

NM1 - ____15_____

**Minor
Modification
Request &
Approval**

July 20, 2020

Jones, Brad A., EMNRD

From: Jones, Brad A., EMNRD
Sent: Wednesday, September 2, 2020 3:11 PM
To: rhinoabq@hotmail.com
Cc: 'Snyder, Jay'
Subject: NM1-015 Goo Yea Landfarm, Inc. - North Landfarm Minor Modification Request Approval
Attachments: 2020 0720 NM1-015 Minor Modification Determination.pdf

Mr. Dyer,

The Oil Conservation Division (OCD) has completed the review of Goo Yea Landfarm, Inc.'s (Goo Yea) minor modification request, dated June 27, 2019. Please see the attached approval letter. If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Brad Jones

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

State of New Mexico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Sarah Cottrell Propst
Cabinet Secretary

Todd E. Leahy, JD, PhD
Deputy Secretary

Adrienne Sandoval
Director, Oil Conservation Division



July 20, 2020

Mr. Steve Dyer
Goo Yea Landfarm, Inc.
4601 Hondo Pass Road, Suite K
El Paso, Texas 79904

RE: Minor Modification of Surface Waste Management Facility Permit NM1-015 for Goo Yea Landfarm, Inc. – North Landfarm Bronco Facility, SE/4 of Section 14, Township 11 South, Range 38 East, NMPM, Lea County, New Mexico

Dear Mr. Dyer:

The Oil Conservation Division (OCD) has reviewed Goo Yea Landfarm, Inc.'s (Goo Yea) minor modification request, dated June 27, 2019, regarding existing commercial surface waste management facility permit NM1-015 and the exception request regarding compliance with the transitional provisions of 19.15.36.20 NMAC.

Goo Yea requested the following minor modifications:

- Vadose zone sampling will be performed in accordance with 19.15.36.15.E NMAC in lieu of NM01-015 permit requirements.
- Except for chloride, background sampling will not be conducted as specified in 19.15.36.15.B NMAC requirements. Benzene, toluene, ethyl benzene, and xylenes (BTEX), and total petroleum hydrocarbons (TPH), will be considered anthropogenic if detected and will not be considered background.
- For other 20.6.2.3103 NMAC constituents required for vadose zone sampling, treatment zone sampling, and site cleanup soil testing 19.15.36.18.C.4.f. NMAC, analytical results from required analyses will be compared to applicable risk pathway soil screening levels (SSL) published in New Mexico Environment Department Risk Assessment Guidelines for Site Investigation and Remediation of March 2019, or current version at the time of comparison. Within those Guidelines, the Soil Screening Guidance (SSG) incorporates readily obtainable site data and utilizes methods from EPA risk assessment guidance and derives site-specific screening levels for selected contaminants and exposure pathways. In accordance with Section 2.8 of the SSG, a Site Assessment will be prepared consisting of a conceptual site model, establishing exposure intervals, identifying contaminants of concern, and exposure point concentrations. Since Goo Yea Landfarm North is located in an area of agricultural and ranching use, only Industrial/Occupational exposure scenarios will be evaluated since residential land use is not expected. Accordingly, Goo Yea Landfarm, Inc. will compare

analytical results for metals and other 20.6.2.3103 NMAC constituents if appropriate to SSLs in Table A-1 for the following exposure pathways:

- Industrial/Occupational soil exposure non-cancer and cancer
 - Construction worker soil exposure non-cancer and cancer
 - Soil leaching to groundwater (Target Soil Leaching Concentration) will be evaluated at dilution attenuation factor DAF-20 as recommended by the guidelines
 - Adjusting the SSL to site specific conditions (i.e., depth to groundwater, soil characteristics, infiltration, and groundwater seepage velocity) may be performed in accordance with SSG if warranted.
- Toxic pollutants listed in 20.6.2.7.T.2 NMAC are incorporated into 20.6.2.3103.A.2.NMAC standards by reference, and Goo Yea Landfarm, Inc. requests a modification to 19.15.36.15.B. NMAC for Subsections A and B of 20.6.2.3103 NMAC to exclude the following analytes not considered associated with oil field wastes:
 - Bis (chloromethyl) ether (20.6.2.T.2(f)(iii) NMAC)
 - Nitroaromatics and high explosives (20.6.2.T.2(p) NMAC)
 - Nitrosamines (20.6.2.T.2(q) NMAC)
 - Perchlorate (20.6.2.T.2(r) NMAC)
 - Perfluorinated compounds (20.6.2.T.2(s) NMAC)
 - Endosulfan (20.6.2.T.2(t)(vi) NMAC)
 - Prometon (20.6.2.T.2(t)(xi) NMAC)
 - Sulfolane (20.6.2.T.2(y) NMAC)
 - The SSG SSL be accepted as applicable thresholds and endpoints for closure and post-closure care where promulgated standards are not applicable for the purpose of establishing financial assurance and bonding costs.
 - Analysis of TPH by EPA 8015M full range for GRO, DRO and Motor Oil Range Organics (MRO) hydrocarbons is requested, replacing EPA 418.1.
 - It is requested that for treatment zone closure, analytical results for 20.6.2.3103 A and B NMAC metals be compared directly to human-health-based standards provided in SSG which provides Soil Screening Levels (SSLs) protective of groundwater and human health.
 - For vadose zone monitoring, it is requested that the requirement for establishing background levels for TPH and BTEX be waived and concedes that any detections of TPH or BTEX at 3 to 4 feet below the treatment zone are anthropogenic and related to landfarm operations. Background chloride concentration is required and will be established in accordance with 19.15.36.15.B.
 - In accordance with 19.15.36.18.C.4.f. NMAC, buildings, fences, roads and equipment have to be removed, and the site cleaned up. Fences are owned by the adjacent property owner, and are not owned by Goo Yea. A road running along the north side of the landfarm inside the fence line is requested it remain for property access.

