

**NM1 - 42**

**GENERAL  
CORRESPONDENCE**

**YEAR(S):**

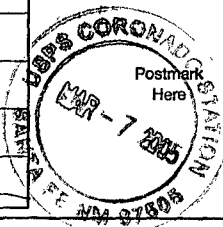
**2005-2004**

7001 1940 0004 7920 7607

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| Total Postage & Fees                              | \$4.42 |



|   |  |
|---|--|
| Sent To   |  |
| COMMERCIAL EXCHANGE, INC.                         |  |
| Street, Apt. No.;<br>or PO Box No. 6906 GARY AVE. |  |
| City, State, ZIP+4 LUBBOCK, TX 79413              |  |



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

**BILL RICHARDSON**

Governor

**Joanna Prukop**

Cabinet Secretary

7001 1940 0004 7920 7607

March 4, 2005

**Mark E. Fesmire, P.E.**

Director

**Oil Conservation Division**

Commercial Exchange, Inc.  
6906 Gary Ave.  
Lubbock, TX 79413

Permit Number: NM-1-0042

Re: Administrative Modification of Landfarm Permits

The Oil Conservation Division (OCD) issued the landfarm permit identified above under OCD Rule 711. As explained in the public notice given prior to the issuance of the permit, the permit was for landfarming to remediate hydrocarbon-contaminated soils. The language of the permit, however, is broader, allowing the facility to accept oilfield contaminated solids which are either exempt from the Federal RCRA Subtitle C (hazardous waste) regulations or are "nonhazardous" by characteristic testing. If this language were interpreted to allow the landfarm to accept oilfield waste contaminated with salts, the salts could compromise the biodegradation capacity of the landfarm. And because salts leach more easily than hydrocarbons, the landfarm may pose a greater threat to groundwater.

According to the terms of the permit identified above, the OCD may change the permit conditions administratively for good cause shown as necessary to protect fresh water, human health and the environment. The OCD has determined that it is necessary to protect fresh water, human health and the environment to modify the permit as follows:

**Effective immediately, the NMOCD permitted landfarm identified above is prohibited from accepting oilfield waste contaminated with salts.**

If the landfarm identified above wishes to accept oilfield waste contaminated with salts, you will need to file an application to modify the permit pursuant to OCD Rule 711.B(1) and follow the notice requirements of OCD Rule 711.B(2). If you have already filed a complete application for permit modification with this office and complied with the notice requirements, the OCD will process the application promptly.

Landfarms that wish to accept oilfield wastes contaminated with salts while their application for permit modification is pending may apply to the Division Director for an emergency order under OCD Rule 1202. Applications for emergency orders will be considered on a case-by-case basis.

This notice is being sent to all entities operating landfarm facilities in New Mexico permitted pursuant to OCD Rule 711, as shown on the attached list.

If you have any questions, please contact Ed Martin at (505) 476-3492 or [emartin@state.nm.us](mailto:emartin@state.nm.us).

Very truly yours,

Mark E. Fesmire, P.E.

201

ALCOHOL  
LIVER

Nm-1-0042

## Legal Notice

**LEGAL NOTICE**  
Blackwater Landfarm, Mr. Mark Goss, Operator, 3309 67th West Bldg. Suite 4, Lubbock, Tx 79413 has submitted for approval an application to construct and operate a Rule 711 commercial landfarm facility located in the S/2 SE/4. SE/4 of Section 1, Township 25 South, Range 37 East, N.M.P.M., Lea County, New Mexico. The permit application addresses the construction, operations, spill/leak prevention and monitoring procedures to be incorporated at the proposed site.

Any interested person may obtain further information from the Oil Conservation Division and may submit written comments to the Director of the Oil Conservation Division, 1220 South Saint Frances Drive, Santa Fe, New Mexico 87505, Telephone 505-476-3440. The application may be viewed at the above address or at the Hobbs district office at 1625 N. French Dr, Hobbs, New Mexico between 8:00 a.m. and 4:00 p.m. Monday thru Friday. Prior to ruling on any proposed application, the Director of the Oil Conservation Division shall allow at least thirty (30) days after the date of publications of this notice during which comments may be submitted and any interested person may request public hearing. Request for public hearing shall set forth the reasons why a hearing shall be held. A hearing will be held if the director determines that there is significant public interest.

Published in the Lovington Daily Leader August 29, 2004.

Court Costs.

Dece Clemens

September 2004.

Debbie Schilling

My Commission Expires June 22, 2006

# Commercial Exchange Inc.

Ref: Commercial Exchange Inc. Permit

Date:12-02-04

To: Ed Martin-New Mexico OCD

From: Mark Goss

Dear Mr. Martin,

I would like to thank you for taking time to talk with me. Below is the information you have requested. Commercial Exchange Inc. Is the company who is operating the land farm in Jal New Mexico. The name Blackwater should not be listed on the Permit. It will be 100% Commercial Exchange Inc.

Please let me know if there is anything else that I might need to do. I appreciate your attention to this matter.

Respectfully,

Mark Goss

C.E.O.

Commercial Exchange Inc.



