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**From:** Ray Leissner[SMTP:LEISSNER.RAY@EPAMAIL.EPA.GOV]  
**Sent:** Tuesday, April 16, 1996 5:28 PM  
**To:** RAnderson; DCcatanach; BenStone  
**Subject:** Comments of Proposed NORM Regs

Below is a copy of a memo I believe was sent via fax and mail. Please call me when you get the chance.

David Catanach  
New Mexico Energy, Minerals & Natural Resources Department  
Oil Conservation Division  
2040 South Pacheco Street  
Santa Fe, New Mexico 87505

RE: Comments on New Mexico Oil Conservation Division  
(NMOCD)Draft Regulations Regarding Injection of Naturally Occurring  
Radioactive Materials (NORM)

Dear Mr. Catanach:

Thank you for giving us an opportunity to review and comment on the NMOCD Draft Regulations Regarding Injection of Naturally Occurring Radioactive Materials document. As you know, formal approval from EPA in regards to promulgating the rules and authorizing the disposal is not required. The following are our comments and hope they are beneficial in assisting your office with the proposed rules prior to promulgation.

#### General Comment

The General License issued under Part 1410 (A) of the Environmental Improvement Board regulations only allows for disposal of NORM into Class II wells or for plug and abandonment (P&A). Is it necessary for EIB rules to specify a general license for Class I non-hazardous wells?

#### Comments on the proposed Rule 19 NMAC 15.1.714:

D. (4) (a) - This defines the minimum depth for NORM disposal for wells to be P&Ad at 100 feet below the lowermost underground source of drinking water (USDW).

E. (2) - This sets the minimum depth for continuous disposal at 100 feet below the USDW.

Comment: The minimum depth to which NORM may be disposed of in a P&Ad well or by injection should also consider the existence of adequate confining layers between the USDW and NORM.

E. (4) - This prohibits any disposal by injection above fracture pressure that would propagate fractures beyond the confining layers.

Comment: Federal regulations at 40 CFR Part 146.23 prohibit injection into Class II wells that would propagate fractures into confining zones adjacent to a USDW. Minimum specifications for an acceptable confining layer should also be set forth.

E. (5) - This paragraph allows for injection of NORM by commercial disposal facilities and requires these facilities to comply with paragraph E (2) for disposal wells.

Comment: E (2) (b) (I) appears to restrict the disposal of NORM to that NORM produced only from the applicant's operation.

If you have questions please call me at 214/665-8180 or Ray Leissner at 214/665-7183.

Sincerely,

Walter Biggins  
New Mexico Team Leader  
Grants Section

concur - Leissner