



State of New Mexico
ENVIRONMENT DEPARTMENT

Ground Water Quality Bureau
Harold Runnels Building

1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502

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PETER MAGGIORE

GARY E. JOHNSON
GOVERNOR

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Larry Gandy, Vice-Pres:	
Secretary, Marley, Inc.	
PO Box 1658	
City, State, ZIP+4	
Roswell, New Mexico 88	
PS Form 3800, July 1999	

August 24, 2000

Larry Gandy, Vice President
Gandy Marley, Inc.
P.O. Box 1658
Roswell, New Mexico 88202

RE: Discharge Plan Renewal and Modification, DP-1041, Gandy Marley, Inc. Landfarm

Dear Mr. Gandy:

Pursuant to Water Quality Control Commission (WQCC) Regulation 3109, the application for discharge plan renewal and modification for DP-1041, submitted by Larry Gandy for the discharge of 144,393 cubic yards of hydrocarbon contaminated soils/sludge, domestic septage, grease, dairy manure, activated sludge and bio-solids (combined) at any one time, and up to 52,800 gallons per month of hydrocarbon contaminated water 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 in Sections 8 & 9, T11S, R31E, Chaves County. In approving this discharge plan, the New Mexico Environment Department (NMED) has determined that the requirements of WQCC Regulation 3109.C have been met.

The approved Gandy Marley, Inc. Landfarm treatment and disposal system is briefly described as follows:

The previously approved discharge plan authorized the discharge of 10,000 cubic yards per month of hydrocarbon contaminated soil and 25,720 gallons per month hydrocarbon contaminated water on a 179 acre landfarm. The modification consists of expanding the types of media to include hydrocarbon contaminated sludge, domestic septage, grease, dairy manure, activated sludge and bio-solids. The volume of contaminated water to be discharged will be increased to 52,800 gallons per month. Hydrocarbon contaminated soils, septage, grease and manure will be deposited in bermed cells in six-inch lifts and disked on a regular basis to enhance aeration. Sludges will be solidified

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in a open cement pit by adding native soils prior to being landfarmed. Hydrocarbon contaminated water will be aerated and evaporated in fiberglass tanks and periodically applied to contaminated soils to enhance remediation. 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.

The approved discharge plan renewal and modification consists of the materials submitted by Larry Gandy dated May 30, 1999. In addition, the discharge plan includes information and materials submitted as part of the original discharge plan approved on March 24, 1995 and the materials for modification dated February 14, 1997. The discharge shall be managed in accordance with the approved plan and is subject to the conditions listed below.

However, renewal and modification of this discharge plan does not relieve you of your responsibility to comply with any conditions or requirements of the previously approved discharge plan, DP-1041, the New Mexico Water Quality Act, WQCC Regulations, or any other applicable federal, state and/or local laws and regulations, such as zoning requirements and nuisance ordinances.

CONDITIONS FOR APPROVAL

This discharge plan renewal and modification is subject to the following conditions for the following reasons:

1. Gandy Marley, Inc. shall place and remediate various waste types in separate cells. Dissimilar waste types shall not be placed within the same cell. All remediated soils shall remain within the cells in which they were remediated.
2. Gandy Marley, Inc. shall remediate hydrocarbon contaminated soils to the following concentrations:
 - a. 100 ppm total petroleum hydrocarbons (TPH), analyzed using EPA Method 8015-modified (full range) and
 - b. 10 ppm benzene, analyzed using EPA Method 8021b or 8260b

The reason for Conditions 1 & 2 is to comply with WQCC Regulation 3109 by ensuring that contaminated media is adequately remediated.

3. Gandy Marley, Inc. will maintain manifests for all waste shipments for the permitted life of the facility.

The reason for this condition is to comply with WQCC Regulation 3107 by properly maintaining the records of waste shipments.

