarm or to opening a new cell at an existing landfarm at which the operator has not already established background, the operator shall take, at a minimum, 12 composite background soil samples, with each consisting of 16 discrete samples from areas that previous operations have not impacted at least six inches below the original ground surface, to establish background soil concentrations for the entire surface waste management facility. The operator shall analyze the background soil samples for total petroleum hydrocarbons (TPH), as determined by United States environmental protection agency (EPA) method 418.1 or other EPA method approved by the division; BTEX, as determined by EPA SW-846 method 8021B or 8260B; chlorides; and other constituents listed in Subsections A and B of 20.6.2.3103 NMAC, using approved EPA methods."

F. Paragraph (4) of Subsection H of 19.15.2.53 NMAC of Exhibit A is amended to read in its entirety as follows:

"Record-keeping requirements. The operator shall maintain records reflecting the generator, the location of origin, the volume and type of oil field waste, the date of acceptance and the hauling company for each load of oil field waste received. The division shall post on its website each small landfarm's location, operator and registration date. In addition, the operator shall maintain records of the small landfarm's remediation activities in a form readily accessible for division inspection. The operator shall maintain all records for five years following the small landfarm's closure."

G. Item (i) of Subparagraph (a) of Paragraph (4) of Subsection J of 19.15.2.53 NMAC of Exhibit A is amended to read in its entirety as follows:

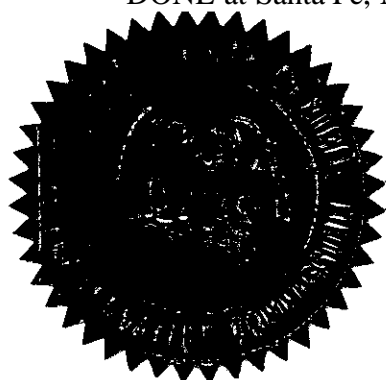
"tanks and equipment used for oil treatment are cleaned and oil field waste is disposed of at a **division-approved** surface waste management facility (the operator shall reuse, recycle or remove tanks and equipment from the site within 90 days of closure);"

H. Item (iv) of Subparagraph (e) of Paragraph (4) of Subsection J of 19.15.2.53 NMAC of Exhibit A is amended to read in its entirety as follows:

"the site is sampled, in accordance with the procedures specified in chapter nine of EPA publication SW-846, test methods for evaluating solid waste, physical/chemical methods for TPH, BTEX, metals and other inorganics listed in Subsections A and B of 20.69.2.3103 NMAC, in accordance with a gridded plat of the site containing at least four equal sections that the division has approved; and"

I. The corrections set forth in this order be entered nunc pro tunc as of October 19, 2006.

DONE at Santa Fe, New Mexico on the 1st day of January 2007.



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STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION

A handwritten signature in black ink, appearing to read "Mark E. Fesmire", written over a horizontal line.

MARK E. FESMIRE, P.E., CHAIR