

Kieling, John, NMENV

**From:** Chavez, Carl J, EMNRD  
**Sent:** Tuesday, April 26, 2011 11:31 AM  
**To:** Kieling, John, NMENV  
**Cc:** VonGonten, Glenn, EMNRD  
**Subject:** March 29, 2011 Public Notice No. 11-01 for the Final Closure Plan North Aeration Lagoons (Revised January 2011)

Mr. Kieling:

Please find below the New Mexico Oil Conservation Division's (OCD) public comments based on the above subject.

- 1) Should this closure plan reference closure certification, a closure report, and a survey plat?
- 2) The OCD notices that they are sending any waste associated with and excavated from beneath the ponds to the San Juan County Regional Landfill as special waste as long as it is non-hazardous. OCD discharge requirements for approval of the special waste to the San Juan Regional Landfill as Special Wastes are as follows:

**19.15.35.8 DISPOSAL OF CERTAIN NON-DOMESTIC WASTE AT SOLID WASTE FACILITIES:**

C. The following provisions apply to the types of waste described below as specified.

(3) A person may dispose of the following wastes on a case-by-case basis with the division's approval:

(c) contaminated soil other than petroleum contaminated soil.

**D. Testing.**

(1) The person applying for division approval to dispose of waste in a solid waste facility shall conduct testing required by 19.15.35.8 NMAC according to the Test Methods for Evaluating Solid Waste, EPA No. SW-846 and shall direct questions concerning the standards or a particular testing facility to the division.

(2) The testing facility shall conduct testing according to the test method listed:

- (a) TPH: EPA method 418.1 or 8015 (DRO and GRO only) or an alternative, division approved hydrocarbon analysis;
- (b) TCLP: EPA Method 1311 or an alternative hazardous constituent analysis approved by the division;
- (c) paint filter test: EPA Method 9095A;
- (d) ignitability test: EPA Method 1030;
- (e) corrosivity: EPA Method 1110;
- (f) reactivity: test procedures and standards the division establishes on a case-by-case basis; and
- (g) NORM. 20.3.14 NMAC.

(3) To be eligible for disposal pursuant to 19.15.35.8 NMAC, the concentration of substances the testing facility identifies during testing shall not exceed the following limits:

- (a) benzene: 9.99 mg/kg;
- (b) BTEX: 499.99 mg/kg (sum of all);
- (c) TPH: 1000 mg/kg;
- (d) hazardous air pollutants: the standards set forth in NESHP; and
- (e) TCLP:
  - (i) arsenic: 5 mg/l,
  - (ii) barium: 100 mg/l,
  - (iii) cadmium: 1 mg/l,
  - (iv) chromium: 5 mg/l,
  - (v) lead: 5 mg/l,
  - (vi) mercury: 0.2 mg/l,
  - (vii) selenium: 1 mg/l, and
  - (viii) silver: 5 mg/l.

[19.15.35.8 NMAC - Rp, 19.15.9.712 NMAC, 12/1/08]

If the OCD Discharge Permit (GW-001) waste meets the above criteria, the OCD may approve the excavated waste going to the proposed landfill under the OCD Water Quality Control Commission (WQCC) Discharge Permit.

Thank you for your consideration in this matter.

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"Why not Prevent Pollution; Minimize Waste; Reduce the Cost of Operations; & Move Forward with the Rest of the Nation?" To see how, go to "Pollution Prevention & Waste Minimization" at: <http://www.emnrd.state.nm.us/oed/environmental.htm#environmental>)