4. Gandy Marley, Inc. shall submit quarterly reports to NMED which include:

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- a. a summary of manifests for soils and liquids accepted at the facility,
- b. volumes and locations of water applied to remediation cells,
- c. analyses of subsurface soil samples and a map showing sampling location, and
- d. any analyses to demonstrate media has been remediated.

Quarterly reports are due by March 1, June 1, September 1 and December 1 of each year.

The reason for this condition is to comply with WQCC Regulation 3107 by providing adequate reporting of monitoring data.

5. In the event that soil analyses detect TPH at a concentration greater than 100 ppm in a soil sample taken beneath a remediation cell, NMED shall be notified and a confirmation sample taken within 15 days. If the confirmation sample detects greater than 100 ppm TPH, Gandy Marley, Inc. shall determine the vertical extent of contaminant migration and perform the corrective actions outlined in Specific Requirement # 11.

The reason for this condition is to comply with WQCC Regulation 3107.A.10 by providing adequate contingencies to address system failures.

6. To confirm remediation, Gandy Marley, Inc. shall test a minimum of one sample per 100 cubic yards of remediated soil.

The reason for this condition is to comply with WQCC Regulation 3107 by providing adequate monitoring of remediated soils.

7. Gandy Marley, Inc. shall test any soil suspected of containing free product using EPA Method 9095, Paint Filter Liquids Test. Any soil which does not pass the test shall be rejected and returned to the generator.

The reason for this condition is to comply with WQCC Regulation 3107 by providing adequate monitoring of soils to be remediated at the facility.

8. For cells containing sludge, septage, grease, bio-solids or dairy manure, Gandy Marley, Inc. shall analyze subsurface samples (Specific Requirement #9) for total Kjeldahl nitrogen using American Society of Agronomy Methods of Soil Analysis (ASA) Method 31-3 and nitrate-nitrogen using ASA Method 33-8.1 following KCl extraction.(ASA Method 33-3.2). For cells containing gasoline and diesel contaminated media, subsurface samples will be analyzed for TPH using EPA methods 8015-modified (full range) and for benzene using EPA Methods 8021b or 8060b.

The reason for this condition is to comply with WQCC Regulation 3107 by providing adequate monitoring of the vadose zone beneath the facility.

9. In the event of a contaminated water or soil spill or release that is not as prescribed under the

approved discharge plan, Gandy Marley, Inc. shall initiate the notifications and corrective actions as required in WQCC Regulation 1203. Within 24 hours of the incident, Gandy Marley, Inc. shall verbally notify NMED and provide the information outlined in WQCC Regulation 1203.A.1. Within 7 days of discovering the incident, a written report shall be submitted verifying the oral notification and providing any additional pertinent information or changes. Within 15 days of the incident, Gandy Marley, Inc. shall submit a corrective action plan describing actions taken and/or to be taken to remedy the impact of the spill.

10. In the event that ground water standards are exceeded during the term of the discharge permit upon closure of the permitted facility or during post-closure monitoring, Gandy Marley, Inc. shall collect a confirmation sample from any designated monitoring or supply wells within 15 days to confirm the initial sample results. Upon confirmation of groundwater contamination, Gandy Marley, Inc. shall submit a corrective action plan to NMED. The corrective action plan shall include a site investigation to define the source, nature and extent of ground water contamination and a proposed abatement option. The site investigation and abatement option shall be consistent with the requirements and provisions of sections 4101, 4103, 4106.E, 4107 and 4112 of the WQCC Regulations. The corrective action plan shall also provide appropriate source control measures such as the removal of contaminated soil. The corrective action plan shall be submitted to NMED for approval within 30 days of confirmation of ground water contamination, and shall be initiated within 30 days of NMED approval.

The reason for Conditions 8 and 9 is to comply with WQCC Regulation 3107.A.10 by providing a contingency plan to address potential impacts to ground water quality.

