

NM2 - ____21____

**MONITORING
REPORTS
YEAR(S):**

____2013____

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 4, 2014

Carolyn Haynes
John H. Hendrix Corporation
P.O. Box 3040
Midland, Texas 79702

RE: 2013 Operations and Monitoring Report Review
John H. Hendrix Corporation
Permit NM2-021
Location: Unit E of Section 15, Township 24 South, Range 36 East, NMPM
Lea County, New Mexico

Dear Ms. Haynes:

The Oil Conservation Division (OCD) has completed the review of John H. Hendrix Corporation's (JHHC) 2013 Operations and Monitoring Report, dated March 19, 2014. OCD has determined that exceedances above the established background were detected in the vadose zone but were not identified or discussed within the report and required follow-up actions were not completed. Also, the incorrect test method for TPH was utilized and demonstrated in regards to vadose zone monitoring.

Pursuant to Paragraph (5) of 19.15.36.15.E NMAC, "If vadose zone sampling results show that the concentrations of TPH, BTEX or chlorides exceed the higher of the POL or the background soil concentrations, then the operator shall notify the division's environmental bureau of the exceedance, and shall immediately collect and analyze a minimum of four randomly selected, independent samples for TPH, BTEX, chlorides and the constituents listed in Subsections A and B of 20.6.2.3103 NMAC. The operator shall submit the results of the re-sampling event and a response action plan for the division's approval within 45 days of the initial notification. The response action plan shall address changes in the landfarm's operation to prevent further contamination and, if necessary, a plan for remediating existing contamination." The established Chloride background concentration for the landfarm facility is identified as less than 20 mg/kg. Table 1 of the 2013 Operations and Monitoring Report demonstrates Chloride exceedances 3 feet below the native ground surface for Cells 1A, 1B, 10B, and 11B. The established DRO background concentration for the landfarm facility is identified as less than 10 mg/kg. Table 1 demonstrates that DRO was detected 3 feet below the native ground surface in Cell 10C.

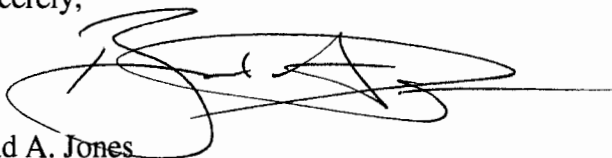
The submittal of an annual report does not negate the responsibility of the facility operator to meet regulatory deadlines to complete specified tasks or to resolve an outstanding operational

compliance issue. Please complete the required actions of Paragraph (5) of 19.15.36.15.E NMAC and provide OCD the additional sampling results and a response action plan within 120 days of receipt of this letter.

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.” On January 4, 2006 OCD approved a modification to Condition 3 under Treatment Zone Monitoring of JHHC’s November 29, 2004 permit (NM2-021) to reduce the quarterly sampling frequency to semi-annual. Condition 7 of OCD’s January 4, 2006 modification approval states “Treatment Zone Monitoring: JHHC or its agent will collect a background treatment zone sample from each landfarm cell. Treatment zone samples will be collected semi-annually thereafter in active cells, and within six (6) months after waste is first placed in a new cell. Four (4) samples will be collected from each cell and analyzed for BTEX (benzene, toluene, ethylbenzene, and xylene) and TPH (total petroleum hydrocarbons). Samples from every second semi-annual sampling event will be analyzed for TPH, BTEX, total RCRA metals, and major cations and anions. JHHC will notify the NMOCD 48 hours prior to each sampling event. Laboratory analyses will be submitted to the NMOCD Santa Fe office within 45 days following receipt of the laboratory report.” The modification only identified the constituent and does 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.

Please complete the required actions of Paragraph (5) of 19.15.36.15.E NMAC and provide OCD the additional sampling results, a response action plan, and submit the sampling results demonstrating TPH by EPA Method 418.1 within 120 days of receipt of this letter. 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,



Brad A. Jones
Environmental Engineer

BAJ/baj

cc: OCD District I Office, Hobbs