

BURLINGTON

RESOURCES

November 29, 2005

Ms. Florene Davidson
New Mexico Oil Conservation Commission
1220 South St. Francis Drive
Santa Fe, NM 87505

RE: BR Comments Concerning NMOCD Proposed Changes to Surface Waste Management Rules

Dear Ms. Davidson:

On behalf of Burlington Resources Oil and Gas Company (BR), we are pleased to submit our written comments concerning the most recently proposed rules governing Surface Waste Management Facilities. BR also recommends and adopts the comments or amendments submitted by Yates Petroleum Corporation under letter dated October 13, 2005 and the comments submitted by New Mexico Oil and Gas Association at the November 10, 2005 hearing.

Although our proposed amendments are detailed in the attachments, we would like to emphasize our view that the rule changes make little to no differentiation between permanent landfarms and temporary landfarms that typically operate for 6 months or less to remediate impacted soils from spills or leaks from at individual well sites. In this regard, we are unaware of any impacts to residual soils or groundwater from the construction, operation, and eventual closure of these temporary landfarms and that the detailed specifications outlined within the OCD proposed rules are unnecessary for such temporary landfarms. We believe that our proposed amendments appropriately address the proper steps for construction, operation, and closure of these temporary landfarms and are protective of public health and the environment. BR is submitting our amendments and comments at this time even though the hearing date for these rules has been continued until January 13, 2006. In this regard BR reserves the right to alter our amendments or comments or to submit additional amendments or comments before the January 13, 2006 hearing if the deadline for such is extended accordingly.

As has been the case in the past, BR is willing to work with the agency in a collaborative process to develop a comprehensive rule that addresses the treatment and disposal of oil field wastes. Please feel free to contact either of us at (505) 326-9700 if we can be of assistance or if you have questions concerning our comments.

Sincerely,

Bruce A. Gantner, PE, CSP
Manager, Environmental, Health, and Safety

Alan Alexander
Senior Land Advisor
Cc: John Zent

**BR Proposed Amended Language to
NMOCD Surface Waste Management Rule Changes
11/14/2005 DRAFT**

**TRANSPORTATION OF PRODUCED WATER AND OTHER OILFIELD WASTE
[19.15.2.51]**

C. No owner or operator shall permit produced water, drilling fluids, or other liquid oil field waste to be removed from its leases or field facilities by motor vehicle except by a person possessing an approved form C-133, except that an owner or operator who has (1) verified that a person has an approved form C-133 on file; and (2) requested notice from the division of any revocation of form C-133, may permit produced water or other oil field waste to be removed by said person until 10 days after receiving notice from the division that said person's form C-133 has been suspended or revoked pursuant to paragraph (E) of this rule.

E. Cancellation or suspension of authorization to move produced water and oilfield wastes. Vehicular movement or disposition of produced water or oilfield wastes in any manner contrary to division rules shall be cause, after notice and opportunity for hearing, for cancellation or suspension of a transporter's form C-133. The division shall provide written notice within a reasonable timeframe of any such cancellation or suspension to owners or operators requesting notice of such actions.

**DISPOSITION OF PRODUCED WATER AND OTHER OIL FIELD WASTES
[19.15.2.52]**

- A. Prohibited dispositions. Except as authorized by 19.15.2.50 NMAC or 19.15.2.53 NMAC, no person, including any transporter, shall dispose of produced water or other oil field wastes:
 - (1) on the surface of the ground, in any pit not authorized by the operator, or in any pond, lake, depression or watercourse; or
 - (2) in any other place or in any manner that may constitute a hazard to fresh water, public health, or the environment.
- B. Authorized disposition of produced water. The following methods of disposition of produced water are authorized:
 - (1) delivery to a permitted salt water disposal well or facility, secondary recovery or pressure maintenance injection facility, surface waste management facility, or to a drill site for use in drilling fluid that is authorized by the operator in a manner that does not constitute a hazard to fresh water, public health or the environment; or
 - (2) use in accordance with any division-issued use permit.
- C. Authorized disposition of recovered drilling fluids and other oil field waste. Other oil field waste shall be disposed of by transfer to an appropriate surface waste management facility or injection facility that is authorized by the operator

or as otherwise authorized by the division. Recovered drilling fluids may be transported to other drill sites authorized by the operator for reuse provided that such fluids are transported and stored in a manner that does not constitute a hazard to fresh water, public health, or the environment.

