

**NM1-38**

**Response to**

**Closure/Post Closure**

**Plan submitted**

**January 16, 2025**

**From:** [Kennedy, Joseph, EMNRD](#)  
**To:** [dray1962@icloud.com](mailto:dray1962@icloud.com); [John Harrison](#)  
**Subject:** Saunders Landfarm NM1-38  
**Date:** Wednesday, April 2, 2025 9:45:00 AM  
**Attachments:** [2025\\_04\\_02 Saunders Landfarm CPC review.pdf](#)

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Mr. Burnett,

Please find attached response to the Closure/Post-Closure Plan for Saunders Landfarm, LLC NM1-38 that Mr. Harrison submitted to OCD on January 16, 2025. A copy of the response has also been sent via USPS mail to Mr. Burnett.

If you have any questions don't hesitate to contact me.

Thank you,

**Joe Kennedy** • Environmental Specialist Advanced  
EMNRD - Oil Conservation Division  
1220 S. St. Francis Drive | Santa Fe, NM 87505  
505.549.5583 | [joseph.kennedy@emnrd.nm.gov](mailto:joseph.kennedy@emnrd.nm.gov)

State of New Mexico  
Energy, Minerals and Natural Resources Department

**Michelle Lujan-Grisham**  
Governor

**Melanie A. Kenderdine**  
Cabinet Secretary

**Benjamin Shelton**  
Deputy Secretary (Acting)

**Gerasimos Razatos**, Division Director (Acting)  
Oil Conservation Division



**Certified Mail Receipt #7019 1640 0000 7986 3625**

April 2, 2025

Mr. Dale Ray Burnett  
Saunders Landfarm, LLC  
4624 W. Pinson Rd.  
Hobbs, New Mexico 88242

**RE: Response to Closure/Post-Closure Plan, Permit NM1-038**

Dear Mr. Burnett:

The New Mexico Oil Conservation Division (OCD) received a Closure/Post-closure Plan (CPCP) on January 16, 2025, for Saunders Landfarm, L.L.C. (SLF), Permit NM1-038. To reiterate recent correspondence from the OCD, SLF is required to be closed out pursuant to *all* OCD requirements in effect at the time of closure. The current rule for surface waste management facilities is 19.15.36 NMAC. Furthermore, SLF is required to meet the transitional provisions of 19.15.36.20 NMAC and to conduct monitoring and sampling in accordance with their permit conditions and the applicable requirements in 19.15.36 NMAC. After review of the CPCP, the OCD is unable to grant approval because the CPCP does not address all regulatory requirements and SLF has not conducted the required sampling to demonstrate that the closure standards for the vadose zone and treatment zones have been met.

SLF must submit a CPCP that includes the following:

- Addresses all applicable sections of 19.15.36.18 NMAC (i.e., sections 19.15.36.18.A, 19.15.36.18.B, 19.15.36.18.C(4), and 19.15.36.18.E).
- Addresses 19.15.36.15.B NMAC. Note, if SLF wishes to not conduct background testing for a required constituent (e.g., a constituent listed in Subsections A and B of 20.6.2.3103 NMAC), SLF may ask for an exception request. SLF must include in the CPCP a summary of the background data they wish to use in making any treatment zone and/or vadose zone sampling comparison.
- Addresses 19.15.36.15.E NMAC.
  - Note, if SLF requests an exception to 19.15.36.15.B NMAC, SLF may request an exception to 19.15.36.15.E(2) NMAC. SLF may ask to compare the sampling

- results of TPH, BTEX, and chlorides to the applicable closure criteria in Table 1 of 19.15.29 NMAC instead of a comparing to background data.
- Note, if SLF requests an exception to 19.15.36.15.B NMAC, SLF may request an exception to 19.15.36.15.E(3) NMAC. SLF may request comparing the sampled concentration of constituents listed in Subsections A and B of 20.6.2.3103 NMAC, determined by EPA SW-846 methods 6010B or 6020 or other methods approved by the division, to the most stringent residential, industrial/occupation or construction soil screening limits presented in Table A-1: NMED Soil Screening Levels (see NMED Risk Assessment Guidance for Site Investigations and Remediation, Volume I Soil Screening Guidance for Human Health Risk Assessments) instead of comparing to background data.
  - Addresses 19.15.36.15.F NMAC.
    - SLF needs to state they will compare sampling results to the closure standards presented in 19.15.36.15.F(1)-(4) or background data (higher of the two).
    - If SLF requests an exception to 19.15.36.15.B NMAC, SLF may ask for an exception to 19.15.36.15.F(5) NMAC. SLF may request comparing the sampled concentration of constituents listed in Subsections A and B of 20.6.2.3103 NMAC, determined by EPA SW-846 methods 6010B or 6020 or other methods approved by the division, to the most stringent residential, industrial/occupation or construction soil screening limits presented in Table A-1: NMED Soil Screening Levels (see NMED Risk Assessment Guidance for Site Investigations and Remediation, Volume I Soil Screening Guidance for Human Health Risk Assessments) instead of comparing to background data.
  - SLF must provide a sampling plan that includes the following:
    - A sampling schedule to conduct the required vadose zone and treatment zone sampling to demonstrate closure,
    - A sample location map,
    - Soil depth and collection method (i.e., independent sample or a composite soil sample, consisting of four discrete samples),
    - Constituents to be sampled, and
    - Proposed EPA test methods for the sampling analyses.
  - Addresses 19.15.36.15.G NMAC.
  - If SLF asks for any exception request, the CPCP must be submitted as a minor modification request and the \$150 fee paid at the time of submittal. Also, SLF must demonstrate that the exception request will provide equivalent protection of fresh water, public health, and the environment.
  - The CPCP must include a third party closure/post-closure cost estimate to reflect current costs associated with closure and post-closure activities. See NM1-038, Permit Condition 2 under Financial Assurance.
  - Once the CPCP has been approved by the OCD, SLF must submit to the OCD the financial assurance associated with the estimated CPCP costs.

