TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 15 OIL AND GAS
PART 35 WASTE DISPOSAL

19.15.35.1 ISSUING AGENCY: Energy, Minerals and Natural Resources Department, Oil Conservation Division.
[19.15.35.1 NMAC - Rp, 19.15.9.1 NMAC, 12/1/08]

19.15.35.2 SCOPE: 19.15.35 NMAC applies to persons engaged in oil and gas exploration, development, production, storage, transportation, treatment and refinement and the oil field service industry within New Mexico.
[19.15.35.2 NMAC - Rp, 19.15.9.2 NMAC, 12/1/08; A, 6/30/16]

19.15.35.3 STATUTORY AUTHORITY: 19.15.35 NMAC is adopted pursuant to the Oil and Gas Act, NMSA 1978, Section 70-2-6, Section 70-2-11 and Section 70-2-12, which authorizes the division to regulate the disposition of non-domestic waste resulting from the exploration, development, production or storage of oil or gas; from the oil field service industry; the transportation of oil or gas; the treatment of gas; or the refinement of oil.
[19.15.35.3 NMAC - Rp, 19.15.9.3 NMAC, 12/1/08]

19.15.35.4 DURATION: Permanent.
[19.15.35.4 NMAC - Rp, 19.15.9.4 NMAC, 12/1/08]

19.15.35.5 EFFECTIVE DATE: December 1, 2008, unless a later date is cited at the end of a section.
[19.15.35.5 NMAC - Rp, 19.15.9.5 NMAC, 12/1/08]

19.15.35.6 OBJECTIVE: To establish procedures for the disposal of certain oil field waste at solid waste facilities permitted by the New Mexico environment department and for the disposal of regulated NORM associated with the oil and gas industry.
[19.15.35.6 NMAC - Rp, 19.15.9.6 NMAC, 12/1/08; A, 6/30/16]

19.15.35.7 DEFINITIONS:

A. "Discharge plan" means a plan the operator submits and the division approves pursuant to NMSA 1978, Section 70-2-12(B)(22) and WQCC rules.

B. "EPA clean" means the cleanliness standards established by the EPA in 40 C.F.R. section 261.7(b).

C. "NESHAP" means the National Emission Standards for Hazardous Air Pollutants of the EPA, 40 C.F.R. Part 61.

D. "Solid waste facility" means a facility permitted or authorized as a solid waste facility by the New Mexico environment department pursuant to the Solid Waste Act, NMSA 1978, Sections 74-9-1 *et seq.* and New Mexico environmental improvement board rules to accept industrial solid waste or other special waste.

E. "TCLP" means the testing protocol established by the EPA in 40 C.F.R. Part 261, entitled "Toxicity Characteristic Leaching Procedure" or an alternative hazardous constituent analysis the division has approved.
[19.15.35.7 NMAC - Rp, 19.15.9.712 NMAC, 12/1/08; A, 6/30/16]

19.15.35.8 DISPOSAL OF CERTAIN OIL FIELD WASTE AT SOLID WASTE FACILITIES:

A. A person may dispose of certain oil field waste at a solid waste facility in accordance with 19.15.35.8 NMAC.

B. Procedure.

(1) A person may dispose of oil field waste listed in Paragraph (1) of Subsection C of 19.15.35.8 NMAC at a solid waste facility without the division's prior written authorization.

(2) A person may dispose of oil field waste listed in Paragraph (2) of Subsection C of 19.15.35.8 NMAC at a solid waste facility after testing and the division's prior written authorization. Before the division grants authorization, the applicant for the authorization shall provide copies of test results to the division and to the solid waste facility where the applicant will dispose of the oil field waste. In appropriate cases and so long as a representative sample is tested, the division may authorize disposal of a waste stream listed in Paragraph (2) of Subsection C of 19.15.35.8 NMAC without individual testing of each delivery.

(3) A person may dispose of oil field waste listed in Paragraph (3) of Subsection C of 19.15.35.8 NMAC at a solid waste facility on a case-by-case basis after testing the division may require and the division's prior written authorization. Before the division grants authorization, the applicant for the authorization shall provide copies of test results to the division and to the solid waste facility where it will dispose of the oil field waste.