PERMITTING REQUIREMENTS

C. Permitting requirements. Unless exempt from 19.15.2.53 NMAC, all new commercial or centralized facilities, prior to commencement of construction, and all existing commercial or centralized facilities prior to major modifications, shall be permitted by the division in accordance with the applicable requirement of Subsection C or 19.15.2.53 NMAC.

(1) Application requirements for new facilities, major modifications, and renewals. An application form C-137, for a permit for a new facility, to modify an existing facility subject to permitting pursuant to 19.15.2.53, or for renewal of a permit shall be filed with the environmental bureau in the division's Santa Fe office. The application shall include:

OPERATIONAL REQUIREMENTS:

E. Operational requirements applicable to all facilities.

(1) No surface waste management facility, other than temporary landfills which do not require a permit, shall be located where ground water is less than 50 feet below the surface.

(2) No surface waste management facility shall be located in any watercourse or lakebed. A watercourse is defined as "Watercourse shall mean any lake bed or gully, draw, stream bed, wash, arroyo or channel that is delineated on a USGS Quadrangle map having a scale factor of 1:24,000 or which clearly has a hydraulic connection to rivers, streams, or lakes. Watercourses under this definition do not include human-made channels, ephemeral washes, or arroyos which are not delineated on a USGS Quadrangle map having a scale factor of 1:24,000 or which clearly are not connected hydraulically to rivers, streams, or lakes." Facilities located adjacent to any watercourse or lakebed shall have a division-approved plan for handling storm water runoff.

(4) Excepting contaminated soil wastes managed directly by the operator or his agent on the same lease where the wastes are generated, no wastes transported by motor vehicle shall be accepted at the facility unless the transporter has a form C-133 authorization to move liquid waste, approved by the division.

(9). All permitted waste management facilities shall have a sign, readable from a distance of 50 feet and containing the operator's name, facility location by unit letter, section, township, and range, and emergency telephone numbers.

(12) Each operator of a permitted surface waste management facility shall have an inspection and maintenance plan that includes the following:

(13) Each operator of a permitted surface waste management facility shall have a written plan that is designed to control run-on water onto the site and run-off water from the site such that:

(14) Contingency Plan. Each operator of a permitted surface waste management facility shall have a contingency plan.

G. OPERATIONAL REQUIREMENTS – LANDFARMS. The following operational requirements shall only apply to all landfarms.

(1) Only soils and soil like material, such as drill cuttings or tank bottoms, should be placed in a landfarm.

(3) No contaminated soils shall be placed within 100 feet of the boundary of a permitted landfarm. Landfarms that do not require a permit are not subject to the 100 foot limitation but should place soils appropriately so as not to migrate off site via wind or storm water erosion.

(4) No contaminated soils shall be placed within 20 feet of any pipeline crossing at a permitted landfarm. Landfarms that do not require a permit should place soils appropriately so as not to be within 3 feet of a main gathering line. There is no restriction with regard to locating a non-permitted landfarm above well site flowlines.

(6) If required by site environmental conditions and proposed operations plan, the soil below the treatment zone in each landfarm cell of a permitted surface waste management facility shall be monitored to ensure that contaminants are not transferred to the ground water. Such treatment zone shall not exceed 3 feet in depth. A minimum of four representative samples shall be taken from each landfill cell six months after the first contaminated soils are received and semi-annually thereafter. The samples shall be taken from soils no deeper than one foot below the surface of the cell. Landfarms that do not require a permit have no testing requirements of treatment zones.

(7) All contaminated soils of a landfarm at a permitted surface waste management facility shall either be biopiled or be spread and disked within 72 hours of receipt. The operator shall maintain records of the facilities diskings schedule in a form readily accessible to the division. Landfarms that do not require a permit shall be spread and disked as appropriate to maximize soil treatment efficiency.

(8) Contaminated soils of a landfarm at a permitted surface waste management facility shall be spread on the surface in six-inch or less lifts. Landfarms that do not require a permit shall spread the soils in appropriate lifts not to exceed 12 inches in depth.

(9) Soils of a landfarm at a permitted surface waste management facility shall be disked bimonthly. Landfarms that do not require a permit shall be disked at least monthly.

(12) The application of microbes for the purpose of enhancing bioremediation requires notice to the division prior to use.