

State of New Mexico  
Energy, Minerals and Natural Resources Department

---

**Michelle Lujan Grisham**  
Governor

**Sarah Cottrell Propst**  
Cabinet Secretary

**Todd E. Leahy, JD, PhD**  
Deputy Secretary

**Adrienne Sandoval**, Director  
Oil Conservation Division



**NOTICE**

**REQUEST FOR COMMENTS  
FORM AMENDMENT FOR SURFACE WASTE MANAGEMENT (C-137) APPLICATIONS**

**NOVEMBER 1, 2022**

The OCD is seeking feedback on an amended application Form C-137 which is required for a new surface waste management facility (SWMF), to modify an existing SWMF, or for a permit renewal under 19.15.36.8(C) NMAC.

OCD understands that 19.15.36 NMAC is a very complex rule and that these types of applications require detailed engineering designs and various technical data. Therefore, the OCD has undertaken an effort to improve the application format. The updated application Form C-137 provides guidance and a road map to assist the applicant or operator in preparing an administratively complete application. For example, the amended application form now provides website links to assist in information/data retrieval, prescribed OCD methods and/or materials, software model inputs, and mandatory application components. Given the complexity of most SWMF applications, application review times can take several months. OCD believes the amended application Form C-137 will help streamline OCD's review process resulting in permit issuance in a more timely manner.

**Amended C-137 Application Form Components**

The amended application Form C-137 consists of the following sections and is attached as an Excel Workbook for ease of use:

- **General Information** – This section includes information such as the application purpose, type of SWMF, location, commercial or centralized facility, operator name, facility contact, etc.

- **Administrative** – This section specifies the application’s organization (i.e., table of contents), requested exceptions and waivers, information required from 19.15.36.8 NMAC (SWMF Permits and Application Requirements) and 19.15.3.13 NMAC (Siting and Operational Requirements Applicable to All Permitted SWMFs).
- **SWMF Closure** – This section requires the information specified in 19.15.36.18 NMAC (Closure and Post Closure). This section also includes closure and post closure cost estimate considerations specific to the SWMF type.
- **Attachment A** – This section discusses the specific requirements for landfills.
- **Attachment B** - This section discusses the specific requirements for landfarms.
- **Attachment C** – This section discusses the specific requirements for evaporation, storage, treatment and skimmer ponds.
- **Acronyms** – This section provides a list of acronyms used throughout application Form C-137.

*Note: Mandatory application components are highlighted in green; components that may be applicable are highlighted in pink. For items in pink the applicant will need to determine if they apply to the unique application scenario.*

The amended application C-137 Form also requires the applicant or operator to add page number(s) next to the above sections, as appropriate, to reference where in the application packet the information resides. This will assist the OCD in a more expeditious review.

### **Public Review Period**

The OCD is has decided to release this amended application Form C-137 for public review and comments. Please provide comments by November 22, 2022. After this date, OCD will consider all comments received and will make any appropriate changes to the application form prior to finalization. Once OCD finalizes the application form and uploads on OCD’s Form’s Page at <https://www.emnrd.nm.gov/ocd/ocd-forms/>, an applicant or operator will have for a period of 60-days the option of utilizing the new amended application form or the current form. After the 60-day period, all applications using the old application form will be rejected and submitted application fees will be forfeited.

Please send any comment to [Jacob.Kruse@emnrd.nm.gov](mailto:Jacob.Kruse@emnrd.nm.gov). For any questions regarding the proposed application form change contact Leigh Barr at [LeighP.Barr@emnrd.nm.gov](mailto:LeighP.Barr@emnrd.nm.gov) or 505-670-5684.