

**NM1 - 34**

**GENERAL  
CORRESPONDENCE**

**YEAR(S):**

**2013-2016**

**DD LANDFARM**  
**BOX 36**  
**MONUMENT, NM 88265**

NMOCD Environmental  
ATTN: Brad Jones  
1220 South St. Francis Drive  
Santa Fe, NM 87505

RE: DD Landfarm

Mr. Jones:

Please find the attached request and/or information concerning DD Landfarm.

We appreciate your time and patience as we get everything together as you requested to get into compliance.

We appreciate your continued cooperation.

Thanks.



Jimmie B. Cooper  
Owner - Operator  
DD Landfarm  
1-254-493-9082

July 1, 2015

NMOCD Environmental  
ATTN: Brad Jones  
1220 South St. Francis Drive  
Santa Fe, NM 87505

RE: DD Landfarm  
Background

Mr. Jones:

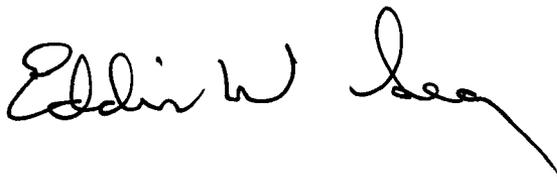
Find attached the "background" analytical used to compare with our test. This background is not adequate to compare with all the constituents in A and B of 20.6.2.3103 NMAC, that are specific to this site.

We would like to re-establish a new background, if you agree. Let me know and I will prepare a plan of action to get this done.

Also, I am moving forward with the sampling of cells 1, 2, and 3, due to the exceeding limit of TPH and certain metals, as you pointed out in your recent request.

I appreciate your continued help as we get into compliance.

Thank you,

A handwritten signature in black ink that reads "Eddie W. Seay". The signature is written in a cursive style with a long, sweeping tail on the "y".

Eddie W. Seay, Agent  
Eddie Seay Consulting  
601 W. Illinois  
Hobbs, NM 88242  
575-392-2236  
[seay04@leaco.net](mailto:seay04@leaco.net)

cc: DD Landfarm - Jimmy B. Cooper



**ECD Environmental, Inc.**

**Client:** Eddie Seay Consulting  
**Project:** DD Quarterly  
**Project Manager:** Eddie Seay  
**Project Number:**

**Date Collected:** 11/27/00  
**Date Received:** 11/28/00  
**Sample Matrix:** Soil  
**Extraction Date:** 11/29/00

**EPA Method 8021 BTEX**

Heal ID	Client ID	Benzene (mg/kg)	Toluene (mg/kg)	Ethyl-Benzene (mg/kg)	Total Xylenes (mg/kg)
001129-18	Background #1	ND	ND	ND	ND
MRL		0.05	0.05	0.05	0.05

# ECD Environmental, Inc.

**Client:** Eddie Seay Consulting  
**Project:** DD Quarterly  
**Project Manager:** Eddie Seay  
**Project Number:**

**Date Collected:** 11/26/00  
**Date Received:** 11/28/00  
**Sample Matrix:** Soil  
**Extraction Date:** 11/29/00

## EPA Method 8015 DRO

Heal ID	Client ID	Dilution	TPH (DRO) (mg/kg)	Analysis Date
001129-18	Background #1	1	ND	11/29/00
Extraction Blank		1	ND	11/29/00

### QC/QA

<u>Sample ID</u>	<u>Sample Amount</u>	<u>Spike</u>	<u>Recovery</u>	<u>%Recovery</u>
001129-18 MS	ND	100 ppm	95 ppm	95%
001129-18 MSD	100		100	

# Hall Environmental Analysis Laboratory

Date: 28-Dec-00

CLIENT: ECD Environmental  
 Lab Order: 0012027  
 Project: Land Farm  
 Lab ID: 0012027-18B

Client Sample ID: Background 2' #1  
 Tag Number:  
 Collection Date: 12/4/00  
 Matrix: SOIL

Analyses	Result	Limit	Qual	Units	DF	Date Analyzed
<b>ANIONS BY 300.0</b>		<b>E300</b>				Analyst: SDU
Bromide	ND	1.5		mg/Kg	5	12/20/00
Chloride	2.0	1.5		mg/Kg	5	12/20/00
Fluoride	ND	1.5		mg/Kg	5	12/20/00
Nitrogen, Nitrate (As N)	4.2	1.5		mg/Kg	5	12/20/00
Nitrogen, Nitrite (As N)	ND	1.5		mg/Kg	5	12/20/00
Phosphorus, Dissolved Orthophosphate (As P)	ND	7.5		mg/Kg	5	12/20/00
Sulfate	ND	7.5		mg/Kg	5	12/20/00

