



**NEW MEXICO ENERGY, MINERALS
& NATURAL RESOURCES DEPARTMENT**

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Jennifer A. Salisbury
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MEMORANDUM

10-15-96
Mark Wudler
FEB

TO: Lou Gallegos, Chief of Staff, Office of the Governor

FROM: Jennifer Salisbury, Secretary, EMNRD JAS

DATE: October 8, 1996

RE: **OCD REGULATORY ACTIONS REGARDING SOIL AND GROUND WATER
REMEDICATION AT THE TRANSWESTERN ROSWELL COMPRESSOR
STATION**

The Transwestern Roswell Compressor Station is a mainline natural gas compressor station regulated by the New Mexico Oil Conservation Division (OCD) pursuant to a delegation of authority from the New Mexico Water Quality Control Commission (WQCC) under the New Mexico Water Quality Act.

Waste disposal and handling as well as leak and spill response actions at the facility are permitted under WQCC discharge plan GW-52 which has been approved by the OCD.

Pursuant to its delegated authority, the OCD also enforces state ground water remedial action requirements contained in the WQCC regulations. Since early 1992, Transwestern has been voluntarily working with the OCD to investigate and remediate soil and ground water contamination at the facility related to the prior use of unlined waste disposal pits. Enclosed you will find a chronology of the remedial actions occurring under OCD oversight. To date Transwestern has been cooperating with and meeting the OCD's investigation and remediation requirements.

Shortly after the inception of the remedial project, and at the request of Transwestern, the New Mexico Environment Department (NMED) Hazardous and Radioactive Materials Bureau became involved in the site investigation and remedial actions due to concerns over the potential that RCRA hazardous wastes were disposed of in the pits. After the initial investigation indicated low concentrations of chemical constituents that are inherent in a RCRA Subtitle C listed waste were present, Transwestern determined remediation may be required under RCRA regulations. After a more thorough

investigation, Transwestern concluded the wastes placed in the pit were at the time exempt from RCRA and that no RCRA regulated wastes were present. NMED disputes this conclusion based on Transwestern's initial submittal, but has not presented any independent investigation analyses or testing.

Since the OCD does not have statutory or delegated authority for hazardous waste disposal or hazardous waste remedial actions, the OCD has taken no position with either Transwestern or NMED on this issue. The OCD's only role in this matter has been to work with Transwestern to ensure that state water quality standards and regulations are met.

Enclosure

OCD CHRONOLOGY OF REMEDIAL ACTIONS
TRANSWESTERN PIPELINE ROSWELL STATION

- 2/14/92 Larry Campbell (Transwestern) meets with Oil Conservation Division (OCD) to discuss closure of surface impoundments at Roswell Compressor Station No. 9.
- 5/6/92 Joint meeting attended by Transwestern, NMED and OCD. Transwestern states intention to hire Halliburton-NUS Corporation to install a monitor well in the center of the former pit to remove and test liquids to determine their status as hazardous waste. Field work scheduled to begin July 20, 1995.
- 12/10/92 Joint meeting by Transwestern, NMED and OCD to discuss remediation and closure activities at former surface impoundments. NMED requests that the RCRA Part A permit application submitted previously be resubmitted using the proper EPA forms. The schedule for submittal of other documents and information is also discussed.
- 9/7/93 Transwestern notifies OCD of the installation of product recovery pumps in three monitor wells as part of ground-water cleanup and requests associated modifications to Discharge Plan GW-52.
- 9/22/93 OCD requests additional information regarding the design of the product recovery system prior to approving modifications to Discharge Plan GW-52.
- 10/25/93 Transwestern responds to comments from OCD regarding the product recovery system.
- 11/18/93 OCD approves Transwestern's proposed modifications to Discharge Plan GW-52 in accordance with ongoing remedial activities.
- 8/4/94 OCD conducts joint inspection with Terry Davis, Mare Sides, and Cornelius Amindyas of the NMED HRMB, Larry Campbell (Transwestern), Bill Kendrick (Enron Operations Corporation), and George Robinson (Cypress Engineering Services) at the Roswell Station site to gather information for a RCRA Facility Assessment.
- 7/26/95 Transwestern submits Phase I Soil & Groundwater Assessment work plan to OCD.
- 8/11/95 OCD conditionally approves Transwestern's Phase I Soil & Groundwater Assessment work plan.
- 8/22/95 OCD inspects drilling and sampling operations of Phase I activities and splits ground water samples from monitor wells.

8/23/95 Daniel B. Stephens & Associates completes the Phase I Soil and Ground Water assessment field activities in which soil samples were collected from the area of the former surface impoundments, three ground water monitor wells were installed down gradient of the former surface impoundments, and ground water samples were collected from three on-site and the three newly installed off-site monitor wells.

9/26/95 OCD sends Transwestern and HRMB copies of OCD's 8/22/95 ground water analyses.

10/26/95 Transwestern submits request to dispose of investigation derived wastes to OCD.

11/9/95 Transwestern submits Phase I Soil & Groundwater Assessment Report to OCD and commits to send OCD a Phase II work plan by 12/15/95 for additional definition of the extent of contamination.

11/13/95 OCD conditionally approves of Transwestern's request to dispose of investigation derived wastes.

12/8/95 OCD meets with NMED HRMB and Ed Kelley NMED Director to discuss Transwestern's October 11, 1995 correspondence which provides Transwestern's technical and legal analysis of the reasons why this case should be regulated under OCD/WQCC authority and not under RCRA regulations.

12/19/95 Transwestern submits Phase II Soil & Groundwater Assessment work plan to OCD.

1/26/96 OCD requests NMED HRMB comments on Phase I report and Phase II work plan.

2/14/96 NMED HRMB declines to comment to OCD on Phase I report and Phase II work plan.

2/23/96 NMED Secretary submits correspondence to ENMRD Secretary requesting that OCD delay action on Phase I report and Phase II work plan and requesting a meeting on the subject.

2/28/96 Meeting between ENMRD and NMED Secretaries.

7/24/96 OCD conditionally approves of Transwestern's Phase II Soil & Groundwater Assessment work plan.

7/25/95 OCD conditionally approves Transwestern's request to dispose of investigation derived wastes.

9/24/96 OCD inspects ongoing Phase II work elements and splits ground water samples during monitor well sampling.