An amended CPCP must be submitted to the OCD, within 45 days of certified mail receipt of this letter, through OCD's Permitting portal at <https://wwwapps.emnrd.nm.gov/OCD/OCDPermitting/default.aspx>, for OCD's review and consideration of approval.

If there are any questions regarding this matter, please do not hesitate to contact me at (505) 549-5583 or [Joseph.Kennedy@emnrd.nm.gov](mailto:Joseph.Kennedy@emnrd.nm.gov).

Respectfully,

A handwritten signature in black ink, appearing to read "Joe Kennedy". The signature is stylized with a large, looped "J" and a cursive "Kennedy".

Joe Kennedy  
Environmental Specialist - Advanced

NM-1-0038

Saunders Landfarm

Facility Closure Plan

Lea County, New Mexico

Saunders Landfarm  
Closure Plan  
NM-1-0038

## Introduction

This closure plan is for the Saunders Landfarm facility with a surface location of UL-M, Section 07, Township 14S, Range 34E, in Lea County, New Mexico. The Facility operates under NMOCD permit number NM-1-0038 and is located approximately 17 miles northwest of Lovington, New Mexico. Lat/Long Coordinates are as follows: 33.11371, -103.55671 NAD83. Figure 1 represents the location and topographic map, while Figure 2 is aerial imagery of the facility.

## Closure Plan

The Saunders Landfarm has been inactive since sometime in 2008. A review of historical records indicates no waste has been accepted at the facility since that time. While this indicates inactivity of the facility, we also consider the facility closed and are of the opinion that this closure plan provides notice for the intent to fully close the Saunders Landfarm in accordance with NMAC and NMOCD rules.

**Disposition of treated soil** - Soil remediated to the standards in Subsection F of 19.15.36.15 NMAC will be left in place and re-vegetated according to industry accepted standards. Soil that does not meet the standards will be removed and disposed of at an NMOCD approved waste facility.

**Cell filling and contouring** - Cells from which soil will be removed for disposition at a division approved facility will be backfilled with native soil acquired from an undisturbed area near the facility and from soil berms separating the landfarm cells which are constructed of topsoil that was pushed up during cell construction. The soil from berms separating the cells will also be used to cover remediated soils left in place. Perimeter berms and any unused berms will be left in place per the landowner's request.

**Cell re-vegetation** – Remediated soil to be left in place and native soil used to fill cells will be re-vegetated with vegetation equal to 70 percent of the native perennial vegetative cover or 3 native plant species including at least one grass species but no noxious weeds.

## Post Closure Plan

**Post closure inspection and maintenance** – During the 3-year period following closure, Monthly inspections will be scheduled to assess the following conditions:

Vegetation growth

Erosion (cell, topsoil, vegetation, berms)

Access (gates, fences, roads)

Any item above showing defect will be corrected immediately.

**Post closure reporting** – During the post closure period (3 years), annual reports will be submitted to the NMOCD of activities performed during the reporting period and what corrective action, if any, that occurred. The post closure annual report will include photographs to document landfarm conditions and vegetation.



Sante Fe Main Office  
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General Information  
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Online Phone Directory  
<https://www.emnrd.nm.gov/ocd/contact-us>

State of New Mexico  
Energy, Minerals and Natural Resources  
Oil Conservation Division  
1220 S. St Francis Dr.  
Santa Fe, NM 87505

CONDITIONS

Action 447993

CONDITIONS

Operator: Saunders Land Farm, L.L.C. 4624 W Pinson Rd. Hobbs, NM 88242	OGRID: 332537
	Action Number: 447993
	Action Type: [C-137] Non-Fee SWMF Submittal (SWMF NON-FEE SUBMITTAL)

CONDITIONS

Created By	Condition	Condition Date
joseph.kennedy	None	4/2/2025