**Qualifiers:**  
 ND - Not Detected at the Reporting Limit  
 J - Analyte detected below quantitation limits  
 B - Analyte detected in the associated Method Blank  
 \* - Value exceeds Maximum Contaminant Level

S - Spike Recovery outside accepted recovery limits  
 R - RPD outside accepted recovery limits  
 E - Value above quantitation range

SVL ANALYTICAL, INC.  
 One Government Gulch ■ P.O. Box 929

■ Kellogg, Idaho 83837-0929

■ Phone: (208)784-1258

■ Fax: (208)

REPORT OF ANALYTICAL RESULTS

CLIENT : BALL ENVIRONMENTAL

Sample Receipt : 12/12/00

Date of Report : 12/18/00

SVL JOB NO

Page

SVL ID	CLIENT SAMPLE ID	Toast Method		Ag 6010B	As 6010B	Ba 6010B	Cd 6010B	Cr 6010B	Pb 6010B	Se 6010B
M251363	0012027-1NA	12/04/00		<0.01mg/L	<0.02mg/L	1.55mg/L	<0.004mg/L	<0.012mg/L	<0.01mg/L	<0.02mg/L

Reviewed By:

*Blake Johnson*

Date:

12/18/00

**Jones, Brad A., EMNRD**

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**From:** Jones, Brad A., EMNRD  
**Sent:** Thursday, July 02, 2015 2:09 PM  
**To:** 'Rena Seay'  
**Subject:** RE: Landfarm Rule Modification

Eddy,

Each letter provided instructions if approval of a modification could not be demonstrated. Below is the paragraph from each letter with the instructions underlined.

C&C Landfarm:

“OCD has reviewed the administrative files for the facility and determined that the vadose zone monitoring frequency changed from the permit condition “The soil samples will be analyzed using approved EPA methods for TPH and BTEX quarterly, and for major cations/anions and heavy metals annually,” to semi-annual in 2008. OCD has been unable to locate C&C’s modification request for the change in sampling frequency or OCD’s approval for such a modification request. Please provide OCD a copy of C&C’s modification request and OCD approval in order to continue the semi-annual sampling frequency. If C&C is unable to demonstrate the approval, C&C shall revert back permitted vadose zone monitoring frequency. Please note that the transitional provisions of 19.15.36.20 NMAC must be considered. Please review OCD’s letter dated June 30, 2011 and titled “*Compliance with the Transitional Provisions of the Surface Waste Management Facilities rule (Rule 36) and Treatment and Vadose Monitoring Requirements at Existing Landfarms*” for expectation of compliance.”

DD Landfarm:

“OCD has reviewed the administrative files for the facility and determined that the vadose zone monitoring frequency changed from the permit condition “The soil samples must be analyzed using EPA-approved methods for total petroleum hydrocarbons (TPH) and volatile aromatic organics (BTEX) quarterly and for major cations/anions and Water Quality Control Commission (WQCC) metals annually” to semi-annual in 2009. OCD has been unable to locate DD’s modification request for the change in sampling frequency or OCD’s approval for such a modification request. Please provide OCD a copy of DD’s modification request and OCD approval in order to continue the semi-annual sampling frequency. If DD is unable to demonstrate the approval, DD shall revert back permitted vadose zone monitoring frequency. Please note that the transitional provisions of 19.15.36.20 NMAC must be considered. Please review OCD’s letter dated June 30, 2011 and titled “*Compliance with the Transitional Provisions of the Surface Waste Management Facilities rule (Rule 36) and Treatment and Vadose Monitoring Requirements at Existing Landfarms*” for expectation of compliance.”

If you have any questions regarding this matter, please contact me.

Brad

*Brad A. Jones  
Environmental Engineer  
EMNRD Oil Conservation Division  
1220 S. Saint Francis Drive*

*Santa Fe, New Mexico 87505*  
*E-mail: [brad.a.jones@state.nm.us](mailto:brad.a.jones@state.nm.us)*  
*Office: (505) 476-3487*  
*Fax: (505) 476-3462*

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**From:** Rena Seay [mailto:[seay04@leaco.net](mailto:seay04@leaco.net)]  
**Sent:** Thursday, July 02, 2015 8:31 AM  
**To:** Jones, Brad A., EMNRD  
**Subject:** Landfarm Rule Modification

Hello Brad,

I have finished going thru the files of C & C Landfarm and DD Landfarm, and all correspondence pertaining to the same.

