

NM1 - _____34_____

CLOSURE PLAN REVIEW

2013 - Present

State of New Mexico
Energy, Minerals and Natural Resources Department

Susana Martinez
Governor

David Martin
Cabinet Secretary-Designate

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

Jami Bailey, Division Director
Oil Conservation Division



September 18, 2013

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

Re: Closure Notice and Closure Plan 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 received DD Landfarm's (DD) notice of intent to close and a proposed closure plan, dated August 2013 and received by OCD on August 22, 2013, for the landfarm operations at your commercial surface waste management facility. OCD has reviewed the proposed closure plan and has determined that it is deficient and cannot be approved at this time. The proposed closure plan does not satisfy the closure conditions specified within Permit NM1-034. In accordance with Paragraph (2) of 19.15.36.18.A NMAC, OCD is notifying DD of additional closure requirements that were not provided in the proposed closure plan.

Pursuant to Condition 2f of the Closure Conditions of Permit NM1-034, "Closure must be pursuant to all OCD requirements in effect at the time of closure, and any other applicable local, state and/or federal regulations." This means that DD must consider and demonstrate compliance the requirements of 19.15.36 NMAC (Part 36) in the development of closure and post-closure care plan.

Pursuant to Paragraph (1) of 19.15.36.18.A NMAC, "The operator shall notify the division's environmental bureau at least 60 days prior to cessation of operations at the surface waste management facility and provide a proposed schedule for closure." The August 2013 closure plan did not include a proposed schedule for closure. The proposed schedule should provide approximate timeframes (days, weeks, months...) that it will take to complete each proposed closure task or step. Please provide a schedule based upon the protocols and/or steps identified within a revised closure plan.

Pursuant to Condition 2b of the Closure Conditions of Permit NM1-034, "Existing landfarm soils must be remediated until they meet the OCD standards in effect at the time of closure." Step 1 of the

Mr. Cooper
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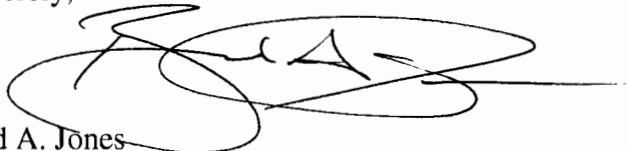
August 2013 closure plan states "Will continue to disk and till until soils within the cells meet standards." Step 2 continues by stating "Will test as required (next test September). Our last tests were within guidelines for closing." OCD is unable to determine what the "standards" and/or "guidelines for closing" represent in Steps 1 and 2. Pursuant to Subparagraph (a) of 19.15.36.18.D(4) NMAC, "The operator shall ensure that disking and addition of bioremediation enhancing materials continues until soils within the cells are remediated to the standards provided in Subsection F of 19.15.36.15 NMAC, or as otherwise approved by the division." A closer look at Subsection D of 19.15.36.15 NMAC identifies that the operator must monitor "the treatment zone at least semi-annually that the contaminated soil has been treated to the standards specified in Subsection F of 19.15.36.15 NMAC or the contaminated soils have been removed to a division-approved surface waste management facility." This means that the treatment zone closure performance standards of 19.15.36.15.F NMAC must be demonstrated twice with a 12 month period for consideration for closure.

The additional closure requirements of Subparagraphs (b) through (g) of 19.15.36.18.D(4) NMAC must be included and addressed in a revised closure plan. Subparagraph (h) of 19.15.36.18.D(4) NMAC is not applicable to this closure since the method has not been approved and initial sampling of Subsection H of 19.15.36.15 NMAC was not performed.

The post-closure requirements of Subsection F of 19.15.36.18 NMAC must be included and addressed in a revised closure plan.

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.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad A. Jones', with a large, stylized loop at the end.

Brad A. Jones
Environmental Engineer

BAJ/baj

Cc: OCD District I Office, Hobbs

August 2013

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

RE: DD Landfarm
Permit #01-003

RECEIVED OGD
2013 AUG 22 P 2:20

Mr. Jones:

As owner and operator of DD Landfarm, I am closing the facility and will no longer take soils into landfarm.

It has been several months since anything has been deposited into the facility. We continue to maintain and operate according to permit specifications.

Landfarm Closure:

- 1) Will continue to disk and till until soils within the cells meet standards.
- 2) Will test as required (next test September). Our last tests were within guidelines for closing.
- 3) After approval, landfarm area will be allowed to re-vegetate according to Subsection A of 19-15-36-18.
- 4) All berms will be removed or leveled.
- 5) There are no buildings or facilities to remove.

We have removed the sign at facility and are no longer taking soils.

We would appreciate your approval to our request to close and thank you for your continued help.

Sincerely,



Jimmy Cooper
DD Landfarm
Box 36
Monument, NM
575-368-7108