(4) Simplified procedure for holders of discharge plans. Holders of an approved discharge plan may amend the discharge plan to provide for disposal of oil field waste listed in Paragraph (2) of Subsection C of 19.15.35.8 NMAC and, as applicable, Paragraph (3) of Subsection C of 19.15.35.8 NMAC. If the division approves the amendment to the discharge plan, the holder may dispose of oil field wastes listed in Paragraphs (2) and (3) of Subsection C of 19.15.35.8 NMAC at a solid waste facility without obtaining the division's prior written authorization.

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

(1) The person disposing of the oil field waste does not have to test the following oil field waste before disposal:

(a) barrels, drums, five-gallon buckets or one-gallon containers so long as they are empty and EPA-clean;

(b) uncontaminated brush and vegetation arising from clearing operations;

(c) uncontaminated concrete;

(d) uncontaminated construction debris;

(e) non-friable asbestos and asbestos contaminated waste material, so long as the disposal complies with applicable federal regulations and state rules for non-friable asbestos materials and so long as the facility operator removes the asbestos from steel pipes and boilers and, if applicable, recycles the steel;

(f) detergent buckets, so long as the buckets are completely empty;

(g) fiberglass tanks so long as the tank is empty, cut up or shredded and EPA clean;

(h) grease buckets, so long as empty and EPA clean;

(i) uncontaminated ferrous sulfate or elemental sulfur so long as recovery and sale as a raw material is not possible;

(j) metal plate and metal cable;

(k) office trash;

(l) paper and paper bags, so long as the paper bags are empty;

(m) plastic pit liners, so long as the person cleans them well;

(n) soiled rags or gloves, which if wet pass the paint filter test prior to disposal; or

(o) uncontaminated wood pallets.

(2) The person disposing of the oil field waste shall test the following oil field wastes for the substances indicated prior to disposal:

(a) activated alumina for TPH and BTEX;

(b) activated carbon for TPH and BTEX;

(c) amine filters, which the facility operator air-dries for at least 48 hours before testing, for BTEX;

(d) friable asbestos and asbestos-contaminated waste material, which the facility operator removes asbestos from steel pipes and boilers and, if applicable, recycles the steel before disposal, where the disposal otherwise complies with applicable federal regulations and state rules for friable asbestos materials pursuant to NESHAP;

(e) cooling tower filters, which the facility operator drains and then air-dries for at least 48 hours before testing, for TCLP/chromium;

(f) dehydration filter media, which the facility operator drains and then air-dries for at least 48 hours before testing, for TPH and BTEX;

(g) gas condensate filters, which the facility operator drains and then air-dries for at least 48 hours before testing, for BTEX;

(h) glycol filters, which the facility operator drains and then air-dries for at least 48 hours before testing, for BTEX;

(i) iron sponge, which the facility operator oxidizes completely, for ignitability testing;

(j) junked pipes, valves and metal pipe for NORM;

(k) molecular sieves, which the facility operator cools in a non-hydrocarbon inert atmosphere and hydrates in ambient air for at least 24 hours before testing, for TPH and BTEX;

(l) pipe scale and other deposits removed from pipeline and equipment for TPH, TCLP/metals and NORM;

(m) produced water filters, which the facility operator drains and then air-dries for at least 48 hours before testing, for corrosivity;

(n) sandblasting sand for TCLP/metals or, if the division requires, TCLP/total metals; or

(o) waste oil filters, which the facility operator drains thoroughly of oil at least 24 hours before testing and recycles the oil and metal parts, for TCLP/metals.

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

(a) sulfur contaminated soil;

(**b)** catalysts;

(c) contaminated soil other than petroleum contaminated soil;

(d) petroleum contaminated soil in the event of a director-declared emergency;

(e) contaminated concrete;

(f) demolition debris not otherwise specified in 19.15.35.8 NMAC;

(g) unused dry chemicals; in addition to testing the division requires, the person applying for division approval shall forward a copy of the material safety data sheet to the division and the solid waste facility on each chemical proposed for disposal;

(h) contaminated ferrous sulfate or elemental sulfur;

(i) unused pipe dope;

(j) support balls;

(k) tower packing materials;

(l) contaminated wood pallets;

(m) partial sacks of unused drilling mud; in addition to testing the division requires, the person applying for division approval shall forward a copy of the material safety data sheet to division and the solid waste facility at which the it will dispose of the partial sacks; or

(n) other oil field wastes as applicable.

