



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Ground Water Protection and Remediation Bureau

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DEPUTY SECRETARY

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 24, 1995

Larry Gandy, President
Gandy-Marley, Inc., Landfarm
P.O. Box 827
Tatum, New Mexico 88267

RE: Discharge Plan Approval, DP-1041, Gandy-Marley, Inc., Landfarm

Dear Mr. Gandy:

Pursuant to Water Quality Control Commission (WQCC) Regulation 3-109, the discharge plan application for DP-1041, submitted by the S. M. Stoller Corporation for the bioremediation and aeration of up to 10,000 cubic yards per month of hydrocarbon contaminated soils at the Gandy-Marley Inc., landfarm is hereby approved, subject to the conditions listed below. The facility is located approximately 33 miles northwest of Tatum, New Mexico in Sections 8 and 9, T11S, R31E, Chaves County. In approving this discharge plan, the New Mexico Environment Department (NMED) has determined that the requirements of WQCC Regulation 3-109.C have been met.

The approved Gandy Marley, Inc. landfarm is briefly described as follows:

Gandy Marley, Inc., landfarm will consist of approximately 33 unlined, bermed remediation enclosures (cells) each of which is 5 acres in area. Approximately 5 cells will be active at one time. Up to 10,000 cubic yards per month of contaminated soils will be spread into 6 inch lifts within the cells. After placement, the soils will be disked on a regular basis to enhance the contaminant biodegradation and aeration processes. Moisture will be added to enhance biological remediation and dust control. When lifts are deemed remediated, additional lifts may be added. Cells will contain no more than 4 lifts. Ground water below the site is at a depth of approximately 150 feet and has a total dissolved solids concentration of approximately 11,900 milligrams per liter.

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The approved discharge plan consists of the materials submitted by the S. M. Stoller Corporation dated December 15, 1994, February 13, 1995, March 7, 1995, and March 21, 1995. The discharge shall be managed in accordance with the approved plan and is subject to the conditions listed below.

However, approval of this discharge plan does not relieve you of your responsibility to comply with any other applicable federal, state and/or local laws and regulations, such as zoning requirements and nuisance ordinances.

CONDITIONS FOR APPROVAL

This discharge plan approval is subject to the following conditions for the following reasons:

1. Gandy Marley, Inc. shall maintain all records, including the information requirements listed in SPECIFIC REQUIREMENTS #3, for a period of at least 5 years.

The reason for this condition is to comply with WQCC 3-107.A.7.

2. In addition to parameters specified under SPECIFIC REQUIREMENTS, Gandy Marley, Inc. shall also test for benzene, toluene, ethylbenzene, and total xylenes (BTEX) and metals prior to operation.

The reason for this condition is to establish background levels for BTEX and metals.

SPECIFIC REQUIREMENTS

The terms and conditions of this approval contain specific requirements which are summarized below.

1. Gandy Marley, Inc. shall be authorized to accept and remediate by aeration and bioremediation no more than 10,000 cubic yards per month of contaminated soils. No liquid wastes shall be accepted.
2. Gandy Marley, Inc. shall only accept solids which are classified as non-hazardous by RCRA Subtitle C exemption or by characteristic testing. Wastes from operations not currently exempt under RCRA Subtitle C or mixed exempt and non-exempt wastes shall be sampled and analyzed with EPA method 1311 - Toxicity Characteristics Leaching Procedure (TCLP), to determine whether any hazardous constituents are present. Results of all analyses shall

be submitted to NMED.