SPECIFIC REQUIREMENTS

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

Operational

1. Gandy Marley, Inc. is authorized to accept and remediate up to 10,000 cubic yards per month for a total of 144,000 cubic yards of hydrocarbon contaminated soils or sludges, domestic septage, grease, dairy manure, activated sludge and/or bio-solids at any one time.
2. Gandy Marley, Inc. is authorized to accept, store and remediate up to 52,800 gallons per month for a total of 21,000 gallons of hydrocarbon contaminated water at any one time. The water will be stored onsite in two 10,500 gallon fiberglass tanks. The tanks will be placed on a 30 mil HDPE liner within a bermed area designed to contain 1 1/3 volume of all tanks and piping. The water will be aerated and allowed to evaporate. Periodically, water will be drawn from the tanks, passed through a carbon filter and sprayed on hydrocarbon contaminated soils to enhance remediation.

3. Gandy Marley, Inc. will spread and disk media within 72 hours of receipt. Media will be spread in six inch lifts within bermed cells and disked at a minimum of once every two weeks to enhance remediation. Contaminated media will not be mixed with remediated or uncontaminated media. Additional lifts will be added only after laboratory analysis is conducted to verify that the media is fully remediated. Each cell will be limited to a total of four lifts.
4. Gandy Marley, Inc. will add appropriate amounts of moisture to cells as needed to enhance remediation and diminish blowing dust. Moisture will not be added to saturated media or applied in ways that will cause ponding or runoff.
5. Gandy Marley, Inc. will only accept wastes classified as non-hazardous by RCRA Subtitle C exemption or by characteristic testing. All shipments of contaminated media will be accompanied by a properly completed manifest (see Specific Requirement # 8). Wastes from operations not currently exempt under RCRA Subtitle C or mixed exempt and nonexempt wastes will be sampled and analyzed in accordance with EPA-approved testing procedures (including EPA Method 1311) to determine whether any hazardous constituents are present. Results of all analyses will be submitted to NMED. No such wastes will be placed in the facility without prior approval from NMED.
6. Site security will be the responsibility of Gandy Marley, Inc. Facility employees will verify that each transporter holds appropriate permits. Loads will be accepted only during daylight hours, unless prior arrangements have been made. Active cells will be enclosed by perimeter fencing. When the facility is closed, the site will be locked to prevent unauthorized dumping.
7. Gandy Marley, Inc. will maintain all berms to prevent erosion.

Monitoring

8. Gandy Marley, Inc. will document and log by manifest all waste shipments at the time they are accepted at the facility. Each load will be inspected to ensure only acceptable wastes are placed at the facility. The manifest will record the following information:
 - a. origin of material (including name and address of generator),
 - b. verification of analysis (if applicable),
 - c. name and signature of transporter,
 - d. cell in which waste is placed,
 - e. date that waste was received,
 - f. description and quantity of waste,
 - g. name and signature of authorized disposal facility employee, and
 - h. verification of properly completed manifest.
9. Gandy Marley, Inc. will take a minimum of one random soil sample at a depth of 30 to 36

inches below the surface in each remediation cell prior to placement of media, six months after media is first placed in the cell, and then quarterly thereafter. After the samples are collected, the boreholes will be filled with an impermeable substance such as cement or bentonite. Soil samples will be analyzed to determine variations in level of constituents found in the background sample taken prior to operation. Samples will be analyzed using the EPA methods described in Condition # 7.

Contingency

10. In the event quarterly sampling indicates leaching of contaminants into the monitored treatment zone, the following steps will be taken:
 - a. no additional contaminated soils will be placed in the remediation cell;
 - b. remediation of the contaminated media currently in the cell will continue until remediation criteria are met;
 - c. adequately remediated media will be removed from the cell;
 - d. the vertical extent of contamination will be determined;
 - e. native soil in the cell will be ripped to at least the depth of contaminant migration and allowed to aerate until remediation is adequate; and
 - f. the cell will be closed in accordance with the closure plan.