D. Testing.

(1) The person applying for division approval to dispose of oil field 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 NESHAP; 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; A, 6/30/16]

19.15.35.9 DISPOSAL OF REGULATED NORM: A person disposing of regulated NORM, as defined at 19.15.2.7 NMAC, is subject to 19.15.35.9 NMAC through 19.15.35.14 NMAC and to New Mexico environmental improvement board rule, 20.3.14 NMAC.

[19.15.35.9 NMAC - Rp, 19.15.9.714 NMAC, 12/1/08]

19.15.35.10 NON-RETRIEVED FLOWLINES AND PIPELINES:

A. The division shall consider a proposal from an operator for leaving flowlines and pipelines (hereinafter "pipeline") that contain regulated NORM in the ground provided the operator performs the abandonment procedures in a manner to protect the environment, public health and fresh waters. Division approval is contingent on the applicant meeting the following requirements as a minimum.

B. An application the applicant submits to the division shall contain the following as a minimum:

(1) the pipeline layout over its entire length on a form C-102 including the legal description of the location of both ends and surface ownership along the pipeline;

(2) results of a radiation survey the applicant conducts at all accessible points and a surface radiation survey along the complete pipeline route in a division-approved form; surveys conducted consistent with division-approved procedures;

(3) the type of material for which the applicant or any predecessor operator used the pipeline;

(4) the procedure the applicant will use for flushing hydrocarbons or produced water from the pipeline;

(5) an explanation as to why it is more beneficial to leave the pipeline in the ground than to retrieve it; and

(6) proof the applicant has sent notice of the proposed abandonment to all surface owners where the pipeline is located; the director may require the applicant to send additional notification as described in 19.15.35.14 NMAC.

C. Upon division approval of the application, the operator shall notify the appropriate division district office at least 24 hours prior to beginning work on the pipeline abandonment.

D. As a condition of completion of the pipeline abandonment, the operator shall permanently cap all accessible points.

E. An operator shall not place additional regulated NORM in a pipeline to be abandoned under 19.15.35.10 NMAC other than that which accumulated in the pipeline under the pipeline's normal operation.

F. An operator may abandon a pipeline that does not exhibit regulated NORM pursuant to required surveys without an application pursuant to 19.15.35.10 NMAC in accordance with the operator's applicable lease agreements.

G. If a pipeline's appurtenance contains regulated NORM, but upon the appurtenance's removal, no accessible point or surface above the pipeline exhibits the presence of regulated NORM, then the applicant shall submit to the division the information regarding the regulated NORM in the appurtenance and a statement concerning that regulated NORM's management. With respect to the pipeline left in the ground, the applicant is subject to the requirements of 19.15.35.10 NMAC with the exception of Paragraph (6) of Subsection B of 19.15.35.10 NMAC.

[19.15.35.10 NMAC - Rp, 19.15.9.714 NMAC, 12/1/08]

19.15.35.11 COMMERCIAL OR CENTRALIZED SURFACE WASTE MANAGEMENT FACILITIES:

A. The division shall consider proposals for the disposal of regulated NORM in commercial or centralized surface waste management facilities, provided the applicant performs the disposal in a manner that protects the environment, public health and fresh waters. Division approval is contingent on the applicant obtaining a permit in accordance with 19.15.36 NMAC for the facility and complying with additional requirements specifically related to regulated NORM disposal as described in Subsections B through D of 19.15.35.11 NMAC.

B. The division shall set requests for permission to receive and dispose of regulated NORM in commercial or centralized surface waste management facilities for hearing in order for the facility's operator to obtain or modify a permit in accordance with 19.15.36 NMAC. The division shall consider a request to dispose of

regulated NORM at a facility previously permitted under 19.15.36 NMAC a major modification to that facility. The facility's operator shall submit a hearing request to the division that contains the following at a minimum:

(1) complete plans for the facility, including the sources of regulated NORM, radiation survey readings, quantities of regulated NORM to be disposed and monitoring proposals;

(2) a copy of this permit for the facility, if the division has issued one;

(3) proof of public notice of the application as required by 19.15.36 NMAC; and

(4) evidence of issuance of a specific license pursuant to 20.3.14 NMAC, a license pursuant to 20.3.13 NMAC and other authorizations required by law.