I have been unable to find a letter pertaining to the modification request to operate under rule 36. DD and C & C are committed to getting in compliance with OCD, and has been trying to comply with rule 36.

Please let me know what we can do to continue operations.

Your advice would be appreciated. Have a good 4th of July.

Thanks,

Eddie W. Seay  
Eddie Seay Consulting  
601 W. Illinois  
Hobbs, Nm 88242  
575-392-2236  
[seay04@leaco.net](mailto:seay04@leaco.net)

**Jones, Brad A., EMNRD**

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**From:** Rena Seay <seay04@leaco.net>  
**Sent:** Thursday, July 02, 2015 8:31 AM  
**To:** Jones, Brad A., EMNRD  
**Subject:** Landfarm Rule Modification

Hello Brad,

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I have been unable to find a letter pertaining to the modification request to operate under rule 36. DD and C & C are committed to getting in compliance with OCD, and has been trying to comply with rule 36.

Please let me know what we can do to continue operations.

Your advice would be appreciated. Have a good 4th of July.

Thanks,

Eddie W. Seay  
Eddie Seay Consulting  
601 W. Illinois  
Hobbs, Nm 88242  
575-392-2236  
[seay04@leaco.net](mailto:seay04@leaco.net)

State of New Mexico  
Energy, Minerals and Natural Resources Department

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**Susana Martinez**  
Governor

**David Martin**  
Cabinet Secretary

**Brett F. Woods, Ph.D.**  
Deputy Cabinet Secretary

**David R. Catanach, Division Director**  
Oil Conservation Division



June 4, 2015

Mr. Jimmie B. Cooper  
DD Landfarm  
P.O. Box 36  
Monument, New Mexico 88265

**RE: Extension Request To Respond To OCD's 2014 Bi-Annual Sampling and Five Year Monitoring Report Review  
DD Landfarm  
Permit NMI-034  
Location: W/2 W/2 of Section 31, Township 21 South, Range 39 East, NMPM,  
Lea County, New Mexico**

Dear Mr. Cooper:

The Oil Conservation Division (OCD) has completed the review of DD Landfarm's (DD) request, received by OCD on June 2, 2015, for an extension to respond to OCD's request for additional information based upon OCD's May 18, 2015 written review of DD's May 2014 Annual Vadose Zone and Five Year Vadose Zone Monitoring Report; November 2014 Bi-Annual Treatment and Vadose Zone Monitoring Report; April 2015 Bi-Annual Treatment and Vadose Zone Monitoring Report; and the July 2014 Release Response Report for Cell 3. OCD hereby grants a 30-day extension to the original deadlines, as provided in OCD's May 18, 2015 review.

If there are any questions regarding this matter, please do not hesitate to contact me at (505) 476-3487 or [brad.a.jones@state.nm.us](mailto:brad.a.jones@state.nm.us).

Sincerely,

A handwritten signature in black ink, appearing to read "BRAD A. JONES", written over a horizontal line.

Brad A. Jones  
Environmental Engineer

BAJ/baj

cc: OCD District I Office, Hobbs  
Eddie Seay, Eddie Seay Consulting, Hobbs, NM 88242

DD Landfarm  
Box 36  
Monument, NM 88265

RECEIVED OCD  
2015 JUN -2 P 3: 17

NMOCD Environmental  
ATTN: Brad Jones  
1220 South St. Francis Drive  
Santa Fe, NM 87505

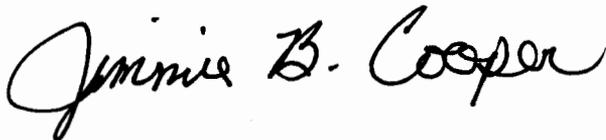
RE: C & C Landfarm

Mr. Jones:

As owner and operator of C & C Landfarm, we have received your recent request for additional information at our facility. Our consultant is going to be gone until June 13<sup>th</sup>, 2015. We are requesting an extension of time to prepare the information the OCD needs.

Your favor to an extension would be appreciated.