3. All shipments of contaminated soils received by Gandy Marley, Inc. shall be accompanied by a properly completed manifest. All wastes accepted by Gandy Marley, Inc. shall be documented and logged at the time the wastes are placed in the facility. Each load shall be inspected to ensure that only acceptable wastes are placed in the facility. The following information will be recorded on an inspection form and maintained for a period of five years as specified under CONDITIONS FOR APPROVAL:
 - origin of material (including name and address of generator)
 - verification of analysis (if applicable)
 - name and signature of transporter
 - cell in which waste is placed
 - date that waste is received
 - description and quantity of waste
 - name and signature of authorized disposal facility employee
 - verification of properly completed manifest
4. All material accepted by Gandy Marley, Inc. shall be spread and disked within 72 hours of receipt. Contaminated soils shall not be mixed with remediated or uncontaminated soils. Soils shall be spread on the surface in layers (lifts) no more than six inches in height in each bermed area, and soils shall be disked a minimum of once every two weeks in order to enhance remediation of contaminants.
5. Gandy Marley, Inc. shall add moisture to appropriate cells, as needed, to diminish blowing dust and to enhance biological remediation of contaminated soils. Moisture shall not be added to saturated soils. Gandy Marley, Inc. shall ensure that added moisture does not result in saturation, ponding or run-off.
6. Gandy Marley, Inc. shall add additional lifts of contaminated soils only after laboratory analysis is conducted to verify that: (1) Total Petroleum Hydrocarbon (TPH) level in the previous lift is less than 100 ppm, (2) that the sum of all BTEX is less than 50 ppm, and (3) the benzene level is less than 10 ppm. All laboratory analysis results and sampling location descriptions shall be maintained at the facility. The facility shall be limited to 4 lifts per cell.
7. Site security shall be the responsibility of Gandy

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Marley, Inc. facility personnel. Employees shall verify that each transporter holds appropriate permits. Loads shall be accepted only during daylight hours, unless other prior arrangements have been made. Active cells shall be enclosed by a perimeter fence. When the facility is closed, the site shall be locked to prevent unauthorized dumping.

8. Gandy Marley, Inc. shall enclose the facility within a perimeter berm built to a height of five feet. The width of the perimeter berm shall be ten feet at the top and twenty feet at the base. The interior berms, which will separate the cells within the facility, shall be constructed to a height of two feet. The width of the interior berms will be one foot at the top and three feet at the base.
9. Gandy Marley, Inc. shall construct all berms according to sound engineering practices. All berms shall be constructed of native soils. Berms shall be compacted by watering and packing at the time they are constructed.
10. Gandy Marley, Inc. shall inspect the facility on a regular basis and immediately following significant precipitation and/or wind. Inspections shall include examination of berms, fences, and the remediation area. Perimeter and interior berms shall be maintained to prevent erosion. General maintenance shall be routinely performed and necessary repairs shall be made immediately.
11. Gandy Marley, Inc. shall remove excess water within 72 hours following the discovery of ponding within the facility. Excess precipitation or excess water application shall be removed by vacuum and temporarily stored for later application to active cells within the facility. A water truck, which shall be housed at the facility, shall be used to store and apply the water. Application of the water to active cells shall be done in accordance with operational procedures described in the permit application.
12. Gandy Marley, Inc. shall collect and analyze three soil samples prior to operation in order to establish background levels of organic constituents and to establish general chemical characteristics of the proposed site. Analysis shall be conducted in accordance with EPA test method 8015 or another appropriate EPA-approved method. Gandy Marley, Inc. shall submit the

results to NMED prior to discharge at the site.

13. Gandy Marley, Inc. shall monitor a treatment zone three feet beneath the bottom of each cell. Six months following the placement of contaminated soils, a minimum of three soil samples shall be taken from beneath the cell in which the soils were placed. Gandy Marley, Inc. shall sample quarterly thereafter. Samples shall be analyzed to identify any variations in levels of the constituents found in the background sample taken prior to operation. This sampling and analysis schedule shall apply to each cell. EPA test methods 8015 and 8020 or 8040 shall be used to monitor the treatment zone for cells in which gasoline and/or diesel contaminated soils have been placed. Gandy Marley, Inc. shall submit all analytical results to NMED semi-annually by March 1 and October 1.
14. In the event that soil sample analysis indicates leaching of contaminants into the treatment zone, Gandy Marley, Inc. shall take the following steps: (1) application of contaminated soils shall cease for the cell in question, (2) remediation of soils currently in place within the cell shall continue until deemed adequate, (3) remediated soils shall be removed from the cell, (4) the native ground surface shall be ripped to at least the depth of contaminant migration and allowed to aerate until remediation is adequate, and (5) the cell shall be closed in accordance with the closure plan.
15. Subsequent to collecting soil samples, Gandy Marley, Inc. shall fill boreholes with an impermeable material such as cement or bentonite to prevent contamination below the native ground surface.
16. Gandy Marley, Inc. shall be allowed to remove remediated soils from the facility in accordance with applicable regulations and upon approval from NMED.
17. Upon closure, Gandy Marley, Inc. shall notify NMED that operations have ceased and existing soils which have previously been placed at the facility shall continue to be managed until such time that remediation is deemed adequate by NMED. Within six months following verification that all existing soils have met NMED remediation standards, the site shall be covered and mounded to ensure that stormwater does not collect above or leach into the closed cells. The site shall be restored with natural vegetation. Existing fences shall be maintained following closure and access shall be