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

**BILL RICHARDSON**

Governor

**Joanna Prukop**

Cabinet Secretary

**Mark E. Fesmire, P.E.**

Director

**Oil Conservation Division**

August 25, 2004

Mr. Mark Goss  
Blackwater Landfarm  
3309 67<sup>th</sup> West Bldg.  
Suite 4  
Lubbock, TX 79413

1000381  
NM-1-0042

6906 GARY AVE.  
LUBBOCK, TX 79413

Dear Mr. Goss:

The New Mexico Oil Conservation Division has received your Application For Waste Management Facility (OCD Form C-137) and it has been deemed administratively complete. NMOCD Rule 711 [NMAC 19.15.9.711 B. (2) (b)] states "The applicant will issue public notice in a form approved by the Division in a newspaper of general circulation in the county in which the facility is to be located". The format for this public notice is as follows:

Blackwater Landfarm, Mr. Mark Goss, Operator, 3309 67<sup>th</sup> West Bldg. Suite 4, Lubbock, TX 79413 has submitted for approval an application to construct and operate a Rule 711 commercial landfarm facility located in the S/2 SE/4 SE/4 of Section 1, Township 25 South, Range 37 East, N.M.P.M., Lea County, New Mexico. The permit application addresses the construction, operations, spill/leak prevention and monitoring procedures to be incorporated at the proposed site.

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Upon publication of the above notice, the public is allowed 30 days in which to submit comments on the application. Please send me the affidavit of publication you receive

from the newspaper. At the end of this period, barring any requests for a hearing, the application will be acted upon by the OCD and you will be notified of its decision.

If you have any questions, please contact me at (505) 476-3492 or [emartin@state.nm.us](mailto:emartin@state.nm.us)

NEW MEXICO OIL CONSERVATION DIVISION

A handwritten signature in cursive script, reading "Ed Martin".

Edwin E. Martin  
Environmental Bureau

Cc: Larry Johnson, NMOCD, Hobbs  
Eddie Seay, Hobbs

District I  
1625 N. French Dr., Hobbs, NM 88240  
District II  
1301 W. Grand Avenue, Artesia, NM 88210  
District III  
1000 Rio Brazos Road, Aztec, NM 87410  
District IV  
1220 S. St. Francis Dr., Santa Fe, NM 87505

State of New Mexico  
Energy Minerals and Natural Resources

Oil Conservation Division  
1220 South St. Francis Dr.  
Santa Fe, NM 87505

Form C-137  
Revised June 10, 2003

Submit Original Plus 1  
Copy to Santa Fe  
1 Copy Appropriate  
District Office

**APPLICATION FOR WASTE MANAGEMENT FACILITY**

(Refer to the OCD Guidelines for assistance in completing the application)

☒ Commercial

☐ Centralized

1. Type: ☐ Evaporation ☐ Injection ☐ Other  
☒ Solids/Landfarm ☐ Treating Plant

VM-1-0042

2. Operator: Blackwater Landfarm

Address: 3309 67th West Bldg., Suite 4, Lubbock, TX 79413

Contact Person: Mark Goss

Phone: (806) 543-8187

20 acres - S 1/2 of the SE 1/4 of the NW 1/4  
3. Location: 1/4 /4 Section 1 Township 25 S Range 37 E

Submit large scale topographic map showing exact location

4. Is this a modification of an existing facility? ☐ Yes ☒ No
5. Attach the name and address of the landowner of the facility site and landowners of record within one mile of the site.
6. Attach description of the facility with a diagram indicating location of fences, pits, dikes, and tanks on the facility.
7. Attach designs prepared in accordance with Division guidelines for the construction/installation of the following: pits or ponds, leak-detection systems, aerations systems, enhanced evaporation (spray) systems, waste treating systems, security systems, and landfarm facilities.
8. Attach a contingency plan for reporting and clean-up for spills or releases.
9. Attach a routine inspection and maintenance plan to ensure permit compliance.
10. Attach a closure plan.
11. Attach geological/hydrological evidence demonstrating that disposal of oil field wastes will not adversely impact groundwater. Depth to and quality of ground water must be included.
12. Attach proof that the notice requirements of OCD Rule 711 have been met.
13. Attach a contingency plan in the event of a release of H<sub>2</sub>S.
14. Attach such other information as necessary to demonstrate compliance with any other OCD rules, regulations and orders.

15. CERTIFICATION

I hereby certify that the information submitted with this application is true and correct to the best of my knowledge and belief.