Thanks,



DD Landfarm  
Jimmie B. Cooper  
1-254-493-9082

State of New Mexico  
Energy, Minerals and Natural Resources Department

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Susana Martinez  
Governor

David Martin  
Cabinet Secretary

Brett F. Woods, Ph.D.  
Deputy Cabinet Secretary

David R. Catanach, Division Director  
Oil Conservation Division



May 18, 2015

Mr. Jimmy Cooper  
DD Landfarm  
P.O. Box 36  
Monument, New Mexico 88265

**RE: 2014 Bi-Annual Sampling and Five Year Monitoring Report Review  
DD Landfarm  
Permit NM1-034  
Location: W/2 W/2 of Section 31, Township 21 South, Range 39 East, NMPM,  
Lea County, New Mexico**

Dear Mr. Cooper:

The Oil Conservation Division (OCD) has completed the review of DD Landfarm's (DD) May 2014 Annual Vadose Zone and Five Year Vadose Zone Monitoring Report; November 2014 Bi-Annual Treatment and Vadose Zone Monitoring Report; April 2015 Bi-Annual Treatment and Vadose Zone Monitoring Report; and the July 2014 Release Response Report for Cell 3. OCD appreciates DD's efforts to implement changes to your monitoring protocols to comply with the requests in OCD's 2013 Bi-Annual Sampling and Five Year Monitoring Report Review, dated April 10, 2014. The review of the 2014 and 2015 monitoring data has resulted in the discovery of some issues that must be addressed in order for DD to remain compliant with Permit NM1-034 and 19.15.36 NMAC.

OCD has reviewed the administrative files for the facility and determined that the vadose zone monitoring frequency changed from the permit condition "The soil samples must be analyzed using EPA-approved methods for total petroleum hydrocarbons (TPH) and volatile aromatic organics (BTEX) quarterly and for major cations/anions and Water Quality Control Commission (WQCC) metals annually" to semi-annual in 2009. OCD has been unable to locate DD's modification request for the change in sampling frequency or OCD's approval for such a modification request. Please provide OCD a copy of DD's modification request and OCD approval in order to continue the semi-annual sampling frequency. If DD is unable to demonstrate the approval, DD shall revert back permitted vadose zone monitoring frequency. Please note that the transitional provisions of 19.15.36.20 NMAC must be considered. Please review OCD's letter dated June 30, 2011 and titled "*Compliance with the Transitional Provisions of the Surface Waste Management Facilities rule (Rule 36) and Treatment and Vadose Monitoring Requirements at Existing Landfarms*" for expectation of compliance.

Pursuant to 19.15.36.15.E NMAC, the operator is required to compare the vadose results “to the higher of the PQL [Practical Quantitative Limit] or the background soil concentrations to determine whether a release has occurred.” OCD’s review of the administrative files for the facility resulted in the discovery of the initial facility background data set from November 2000. The November 27, 2000 background data set provided results for the following 19 analytes: bromide, chloride, fluoride, nitrates, nitrites, ortho-phosphate, sulfate, arsenic, barium, cadmium, chromium, lead, selenium, silver, diesel range organics (DRO) , benzene, toluene, ethyl benzene, and total xylene, which was provided in the May 2014 Annual Vadose Zone and Five Year Vadose Zone Monitoring Report. The May 2014 report also included a sheet identified as “New Mexico Limits” and a regulatory reference of “ Rule 53 G.(e).” The regulatory reference indicates that this was proposed landfarm closure language for Part 36 during the rulemaking hearing. This language was not adopted by the Oil Conservation Commission and is not effective or applicable for the comparison to vadose zone results. OCD has been unable to locate any additional background data that seemed to be used for the comparison for the 69 analytes from the five year vadose zone monitoring event and the 62 analytes from release response sampling event. Please provide OCD a copy of the laboratory data set used for the background/PQL data set, in order to establish an updated and revised facility background with OCD.

OCD compared the 2000 background data set to the May 2014 annual vadose zone and five year vadose zone monitoring results and determined common exceedances to all cells for arsenic, barium, chromium, lead, and a detection of TPH at 112 mg/kg in the annual vadose zone monitoring results and common exceedances to all cells for arsenic, barium, cadmium, chromium, lead, silver, and detections of methylene chloride and toluene (Cell 1 only) in the five year vadose zone monitoring results. Only the detection of TPH at 112 mg/kg in Cell 3 was recognized and pursued for compliance with 19.15.36.15.E.(5) NMAC. None of the exceedances in Cells 1 and 2 were recognized in the assessment or recommended for the release response sampling of 19.15.36.15.E.(5) NMAC. If a different facility background data set was utilized for the assessment, please provide OCD a copy of the laboratory data set in order to establish an updated and revised facility background with OCD. If not, please demonstrate compliance to 19.15.36.15.E.(5) NMAC.