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restricted. Any additional closure requirements or conditions of NMED shall be met.

GENERAL DISCHARGE PLAN REQUIREMENTS

In addition to any other requirements provided by law, approval of discharge plan, DP-1041, is subject to the following general requirements:

Monitoring and Reporting

Monitoring and reporting shall be as specified in the discharge plan and supplements thereto. These requirements are summarized on the attached sheet(s). Any inadvertent omissions from this summary of a discharge plan monitoring or reporting requirement shall not relieve you of responsibility for compliance with that requirement.

Record Keeping

1. The discharger shall maintain at the facility, a written record of the manifests and soil quality analyses.

The following information shall be recorded and shall be made available to the NMED upon request.

- a. The dates, exact place and times of sampling or field measurements.
- b. The name and job title of the individuals who performed the sampling or measurements.
- c. The dates the analyses were performed.
- d. The name and job title of the individuals who performed the analyses.
- e. The analytical techniques or methods used.
- f. The results of such analyses, and
- g. The results of any split sampling, spikes or repeat sampling.

2. The discharger shall maintain a written record of any spills, seeps, and/or leaks of effluent, leachate and/or process fluids not authorized by this discharge plan.

3. The discharger shall maintain a written record of the

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operation, maintenance and repair of facilities/equipment used to treat, store and/or dispose of soil; and/or to monitor soil quality. This will include repairs, replacement or calibration of any monitoring equipment and repairs or replacement of any equipment used in Gandy Marley, Inc.'s soil treatment system.

4. The discharger shall maintain a written record of the amount of contaminated soil accepted for treatment.

Inspection and Entry

In accordance with § 74-6-9.B & E NMSA 1978 and WQCC Regulation 3-107.D., the discharger shall allow the Secretary or his authorized representative, upon the presentation of credentials, to:

1. Enter at regular business hours or at other reasonable times upon the discharger's premises or where records must be kept under the conditions of this discharge plan.
2. Inspect and copy, during regular business hours or at other reasonable times, any records required to be kept under the conditions of the discharge plan.
3. Inspect, at regular business hours or at other reasonable times, any facility, equipment (including monitoring and control equipment), practices or operations regulated or required under this discharge plan.
4. Sample or monitor, at reasonable times for the purpose of assuring discharge plan compliance or as otherwise authorized by the New Mexico Water Quality Act, any effluent at any location before or after discharge.

Duty to Provide Information

In accordance with § 74-6-9.B NMSA 1978 and WQCC Regulation 3-107.D., the discharger shall furnish to the NMED, within a reasonable time, any relevant information which it may request to determine whether cause exists for modifying, terminating and/or renewing this discharge plan or to determine compliance with this plan. The discharger shall furnish to the NMED, upon request, copies of records required to be kept by this discharge plan.

Spills, Leaks and Other Unauthorized Discharges

This approval authorizes only those discharges specified in the discharge plan. Any unauthorized discharges violate WQCC Regulation 3-104, and must be reported to the NMED and remediated as required by WQCC Regulation 1-203. This requirement applies to all seeps, spills, and/or leaks discovered from the Gandy Marley,

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Inc. soil treatment system.

Retention of Records

The discharger shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this discharge plan, and records of all data used to complete the application for this discharge plan, for a period of at least five years from the date of the sample collection, measurement, report or application. This period may be extended by request of the Secretary at any time.