Name: Eddie W. Seay

Title: Agent

Signature: Eddie W Seay

Date: 7/22/2004

E-mail Address: seay 04 @ leaco . net

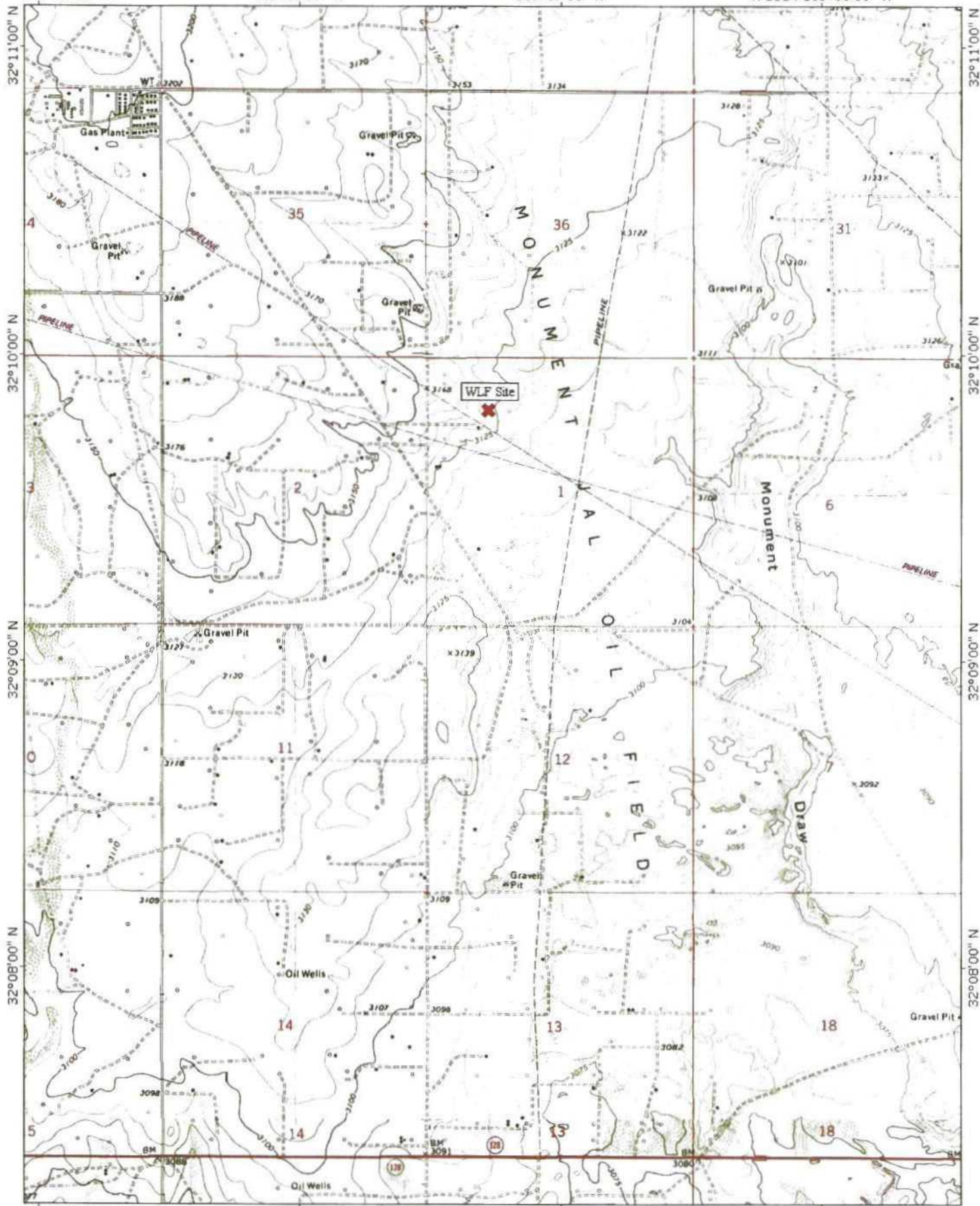


103°09'00" W

103°08'00" W

103°07'00" W

WGS84 103°06'00" W



103°09'00" W

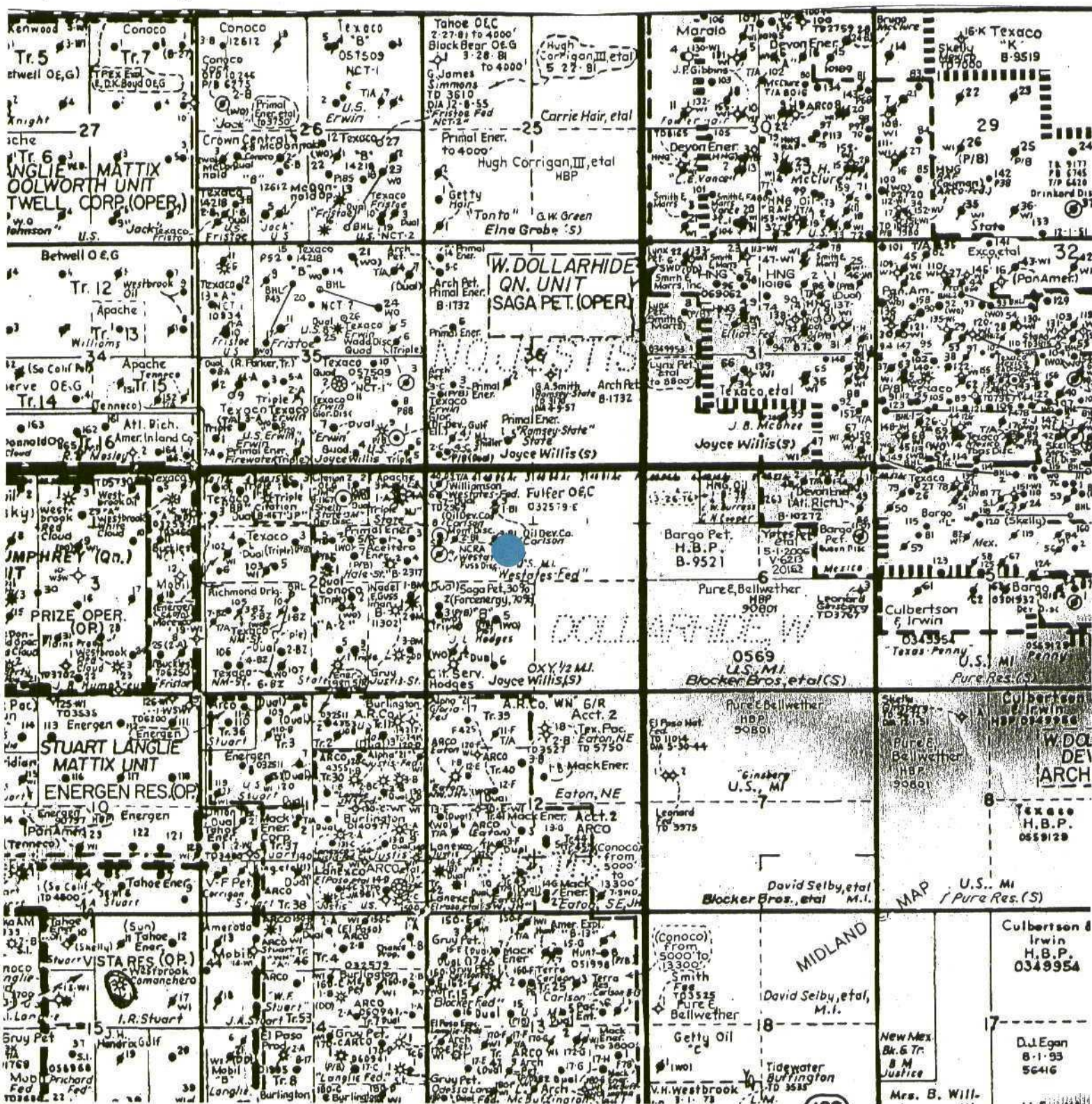
103°08'00" W

103°07'00" W

WGS84 103°06'00" W

TN \* MN  
8 1/2"







2) Blackwater Landfarm  
Mark Goss

3) S 1/2 of the SE 1/4 of the NW 1/4 of Section 1, Tws. 25 S., Range 37 E., Lea Co., NM,  
a 20 acre tract. (See attached plat)

4) No

5) Attachment - Landowners of Record within 1 mile.

6) The 20 acre proposed site will be operated according to OCD guidelines as set forth in the permit.

- a) The entire facility will be fenced with 4 strain barbed wire.
- b) A 100 ft. buffer zone will be maintained around the facility.
- c) Berms will be installed around the site to direct runoff and run-on of rainwater. These berms will be constructed 3 ft. wide x 2 ft. high, this should control and contain any moisture from a 100 yr. flood. Also, water will not be allowed to pond. Any excess rain will be vacuumed up and taken to an approved disposal.
- d) All accesses and gates will be locked at all times.
- e) Soils will only be allowed when landfarm personnel are on location and only with proper documentation.
- f) The permit area is approximately 5 miles NE of Jal, NM near the Dollarhide field.
- g) A sign will be posted at entrance and will detail all the OCD requirements, phone, permit no., name, etc.

7) Diagram within.

8) Blackwater Landfarm will adhere to OCD Rule 116.

- a) Report any accidental discharge by phone immediately.
- b) Cleanup and/or remediate according to OCD policy.
- c) File written reports as necessary.

9) Inspection and Maintenance Plan

- a) The facility will be fenced and gates locked at all times. Personnel will be on location at all times when material is being hauled, and each load will be documented.