C. The division shall establish operating procedures that are protective of the environment, public health and fresh waters in its order.

D. A person desiring to dispose of regulated NORM in an approved commercial or centralized surface waste management facility shall furnish regulated NORM information to the facility's operator sufficient for the operator to submit form C-138 for division approval. The facility operator shall receive division approval prior to receiving the regulated NORM at the disposal facility.

[19.15.35.11 NMAC - Rp, 19.15.9.714 NMAC, 12/1/08]

19.15.35.12 DOWNHOLE DISPOSAL IN WELLS TO BE PLUGGED AND ABANDONED:

A. The division shall consider proposals from an operator for downhole disposal of regulated NORM in wells that are to be plugged and abandoned, provided the operator performs the plugging and abandonment procedures in a manner that protects the environment, public health and fresh waters and in accordance with division rules pertaining to well plugging and abandonment.

B. The applicant shall complete form C-103 and submit it to the division for approval.

(1) In addition to all other information required for C-103 submittal, the form shall specifically state that the applicant will place regulated NORM in the well bore. The abandonment procedure contained in the application shall identify depths at which the operator will place regulated NORM, radiation survey results conducted on the regulated NORM to be disposed, the procedure the operator will use to place the regulated NORM in the well bore and the specific form of regulated NORM the operator will place in the well bore (*e.g.* scale, pipe, dirt, etc.).

(2) The applicant shall address abnormally pressured zones in the well bore that might result in migration of the regulated NORM after it has been placed in the plugged and abandoned well in the application.

(3) The applicant shall send notice of the submittal of an application to dispose of regulated NORM in a plugged and abandoned well to the surface owner and the mineral lessor. The director may require additional notification as described in 19.15.35.14 NMAC.

C. The operator shall not commence work until the division has approved the application for regulated NORM disposal in a plugged and abandoned well.

D. The operator shall comply with the following requirements when disposing of the regulated NORM in a plugged and abandoned well.

(1) The operator shall follow plugging and abandonment procedures the division routinely requires unless the procedures are specifically superseded at the division's instruction to facilitate the regulated NORM disposal.

(2) The operator shall color-dye the cement plug located directly above the regulated NORM and the surface plug with red iron oxide.

(3) The operator shall dispose of regulated NORM at a depth of at least 100 feet below the lower most known underground source of drinking water zone. There must be evidence that there is cement across the known underground source of drinking water zones.

[19.15.35.12 NMAC - Rp, 19.15.9.714 NMAC, 12/1/08]

19.15.35.13 INJECTION:

A. The division shall consider an operator's proposal for injecting regulated NORM into injection wells provided the operator will perform the injection in a manner that protects the environment, public health and fresh waters and complies with division rules pertaining to injection. Division approval is contingent on the applicant meeting the requirements in Subsection B of 19.15.35.13 NMAC at a minimum.

B. An applicant wishing to dispose of regulated NORM in a disposal well shall comply with the following requirements.

(1) An application submitted to the division for permission to dispose of a regulated NORM in an existing or newly permitted disposal well shall contain the following information at a minimum:

(a) a completed form C-108 with proof of required notification and a statement that regulated NORM will be injected;

(b) a description of regulated NORM to be disposed including its source, radiation levels and quantity; and

(c) a description of the process used on the material to improve injectivity.

(2) An operator shall comply with the following requirements when disposing of regulated NORM in a disposal well.

(a) The operator may only inject regulated NORM from the operator's operations.

(b) Each time the operator injects regulated NORM into the disposal well, the operator shall submit a form C-103 to the division and the appropriate division district office. The operator shall submit the completed form C-103 five working days following the injection, which contains the following information: source of regulated NORM, NORM radiation level, quantity of material injected, description of any process the operator used on the material to improve injectivity, the injection pressure while injecting and dates of injection.

(c) The operator shall report mechanical failures to the appropriate division district office within 24 hours of the failure. The operator shall submit a description of the failure and immediate measures the operator took in response to the failure no later than 15 days following the failure. The operator shall notify the appropriate division district office of proposed repair plans. The operator shall receive division approval of repair plans prior to commencing work and provide notice of commencement to the appropriate division district office so that the division may witness or inspect repairs. The operator shall monitor well repairs to ensure regulated NORM does not escape the well bore or is completely contained in the repair operations.