OCD compared the 2000 background data set to the July 2014 release response results for Cell 3 and determined common exceedances for arsenic, barium, cadmium, chromium, and lead. None of these exceedances were recognized in the assessment nor was a response action plan of 19.15.36.15.E.(5) NMAC proposed. The assessment provided in the report’s cover letter stated “In comparing the analytical to the background and the lab PQL, the analytical was below the limits. I can’t explain why the TPH was elevated, but will monitor in future sampling.” If a different facility background data set was utilized for the assessment, please provide OCD a copy of the laboratory data set in order to establish an updated and revised facility background with OCD. If not, please demonstrate compliance to 19.15.36.15.E.(5) NMAC and provide a response action plan.

OCD compared the 2000 background data set to the April 2015 bi-annual treatment zone and vadose zone monitoring results and determined common exceedances to all cells for arsenic, barium, chromium, and lead. None of these exceedances recognized in the assessment or recommended for the release response sampling of 19.15.36.15.E.(5) NMAC. The assessment

Mr. Cooper  
DD Landfarms  
Permit NM-1-034  
May 18, 2015  
Page 3 of 3

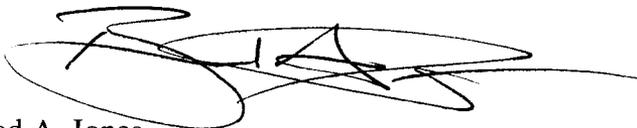
provided in the report's cover letter stated "The tests were compared to the background and the PQL, and all were within limits." If a different facility background data set was utilized for the assessment, please provide OCD a copy of the laboratory data set in order to establish an updated and revised facility background with OCD. If not, please demonstrate compliance to 19.15.36.15.E.(5) NMAC.

Please note that the submittal of treatment zone monitoring results alone does not constitute a request for a successive/additional lift. The permit condition specifies "Authorization from the OCD must be obtained prior to application of successive lifts and/or removal of remediated soils." OCD requires such request to be made under a separate cover from other reporting and include the supporting analytical results and an updated facility map that illustrates and identifies the individual landfarm cells within the facility boundary and indicate the approximate location within the landfarm cells in which the samples were obtained.

Please provide OCD a copy of DD's modification request and OCD approval in order to continue the semi-annual sampling frequency within 45 days of the date of this letter. Please provide OCD a copy of the laboratory data set used for the background/PQL data set, in order to establish an updated and revised facility background with OCD within 45 days of the date of this letter. If the 2000 background data set is the only background data for the comparison to determine whether a release has occurred in the vadose zone, please demonstrate compliance to 19.15.36.15.E.(5) NMAC by initiated the additional sampling for the landfarm cells that demonstrate exceedances in the May 2014 Annual Vadose Zone and Five Year Vadose Zone Monitoring Report and the April 2015 Bi-Annual Treatment and Vadose Zone Monitoring Report and submit a response action plan to address the exceedances July 2014 Release Response Report for Cell 3 within 90 days of the date of this letter.

OCD has implemented some new policies for submittal. For future submittals, please include a cover letter from the owner/operator, on the owner's/operator's company letterhead, that recognizes the owner/operator has reviewed the submittal, signed by the owner/operator. Also, please provide an updated facility map, for each individual sampling event, that identifies the individual landfarm cells within the facility boundary and indicate the approximate location within the landfarm cells in which the samples were obtained. If there are any questions regarding this matter, please do not hesitate to contact me at (505) 476-3487 or [brad.a.jones@state.nm.us](mailto:brad.a.jones@state.nm.us).