- b) When and if any water accumulated on the property from rain, it will be vacuumed up and hauled to an approved OCD disposal.
- c) Water may be added to the landfarm from time to time for dust control and to enhance remediation and will help keep any odor down, if that were to occur.
- d) Berms will be inspected and maintained on a routine basis so as to prevent erosion, especially after rainfall or windstorm.

- e) Because a landfarm is designed to remediate contaminated soils and not transfer contaminants into underlying native soil and/or groundwater, "Treatment Zone Monitoring" will be used at the facility. The treatment zone monitoring will consist of:
- 1) Test the background soil at the facility at a depth of 2 to 3 ft. The samples will be analyzed for TPH, BTEX, Cations/Anions and heavy metals using approved EPA methods.
  - 2) A treatment zone not to exceed 3 ft. beneath the landfarm will be monitored. Samples will be taken from each cell on a quarterly schedule and analyzed for BTEX and TPH and for BTEX, TPH, Cations/Anions and heavy metals annually. All Sample holes will be filled with an impermeable material such as cement or bentonite. All test results will be submitted to the OCD in Santa Fe.
  - 3) Only exempt oil and gas waste will be accepted at the landfarm unless special approval by OCD. The material accepted will have documentation as to where, what company, who delivered it and signed by an authorized company person. The material will be hauled in by truck, spread in 6 in. lifts and disked every other week.
  - 4) A new lift may be added only after testing and approval from OCD.
- 10) Closure Plan: once Blackwater has stopped operations, it is estimated that it will take approximately two years to finish remediating what soils are left in the landfarm. We will continue to disk, test, and monitor until facility meets with OCD guidelines. After all criteria is met, the area will be leveled, contoured and seeded.

