

From: [Kennedy, Joseph, EMNRD](#)
To: sherry.epi@gmail.com
Cc: [Pat McCasland](#); [Barr, Leigh, EMNRD](#)
Subject: Environmental Plus Landfarm, Permit NM1-013
Date: Wednesday, September 11, 2024 9:36:00 AM
Attachments: [2024 07 30 NM1-13 Evironmental Plus Landfarm Request for closure letter.pdf](#)

Dear Ms. Miller:

Mr. Pat McCasland, representing Environmental Plus, Inc. (EPI), inquired with the Oil Conservation Division (OCD) to ask what closure requirements need to be followed to close-out the Environmental Plus Landfarm, Permit NM1-013. Please see the attached letter which provides information, guidance and OCD requirements for EPI in their landfarm closure efforts. If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Joe Kennedy

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Energy, Minerals and Natural Resources Department

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BY ELECTRONIC MAIL ONLY

September 11, 2024

Sherry K. Miller
President
Environmental Plus, Inc.
PO Box 1558
Eunice, New Mexico 88231
sherry.epi@gmail.com

RE: Information Request for the Closure of Environmental Plus Landfarm, Permit NM1-013

Dear Ms. Miller:

On July 23, 2024, Mr. Pat McCasland, representing Environmental Plus, Inc. (EPI), called the Oil Conservation Division (OCD) to ask what closure requirements need to be followed to close-out the Environmental Plus Landfarm, Permit NM1-013. The OCD is providing the below information and guidance to assist EPI in their landfarm closure efforts.

In order to properly close-out the landfarm, EPI needs to conduct the following steps:

- Submit to the OCD a sampling/analysis plan that addresses the below:
 - Background testing pursuant to 19.15.36.15.B NMAC. EPI also needs to include a diagram of sampling points to demonstrate the background samples are collected from “unimpacted soil.”
 - Semi-annual and five year monitoring as defined in 19.15.36.15.E NMAC to demonstrate there has not been a release to the vadose zone. Note, the five year monitoring program requires the concentration of constituents listed in Subsections A and B of 20.6.2.3103 NMAC be determined by **EPA SW-846 methods 6010B or 6020**.
 - Closure performance standards of the treatment zone pursuant to 19.15.36.15.F NMAC.
- Submit to the OCD a closure and post-closure plan, including third-party cost estimates, pursuant to Permit NM1-013 and 19.15.36.18 NMAC. Note, EPI may leave the existing roads in place after closure to allow for access and monitoring of the property after closure and during post-closure.

- Once the sampling/analysis plan has been approved by the OCD, EPI must conduct the required sampling/monitoring and submit the results to the OCD.
- Once the closure and post-closure plan has been approved by the OCD, EPI must submit to the OCD the financial assurance associated with the closure and post-closure plan.

As a reminder, the OCD sent EPI an approval letter on November 10, 2022, for the C-137 minor modification application dated September 19, 2022. This application requested 19 minor modifications and exceptions. The OCD approved the below modifications/exceptions that are relevant to the landfarm's closure. EPI should include the below approvals in the sampling/analysis plan.

- Analysis of total petroleum hydrocarbons (TPH) shall be represented as the sum of GRO, DRO and MRO (hydrocarbon chain range from C6 through C36) by EPA Method 8015M or 8015M Extended, in lieu of TPH by EPA Method 418.1, to establish background and to conduct all future vadose zone and treatment zone monitoring.
- Analysis of chloride shall utilize Standard Method SM4500Cl-B to establish background and to conduct all future vadose zone and treatment zone monitoring.
- Analysis of mercury shall be analyzed by EPA Method 7471A, in lieu of EPA Methods 6010B or 6020, to establish background and to conduct all future vadose zone and treatment zone monitoring;
- EPI shall take the vadose zone samples from soils between three and four feet below the cell's original ground surface beneath the treatment zone in each landfarm cell.
- Statistical Software ProUCL 5.1 shall be used to support the facility background statistical demonstration. Note, the Dixon's Outlier Test should not be used if more than one outlier is suspected. The User Guide for ProUCL 5.1 suggests that the outlier identification procedures be supplemented with graphical displays such as normal Q-Q plots and box plots.
- EPI may establish background data for constituents listed in Subsections A and B of 20.6.2.3103 NMAC by utilizing a dilution attenuation factor (DAF) of 2.2 and recalculating the Risked-based SSLs by utilizing the most conservative (lowest) exposure limits of either the Risked-based SSL DAF 1 or the NMGW/MCL based SSL DAF 1 values listed in Table A-3, Summary of Soil-to-Groundwater Screening Levels, from the November 2022 NMED Risk Assessment Guidance for Site Investigations and Remediation, Volume I, Soil Screening Guidance for Human Health Risk Assessments. Note, this does not include GRO, DRO, TPH, BTEX, Chlorides, Mercury, Combined Radium-226 and Radium-228, Sulfate, and pH; background sampling will need to be conducted for these constituents.
- EPI shall combine certain landfarm cells, as proposed in the minor modification request, to the appropriate sampling size for a DAF of 2.2 for all future treatment zone and vadose zone monitoring. The combining of certain landfarm cells will result in landfarm cells being larger than five acres but less than 10 acres as required of 19.15.36.7.B(6) NMAC.
- The sampling/analysis plan must demonstrate that representative samples are obtained and assessed from any combined landfarm cells.

- EPI is allowed to exclude the following toxic pollutants listed in 20.6.2.7.T(2) NMAC: nitroaromatics and high explosives (20.6.2.7.T(2)(p)(i)-(viii) NMAC), endosulfan 20.6.2.7.T(2)(t)(vi) NMAC, and prometon 20.6.2.7.T(2)(t)(xi) NMAC.
- EPI must include a sampling and closure protocol for berms constructed from treated soils to be left in place upon clean closure of the facility.

Based on Permit NM1-013, Condition 1 of the Closure Section a closure plan was required to be submitted to the OCD within 6-months of discontinuing to operate the landfarm. The OCD has been told by EPI that the landfarm has not been operational since December 31, 2017. EPI must submit the required closure and post closure plan to the OCD within 60-days. The OCD is also requiring that the sampling/analysis plan be submitted in conjunction with the closure and post-closure plan for OCD's review and consideration of approval.

EPI must submit the plans through OCD's Permitting System as a "[C-137] Non-Fee SWMF Submittal." If there are any questions regarding this matter, please do not hesitate to contact me at (505) 549-5583 or via email at joseph.kennedy@emnrd.nm.gov.

Respectfully,



Joe Kennedy • Environmental Scientist Specialist - Advanced

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CONDITIONS

Action 382555

CONDITIONS

Operator: ENVIRONMENTAL PLUS INC PO Box 1748 EUNICE, NM 88231	OGRID:
	195265
	Action Number:
	382555
Action Type:	
[C-137] Non-Fee SWMF Submittal (SWMF NON-FEE SUBMITTAL)	

CONDITIONS

Created By	Condition	Condition Date
joseph.kennedy	None	9/11/2024