Sincerely,



Brad A. Jones  
Environmental Engineer

BAJ/baj

cc: OCD District I Office, Hobbs  
Eddie Seay, Eddie Seay Consulting, Hobbs, NM 88242

May 21, 2014

RECEIVED NMOCD

2014 MAY 27 PM 1:52

NMOCD Environmental  
ATTN: Brad Jones  
1220 South St. Francis Drive  
Santa Fe, NM 87505

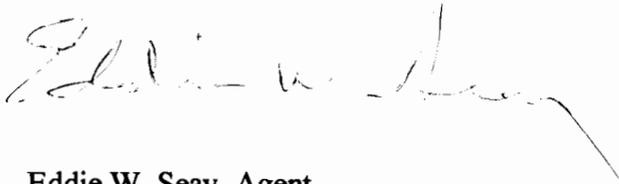
RE: DD Landfarm (Permit #01-0034)  
Vadose Sampling

Mr. Jones:

I recently conducted Vadose sampling at DD Landfarm. In comparing the results to POL and background, I have found elevated TPH in cell #3. I instructed the lab to re-check for any lab problems, but have not received any results from them. If nothing changes, I will proceed with getting four randomly selected, independent samples from the Vadose zone and test for the constituents listed in subsection A and B of 20-6-2-3103 as pertains. I will report the re-sampling immediately, when received with plans for action if needed.

Thanks for your help.

Sincerely,



Eddie W. Seay, Agent  
Eddie Seay Consulting  
601 W. Illinois  
Hobbs, NM 88242  
575-392-2236  
[seay04@leaco.net](mailto:seay04@leaco.net)

cc: DD Landfarm

State of New Mexico  
Energy, Minerals and Natural Resources Department

Susana Martinez  
Governor

David Martin  
Cabinet Secretary

Brett F. Woods, Ph.D.  
Deputy Cabinet Secretary

Jami Bailey, Division Director  
Oil Conservation Division



April 10, 2014

Mr. Jimmy Cooper  
DD Landfarm  
P.O. Box 36  
Monument, New Mexico 88265

**RE: 2013 Bi-Annual Sampling and Five Year Monitoring Reports Review  
DD Landfarm  
Permit NM1-034  
Location: W/2 W/2 of Section 31, Township 21 South, Range 39 East, NMPM,  
Lea County, New Mexico**

Dear Mr. Cooper:

The Oil Conservation Division (OCD) has completed the review of DD Landfarm's 2013 Bi-Annual Sampling and Five Year Monitoring Report, dated April 15, 2013, 2013 Bi-Annual Sampling Monitoring Report, dated September 30, 2013, and 2014 Bi-Annual Sampling Monitoring Report, dated April 2014. The vadose zone results were not compared to the background results in order to determine if a release had occurred and if additional follow-up actions are required to be completed. The annual sampling events did not include performing laboratory analysis for "major cations/anions" as specified in the permit. The five year vadose sampling event was not implemented on all of the active landfarm cells and additional laboratory analysis was performed that was not required by regulation. Also, the incorrect test method for TPH was utilized and demonstrated in regards to vadose zone monitoring.

The April 2013 Bi-Annual Sampling and Five Year Monitoring Report and 2014 Bi-Annual Sampling Monitoring Report annual sampling events did not include performing laboratory analysis for "major cations/anions" as specified in the permit. DD Landfarm's November 16, 2000 surface waste management facility permit (NM1-034) states "The soil samples must be analyzed using EPA-approved methods for total petroleum hydrocarbons (TPH) and volatile aromatic organics (BTEX) quarterly and for major cations/anions and Water Quality Control Commission (WQCC) metals annually." The cover letter did not identify cations/anions as constituent tested and cations/anions were not requested on the chain of custody record. Please perform the required analysis for all future annual sampling events to remain in compliance with the permit.

In accordance with Paragraph (1) of 19.15.36.15.E NMAC, "The operator shall monitor the vadose zone beneath the treatment zone in each landfarm cell." Pursuant to Paragraph (3) of

19.15.36.15.E NMAC, “The operator shall collect and analyze a minimum of four randomly selected, independent samples from the vadose zone, using the methods specified below for the constituents listed in Subsections A and B of 20.6.2.3103 NMAC at least every five years and shall compare each result to the higher of the PQL or the background soil concentrations to determine whether a release has occurred.” The five year sampling was only performed on the following landfarm cell(s): Cell 1 sampled March 13, 2013. Also, the laboratory results submitted in the monitoring report demonstrated that analysis was performed for all the constituents listed in Subsections A and B of 20.6.2.3103 NMAC. As underlined in the above reference of Paragraph (1) of 19.15.36.15.E NMAC, the “methods specified below for the constituents listed in Subsections A and B of 20.6.2.3103 NMAC” are those identified in Subsection F of 19.15.36.15 NMAC: such as “determined by EPA SW-846 methods 6010B or 6020 or other EPA method approved by the division...” Please perform the five year monitoring program on the remaining active landfarm cells in order to complete the five year monitoring and to demonstrate compliance of Paragraphs (1) and (3) of 19.15.36.15.E NMAC.