Closure cost for this two year period is as follows:

(Estimating that there will be 4-five acre cells in use at time of closure)

|   |          |
|---|----------|
| Analytical tests for 2 years            |          |
| BTEX - 8 quarters - \$40.00 x 4         | \$ 1,280 |
| TPH - 8 quarters - \$50.00 x 4          | \$ 1,600 |
| Metals - 2 years - \$200.00 x 4         | \$ 1,600 |
| Cations/Anions - 2 years - \$100.00 x 2 | \$ 400   |
|   | -----    |
| TOTAL                                   | \$ 4,880 |

Quarterly sampling, time and labor for 4 cells

Labor at \$50.00 per hour

30 Minutes per cell

4 cells equals 2 hours per sampling event plus 1 hr. for report

3 hrs. x \$50.00 x 8 quarters

|       |         |
|-------|---------|
| TOTAL | \$1,200 |
|-------|---------|

Disking for two years every two weeks

Actual disking area approximately 15 acres (roads, buffer zone, pipeline, etc.)

\$30.00 per hr. - 30 min. per acre

15 acres x 30 min. x 26 weeks 2 years = 23400 min. = 390 hrs.

390 hrs. x \$30.00 per hour

TOTAL disking & tilling \$11,700

Freshwater as needed

\$120.00 per load

\$120 x 5 loads x 8 events in two years

TOTAL \$ 4,800

Leveling and Contouring Landfarm

D-6 dozer with operator \$75.00 per hr.

1 Hr. per acre.

\$75 x 20 acres

TOTAL \$ 1,500

Revegetation for 20 acres

Tractor and drill \$30.00 per hr. at 30 min. per acre, 20 acres = \$300

Seed cost & material

\$10.00 per lb. at 5 lbs. per acre x 20 acres = \$1,000

TOTAL REVEGETATION \$ 1,300

TOTAL ESTIMATED CLOSURE COST WOULD BE = \$23,380

11) Geology - Hydrology

The Jal Basin is located in the extreme southeastern corner of New Mexico. This area is relatively flat, sand covered surface, underlain by hard caliche, similar to the Eunice Plains.

The primary source of drinking water is the alluvium and chinle formations.

With normal depths from 60 ft. to 500 ft. Near the area we are permitting, no water is found.

Find within State Engineers water report and logs.

12) Notice of requirement to offsets.

13) An open system such as a landfarm should not have an H2S problem. If H2S becomes a problem, proper testing and notification will be conducted.

14) Blackwater and Commercial Exchange will adhere to all applicable rules and regulations pertaining to this permit.

New Mexico Office of the State Engineer  
Well Reports and Downloads

Township: 25S Range: 37E Sections: 1

NAD27 X: Y: Zone: Search Radius:

County: Basin: Number: Suffix:

Owner Name: (First) (Last) ☐ Non-Domestic ☒ Domestic ☐ All

Well / Surface Data Report Avg Depth to Water Report Water Column Report

Clear Form WATERS Menu Help

WELL / SURFACE DATA REPORT 07/06/2004

DB File Nbr (acre ft per annum) (quarters are 1=NW 2=NE 3=SW 4=SE) X Y are in Feet UTM are in  
Use Diversion Owner Well Number Source Tws Rng Sec q q q Zone X Y UTM\_Zone

No Records found, try again

[illegible]

INSTRUCTIONS: This form should be executed in triplicate, preferably typewritten, and submitted to the appropriate district office of the State Engineer. All questions, except Section 5, shall be answered as completely and accurately as possible when any well is drilled, repaired or deepened. When this form is used as a plugging record, only Section 1(a) and Section 5 need be completed.

| Depth in Feet   |     | Thickness in Feet | Color and Type of Material Encountered |
|---|-----|-------------------|--|
| From  | To  |                   |  |
| 0   | 41  |                   | Caliche                                |
| 41  | 682 |                   | Red bed                                |
| No water reported.  |     |                   |  |
| L.S. Elev. <u>3104'</u><br>Depth to K. <u>41</u> Trc. <u>41</u><br>Elev. of K. <u>3053</u> Trc. <u>3053</u>               |     |                   |  |
| Loc. No. _____<br>Hydro. Survey _____ Field Check <u>900</u>  |     |                   |  |
| SOURCE OF ALTITUDE GIVEN<br>Interpolated from Topo. Sheet _____<br>Determined by Inst. Leveling _____<br>Other <u>000</u> |     |                   |  |

This log is an excerpt from Oil Conservation Commission file at Hobbs, New Mexico.

Elevation: 3124

Owner: Cities Service Corp. -- Hodges B #1  
Casing: 13 3/8" - 311'

The undersigned hereby certifies that, to the best of his knowledge and belief, the foregoing is a true and correct record of the above described hole.

Driller

INSTRUCTIONS: This form should be executed in triplicate, preferably typewritten, and submitted to the appropriate district office of the State Engineer. All questions, except Section 5, shall be answered as completely and accurately as possible when any well is drilled, repaired or deepened. When this form is used as a plugging record, only Section 1(a) and Section 2 need be completed.



[illegible]

This log is an excerpt from Oil Conservation Commission file at Hobbs, New Mexico.