Closure

11. Upon closure, and following notification to NMED that operations have ceased, existing media placed at the facility will continue to be managed until such time that remediation is deemed adequate by NMED. Within six months following verification that all existing media have met NMED remediation standards, the site will be covered and mounded to ensure that stormwater does not collect above or leach into the closed cells. The site will be restored with natural vegetation. Existing fences will be maintained following closure and access will be restricted. Any additional closure requirements or conditions of NMED will 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.

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Record Keeping

1. The discharger shall maintain at the facility, a written record of ground water and wastewater 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 operation, maintenance and repair of facilities/equipment used to treat, store and/or dispose of wastewater; to measure flow rates; and/or to monitor water quality. This will include repairs, replacement or calibration of any monitoring equipment and repairs or replacement of any equipment used in Larry Gandy's waste or wastewater treatment and disposal system.

Inspection and Entry

In accordance with § 74-6-9.B & E NMSA 1978 and WQCC Regulation 3107.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

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(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 3107.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 3104, and must be reported to the NMED and remediated as required by WQCC Regulation 1203. This requirement applies to all seeps, spills, and/or leaks discovered from the landfarm facility.

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.

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Modifications and/or Amendments

The discharger shall notify NMED, pursuant to WQCC Regs. 3107.C, of any modifications or additions to the Gandy Marley, Inc.'s wastewater disposal system, including any increase in wastewater flow rate or wastewater storage and disposal 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 concentration of constituents in the leachate above those approved in this plan. Please note that WQCC Regs. 3109.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 Larry Gandy 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 Larry Gandy is dissatisfied with this action taken by NMED, he 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 3111, 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. 3109.G.4., this discharge plan approval is for a period of 5 years. This approval will expire August 24, 2005, and you must submit an application for renewal at least 120 days before that date.

09/22/00 11:23 AM 00021200
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Sincerely,

Marcus King for M. Leavitt

Marcy Leavitt, Chief
Ground Water Quality Bureau

ML:CLM

Enclosures: Discharge Plan Summary

xc: Pat Pattengale, Dist. Manager, NMED Dist. 4
NMED Hobbs Field Office
Paul Saavedra, Office of the State Engineer

39 AM

Section Discharge Plan Summary

DP Number: 1041
 Facility Name: GANDY MARLEY INC LANDFARM
 Reviewer: CLINT MARSHALL
 Responsible Party: LARRY GANDY VICE PRESIDENT 5053984960
 Owner Name: LARRY GANDY
 1109 EAST BROADWAY PO BOX 827
 TATUM NM 88267

Primary Waste Type: INDUSTRIAL OTHER
 Treatment: HYDROCARBON REMEDIATION LAND FARMING
 Secondary Waste Type:
 Discharge: LAND APPLICATION DISPOSAL
 Discharge Location: 33 MILES NORTHWEST OF TATUM

DP Application Received: 30-NOV-99 Discharge Volume: 69080
 Public Notice Published: 06-MAR-00 Depth to GW: 150
 DP Approval: 24-AUG-00 TDS: 11900
 DP Expires: 24-AUG-05

Monitoring Reports Due: 01-MAR , 01-JUN , 01-SEP , 01-DEC of each year

Sampling Frequency	Number of Sites	Sampling Description
4	3	TPH & Benzene of all remediated soils
4	1	Volumes and locations of water applied to cells Manifests on all media accepted at the site.
4	3	TPH of soil sample 30 - 36" below each cell containing
4	3	NO3 and TKN of soil sample 30 - 36" below each cell containing

Send all monitoring reports and correspondence to: CLINT MARSHALL
 Ground Water Bureau
 Pollution Prevention Section
 PO Box 26110
 Santa Fe, NM 87502

Example language that can be added to a Certificate of Waste Status:

In addition, Generator certifies that nothing has been added to this exempt or non-exempt non-hazardous waste and that this waste does not contain Naturally Occurring Radioactive Material (NORM) regulated pursuant to 20 NMAC 3.1 Subpart 1403