In regards to utilizing the proper TPH test method for vadose zone monitoring, in accordance with Paragraph (2) of 19.15.36.15.E NMAC the operator shall analyze the samples from the vadose zone “using the methods specified below for TPH, BTEX and chlorides and shall compare each result to the higher of the PQL or the background soil concentrations to determine whether a release has occurred.” The “methods specified below for TPH, BTEX and chlorides” are those identified in Subsection F of 19.15.36.15 NMAC: such as “TPH, as determined by EPA method 418.1 or other EPA method approved by the division...” Pursuant to the Transitional Provisions of Subsection A of 19.15.36.20.NMAC, “Existing surface waste management facilities shall comply with the operational, waste acceptance and closure requirements provided in 19.15.36 NMAC, except as otherwise specifically provided in the applicable permit or order, or in a specific waiver, exception or agreement that the division has granted in writing to the particular surface waste management facility.” The most common vadose zone monitoring (commonly referred to, but incorrectly as “Treatment Zone Monitoring” within existing landfarm permits) condition in an existing landfarm permit is as follows: “The soil samples must be analyzed using EPA-approved methods for total petroleum hydrocarbons (TPH) and volatile aromatic organics (BTEX) quarterly and for major cations/anions and Water Quality Control Commission (WQCC) metals annually.” The permit condition only identified the constituent and does not specify the test method. Part 36 specifies EPA Method 418.1 as the required vadose zone analyses for TPH. Please submit all future vadose zone sampling results demonstrating TPH by EPA Method 418.1.

The 2013 Bi-Annual Sampling and Five Year Monitoring Report only included the laboratory results from the sampling event. The requirements of Subsection E of 19.15.36.15 NMAC are clear that the operator “shall compare each result to the higher of the PQL or the background soil concentrations to determine whether a release has occurred.” The rest of the vadose zone assessment was not completed to determine if a release has occurred and/or if the required additional testing and a response action plan of Paragraph (5) of 19.15.36.15.E NMAC are required. Please complete the required assessment.

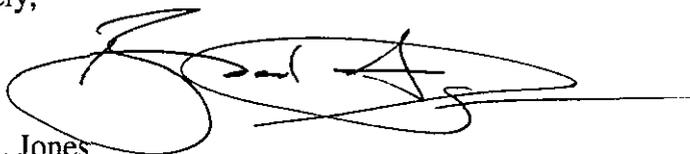
Please note that the submittal of treatment zone monitoring results alone does not constitute a request for a successive/additional lift. The permit condition specifies “Authorization from the OCD must be obtained prior to application of successive lifts and/or removal of remediated

Mr. Cooper  
DD Landfarm  
Permit NM1-034  
April 10, 2014  
Page 3 of 3

soils." OCD requires such request to be made under a separate cover from other reporting and include the supporting analytical results and an updated facility map that illustrates and identifies the individual landfarm cells within the facility boundary and indicate the approximate location within the landfarm cells in which the samples were obtained.

Please complete the required actions of 19.15.36.15.E NMAC and provide OCD with the sampling results compared to background or PQL within 45 days of receipt of this letter. Please perform the five year monitoring program on all of the active landfarm cells. Please submit future vadose zone sampling results demonstrating TPH by EPA Method 418.1 and compliance to Paragraph (3) of 19.15.36.15.E NMAC by EPA SW-846 methods 6010B or 6020. As required in the permit, please perform laboratory analysis and submit the results for the "major cations/anions and Water Quality Control Commission (WQCC) metals annually" for all future vadose zone sampling events. Also, please provide an updated facility map that identifies the individual landfarm cells within the facility boundary and indicate the approximate location within the landfarm cells in which the samples were obtained. If there are any questions regarding this matter, please do not hesitate to contact me at (505) 476-3487 or [brad.a.jones@state.nm.us](mailto:brad.a.jones@state.nm.us).

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad A. Jones', is written over a horizontal line. The signature is stylized and somewhat cursive.

Brad A. Jones  
Environmental Engineer

BAJ/baj

cc: OCD District I Office, Hobbs  
Eddie Seay, Eddie Seay Consulting, Hobbs, NM 88242