Elevation: 3138 KB

1980 FNL - 330 FWL

Owner: National Coop. RFG. Assoc. -- Westates Fed. #4

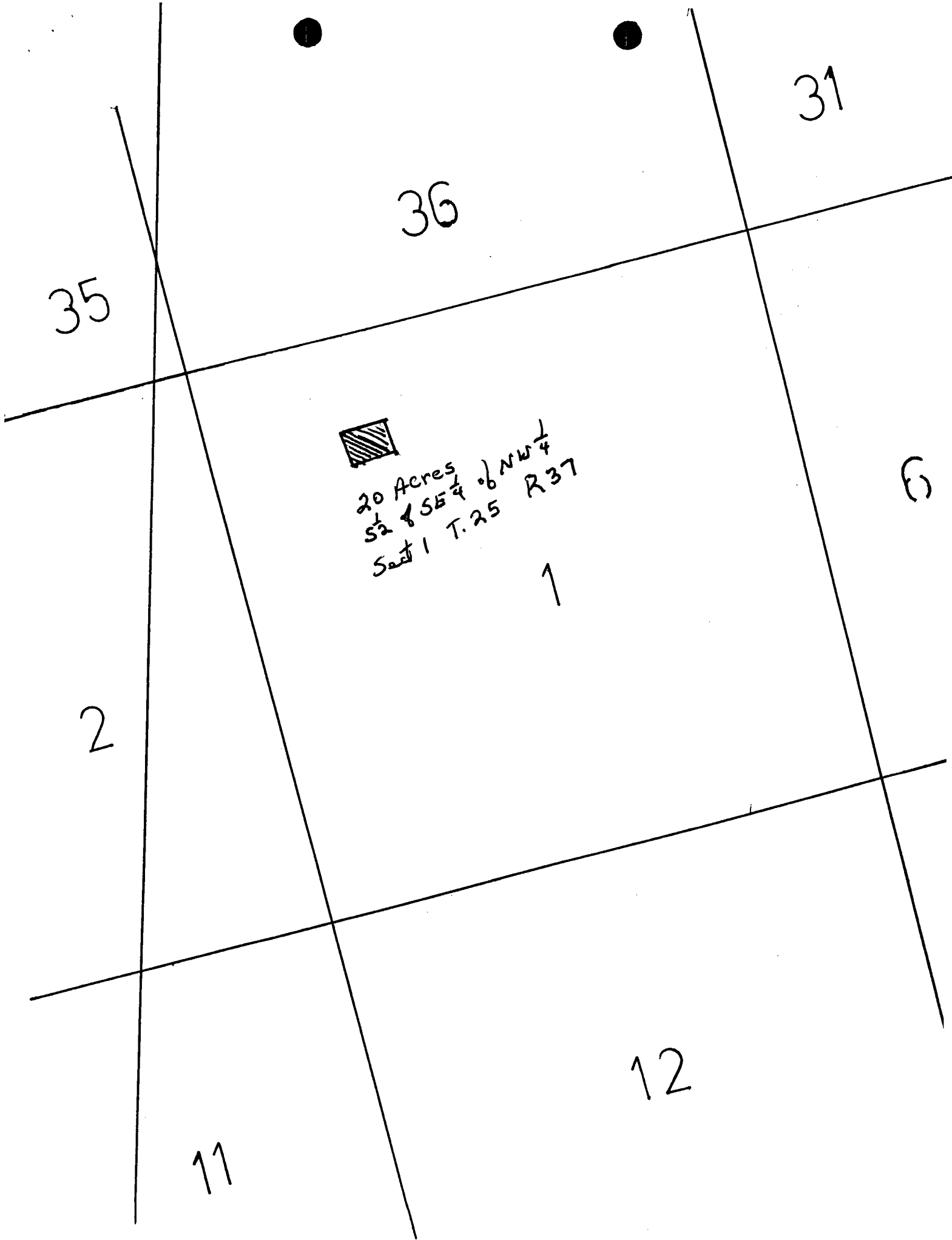
Casing: 13 3/8" - 234'

## Rotary tools

The undersigned hereby certifies that, to the best of his knowledge and belief, the foregoing is a true and correct record of the above described hole.