Enforcement

Failure to grant the Secretary or his authorized representative access to the records required to be kept by this discharge plan or to allow an inspection of the discharge facilities or to the collection of samples is a violation of this discharge plan and the WQCC Regulations. Such violations as well as other violations of the discharge plan, may subject the discharger to a compliance order, a compliance order assessing a civil penalty or an action in district court pursuant to § 74-6-10 NMSA 1978, and/or modification or termination of this discharge plan pursuant to § 74-6-5.L NMSA 1978. Penalties assessed as part of a compliance order shall not exceed \$15,000 per day for violations of the terms of this permit or the requirements of § 74-6-5 NMSA 1978, and shall not exceed \$10,000 per day for violations of other sections of the Water Quality Act.

Modifications and/or Amendments

The discharger shall notify NMED, pursuant to WQCC Regs. 3-107.C, of any modifications or additions to the Gandy Marley, Inc. remediation system, including any management changes to the system as approved under this discharge plan. The discharger shall obtain NMED's approval, as a discharge plan modification, prior to any increase in the quantity or type of contaminated soil different from those approved in this plan. Please note that WQCC Regs. 3-109.E and F provide for possible future amendment of the plan.

Other Requirements

Please be advised that the approval of this plan does not relieve Gandy Marley, Inc. of liability should your operation result in actual pollution of surface or ground water which may be actionable under other laws and/or regulations.

RIGHT TO APPEAL

If Gandy Marley, Inc. is dissatisfied with this action taken by

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NMED, Gandy Marley, Inc. may file a petition for hearing before the WQCC. This petition shall be in writing to the Water Quality Control Commission within thirty (30) days of the receipt of this letter. Unless a timely request for hearing is made, the decision of the NMED shall be final.

TRANSFER OF DISCHARGE PLAN

Pursuant to WQCC Regulation 3-111, prior to any transfer of ownership, the discharger shall provide the transferee a copy of the discharge plan, including a copy of this approval letter and shall document such to the NMED.

PERIOD OF APPROVAL

Pursuant to WQCC Reg. 3-109.G.4., this discharge plan approval is for a period of five years. This approval will expire on March 24, 2000, and you must submit an application for renewal at least 120 days before that date.

Sincerely,



Marcy Leavitt, Chief
Ground Water Protection &
Remediation Bureau

ML:JR/jr

Enclosures:

xc: Garrison McCaslin, Dist. Manager, NMED Dist. 4
John Hoover, HPM, NMED Dist. 4, Roswell

NMED, GROUND WATER SECTION, DISCHARGE PLAN SUMMARY

Discharge Plan Number..... 1041
Date Report Generated..... 23-MAR-95
Staff Reviewer..... JOHN ROGERS

Legally Responsible Party. LARRY GANDY OWNER 398-4960
Owner..... LARRY GANDY
1109 EAST BROADWAY PO BOX 827
TATUM NM 88267

Facility..... GANDY MARLEY INC LANDFARM

Primary Waste Type..... INDUSTRIAL OTHER
Treatment..... HYDROCARBON REMEDIATION LAND FARMING
Discharge..... LAND APPLICATION DISPOSAL
Discharge Location..... 10,000 CUBIC YARDS OF CONTAMINATED SOIL PER MONTH

Application Received..... 17-DEC-94	Discharge Volume.. gpd
Public Notice Published... 10-FEB-95	Depth to GW..... 150 feet
Discharge Plan Approved... 24-MAR-95	TDS..... 11900 mg/l
Discharge Plan Expires.... 24-MAR-00	

Monitoring Reports due.... 01-MAR 01-OCT

<u>Category</u>	<u>Frequency</u>	<u>No. of Sites</u>	<u>Description</u>
6	2	15	TPH and BTEX; 3 samples/cell at 3 feet beneath base of cell. Baseline, 6 months after soil emplacement, and quarterly thereafter. Report results semi-annually.
4	1	3	Metals; 3 samples over facility. Baseline only.

_____ If this space is checked, monitoring requirements are summarized or explained in more detail on the attached sheet. Any inadvertent omission from this summary does not relieve the discharger of responsibility for compliance with that requirement.

Send All monitoring reports or correspondence to: JOHN ROGERS
Ground Water Section
Environment Department
1190 St. Francis Drive
Santa Fe NM 87503
(505) 827-2900