(d) At the time of the disposal well's abandonment, the operator shall squeeze the injection interval that the operator used for regulated NORM injection with cement or locate a cement plug directly above the injection interval. Cement in either case shall contain red iron oxide.

(e) The injection zone shall be at a depth of at least 100 feet below the lower most known underground drinking water zone.

C. Injection in EOR injection wells. The division shall consider issuing a permit for the disposal of regulated NORM into injection wells within an approved EOR project only after notice and hearing and upon the applicant's minimum demonstration that:

(1) the injection will not reduce the project's efficiency or otherwise cause a reduction in the ultimate recovery of hydrocarbons from the project;

(2) the injection will not cause an increase in the radiation level of regulated NORM produced from the EOR interval in an producing well located either within or offsetting the project area; and

(3) the operations will conform to provisions of Subsection B of 19.15.35.13 NMAC.

D. Injection above fracture pressure.

(1) The division shall consider issuing a permit for the disposal of regulated NORM in a disposal well above fracture pressure only after notice and hearing and upon receiving the following minimum information from the applicant:

(a) a completed form C-108 clearly stating that disposal of regulated NORM at or above fracture pressure is proposed;

(b) information required under Subsection B of 19.15.35.13 NMAC above;

(c) model results predicting the fracture propagation including the expected height, extension, direction and any other evidence sufficient to demonstrate that the fracture will not extend beyond the injection interval or into the confining zones; the application shall include the procedure, the anticipated pressures and the type and pressure rating of equipment that the operator will use; the division may consider the current or potential utilization of zones immediately above and below the zone of interest in the acceptance or rejection of model predictions; and

(d) a contingency plan of the procedures, including containment plans that the operator will employ if a mechanical failure occurs.

(2) The operator shall comply with the following requirements when disposing of regulated NORM in a disposal well above fracture pressure.

(a) The operator shall notify the appropriate division district office 24 hours prior to commencing injection.

(b) Upon completion of the injection, the operator shall squeeze the disposal interval with cement or locate a cement plug directly above the injection interval. In either case the cement in either case shall contain red iron oxide. The operator shall submit a completed form C-103 to the division and the

appropriate division district office within five working days of the injection. If the operator desires to return the well to injection below fracture pressure, the operator shall include those plans in the application.

E. Injection in commercial disposal facilities. The division shall consider issuing a permit for the commercial disposal of regulated NORM by injection only after notice and hearing, and provided the applicant has obtained a specific license pursuant to 20.3.14 NMAC and pursuant to 20.3.13 NMAC. In addition to obtaining these licenses the operator shall also comply with Subparagraph (a) of Paragraph 2 of Subsection B of 19.15.35.13 NMAC.

[19.15.35.13 NMAC - Rp, 19.15.9.714 NMAC, 12/1/08]

19.15.35.14 ADDITIONAL NOTIFICATION:

A. The director may require additional notice for an application under 19.15.35.9 NMAC to 19.15.35.13 NMAC.

B. A notified party seeking to comment or request a public hearing on an application shall file comments or a written hearing request with the division within 20 days after receiving notice. A request for a hearing shall set forth the reasons why the division should hold a hearing.

C. The division shall hold a public hearing as required in 19.15.35.9 NMAC through 19.15.35.13 NMAC or if the director determines there is sufficient cause to hold a public hearing.

[19.15.35.14 NMAC - Rp, 19.15.9.714 NMAC, 12/1/08]

HISTORY of 19.15.35 NMAC:

History of Repealed Material: 19.15.9 NMAC, Secondary or Other Enhanced Recovery, Pressure Maintenance, Salt Water Disposal, and Underground Storage (filed 11/13/2000) repealed 12/1/08.

NMAC History:

Those applicable portions of 19.15.9 NMAC, Secondary or Other Enhanced Recovery, Pressure Maintenance, Salt Water Disposal, and Underground Storage (Sections 712 and 714) (filed 11/13/2000) were replaced by 19.15.35 NMAC, Waste Disposal, effective 12/1/08.