Driller

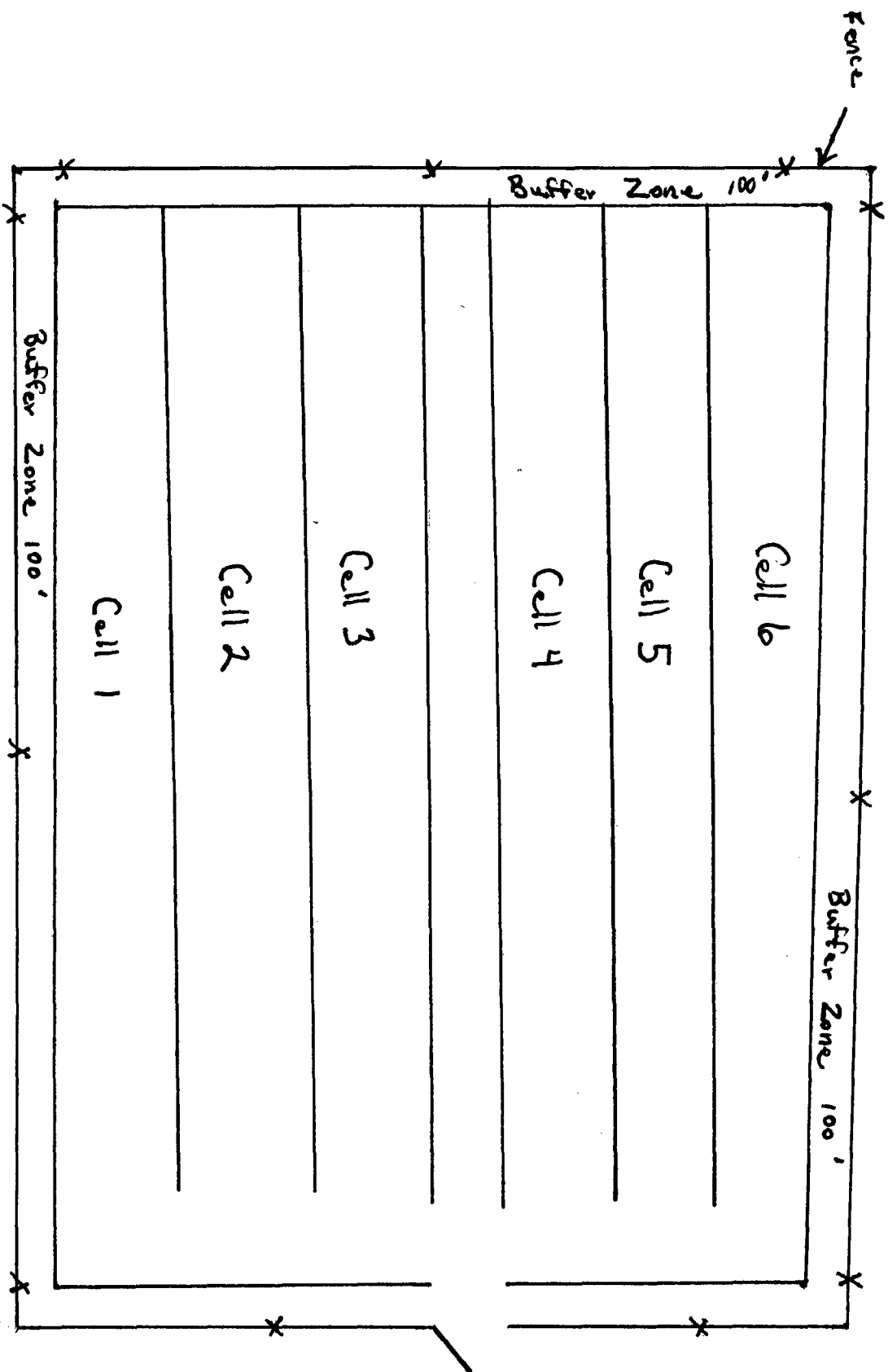
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20 Acres  
S  $\frac{1}{2}$  of SE  $\frac{1}{4}$  of NW  $\frac{1}{4}$   
Sect 1 T. 25 R. 37

1

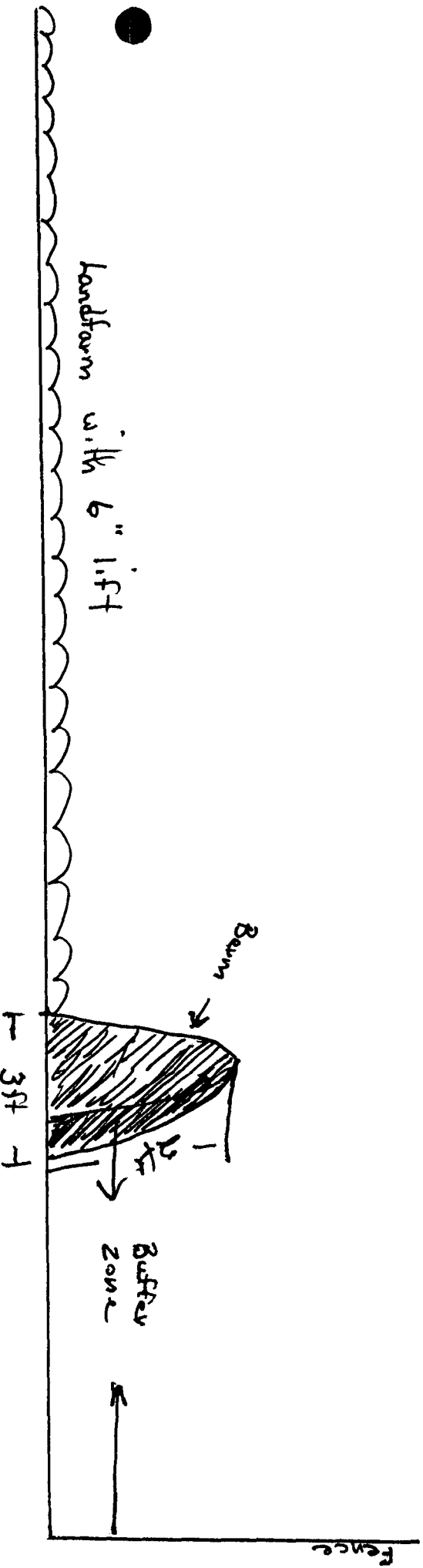
# Blackwater Landfarm



27-5

# Blackwater Landfarm

3 ft  
Treatment Zone



## NOTICES

### **LANDOWNER**

Joyce & George Willis  
Box 307  
Jal, NM 88252

### **OFFSET LANDOWNERS**

State of New Mexico Land Office  
310 Old Santa Fe Trail  
Box 1148  
Santa Fe, NM 87514-1148

Blocker Family Trust  
Blocker Brothers et al  
Box 744  
Alto, NM 88312-0744

### **COUNTY COMMISSIONER**

Lea County Commissioner  
Attn: Darrell Stephenson  
100 N. Main, Suite. 4  
Lovington, NM 88260

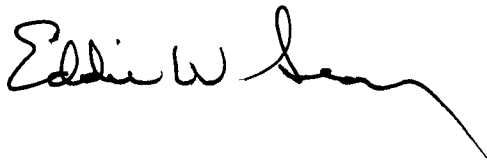
July 22, 2004

Dear Landowner:

Pursuant to the rules of the NMOCD, Blackwater Landfarm is seeking application with the New Mexico Oil Conservation Division to operate a commercial land treatment facility. The facility, a 20 acre tract of land, is located in the SE 1/4 of the NW 1/4 of Section 1, Tws. 25 S., Range 37 E., Lea Co., New Mexico. The facility is seeking to remediate RCRA exempt and characteristically non-hazardous hydrocarbon contaminated soils associated with oil and gas production. The soils are remediated by spreading them on the ground surface in 6 in. lifts or less and periodically disking them to enhance natural remediation of the contaminants. The facility will be owned and operated by Commercial Exchange, Mark Goss.

Any questions about the application may be directed to Eddie W. Seay, (505)392-2236 or 601 W. Illinois, Hobbs, NM 88242. Any protest or comments may be directed to the Oil Conservation Division, Box 6429, 1220 S. Saint Francis Dr., Santa Fe, NM 87505, (505)476-3440, within 30 days.

Thank you,

A handwritten signature in black ink, appearing to read "Eddie W. Seay", with a long, sweeping horizontal line extending to the right.

Eddie W. Seay, Agent

7003 1010 0002 2628 2002

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| Restricted Delivery Fee<br>(Endorsement Required) |         | Clerk: BJF140    |
| Total Postage & Fees                              | \$ 4.42 | 07/23/04         |

Sent To: **Joyce & George Willis**  
Street, Apt. No., or PO Box No.: **Box 307**  
City, State, ZIP+4: **Ala, NM 88252**

PS Form 3800, June 2002 See Reverse for Instructions

7502 9292 2000 0101 0002

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| Total Postage & Fees                              | \$ 4.42 | 07/23/04         |

Sent To: **State of New Mexico Land Office**  
Street, Apt. No., or PO Box No.: **310 Old Santa Fe Trail**  
City, State, ZIP+4: **Box 1148 Santa Fe, NM 87504**

PS Form 3800, June 2002 See Reverse for Instructions

7003 1010 0002 2628 2002

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| Restricted Delivery Fee<br>(Endorsement Required) |         | Clerk: BJF140    |
| Total Postage & Fees                              | \$ 4.42 | 07/23/04         |

Sent To: **Blocker Family Trust**  
Street, Apt. No., or PO Box No.: **Blocker Brothers, et al**  
City, State, ZIP+4: **Box 744 Ala, NM 88210**

PS Form 3800, June 2002 See Reverse for Instructions

7502 9292 2000 0101 0002

U.S. Postal Service<sup>TM</sup>  
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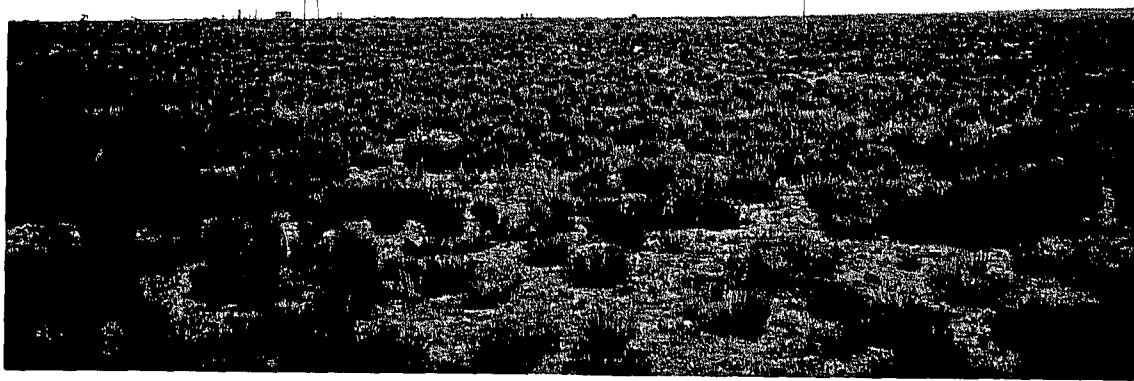
For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

|   |         |                  |
|---|---------|------------------|
| Postage   | \$ 0.37 | UNIT ID: 0640    |
| Certified Fee                                     | 2.30    |                  |
| Return Receipt Fee<br>(Endorsement Required)      | 1.75    | Postmark<br>Here |
| Restricted Delivery Fee<br>(Endorsement Required) |         | Clerk: BJF140    |
| Total Postage & Fees                              | \$ 4.42 | 07/23/04         |

Sent To: **Lea County Commissioner**  
Street, Apt. No., or PO Box No.: **ATTN: Darrell Stephenson**  
City, State, ZIP+4: **100 N. Main, Suite 4**

PS Form 3800, June 2002 See Reverse for Instructions



56 N

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