The OCD hereby grants Goo Yea approval of the minor modification requests to permit NM1-015 and exception requests regarding compliance to the transitional provisions of 19.15.36.20 NMAC recognized above, with the following conditions:

1. Goo Yea shall comply with all applicable requirements of the Oil and Gas Act (Chapter 70, Article 2 NMSA 1978), the existing permit NM1-015, the transitional provisions of 19.15.36.20 NMAC, and all conditions specified in this approval.
2. OCD is unable to accept the proposed use of a dilution attenuation factor (DAF) of 20 for vadose zone and treatment zone assessment due to the size of the active operational (source) area for each landfarm cell and the limitations specified in the New Mexico Environment Department Risk Assessment Guidance for Site Investigations and Remediation – Volume 1 Soil Screening Guidance for Human Health Risk Assessments (February 2019, Rev. 2 (6/19/19)) (SSG). Section 4.4 of the SSG states “*NMED believes that a DAF of 20 for a 0.5 acre source area is protective of groundwater in New Mexico. If the default DAF is not representative of conditions at a specific site, then it is appropriate to calculate a site-specific DAF based upon available site data.*” Section 4.7 further clarifies “*Larger source sizes result in lower DAFs. The default DAF used to develop SL-SSLs for a 0.5 acre source may not be protective of groundwater at sites larger than 0.5 acre.*” Due to the landfarm cells exceeding the 0.5-acre size consideration, OCD approves the use of the two approaches recognized in Section 4.7 of the SSG, as identified below:
 - a. As the size of the source area increases, the assumptions underlying the generic model are less applicable. One of the conservative assumptions in the generic SSL approach is the uniform distribution of contaminants throughout the vadose zone. There are few sites that have relatively uniform soil contamination (both laterally and vertically) of a single constituent in an area of greater than 0.5 acres (22,000 ft²). Soil contamination at large facilities are usually concentrated in discrete portions of the site. Contamination at large sites is commonly the result of multiple sources. It is advisable to attempt to subdivide the facility by source and contaminant type and then apply generic SSLs to those smaller source areas.
 - b. If this approach is impractical, calculation of site-specific DAFs is recommended. Most of the parameters required for these calculations are available from routine environmental site investigations or can be reasonably estimated from general geologic and hydrologic studies.
3. In accordance with Subsection A of 19.15.36.19 NMAC, Goo Yea shall utilize the most stringent exposure limit of the four proposed exposure pathway considerations (Industrial/Occupational soil exposure non-cancer and cancer, Construction worker soil exposure non-cancer and cancer, adjusting the SSL to site specific conditions and/or Groundwater, as identified in Condition 2 above) to ensure equivalent protection of fresh water, public health and the environment based upon the most current version of the New Mexico Environment Department Risk Assessment Guidance for Site Investigations and Remediation – Volume 1 Soil Screening Guidance for Human Health Risk Assessments.
4. Goo Yea shall submit the chloride background demonstration and proposed exposure pathway limit for the remaining constituents required of 19.15.36.15.B NMAC (except for the toxic pollutants requested for exclusion in the minor modification request) to OCD for

review and approval prior to use in the vadose zone monitoring comparison, the treatment zone closure comparison, or the assessment of the site cleanup samples.

5. In accordance with 19.15.36.18.B(2) NMAC, *“If monitoring wells or other monitoring or leak detection systems reveal contamination during the surface waste management facility’s operation or in the applicable post closure care period following the surface waste management facility’s closure the division shall not release the financial assurance until the contamination is remediated in accordance with 19.15.30 NMAC and 19.15.29 NMAC, as applicable.”* Goo Yea shall comply with the requirements of 19.15.36.18.B(2) NMAC.
6. Goo Yea shall submit a signed and notarized affidavit regarding the acceptance of any non-hazardous oil-field liquid and semi-solid waste and the construction and installation of a stabilization basin unit to accept such wastes within 30 days of this approval.

Please be advised this approval does not relieve Goo Yea of liability should operations result in pollution of surface water, groundwater or the environment nor does it relieve Goo Yea of its responsibility to comply with other applicable rules and regulations. If there are any questions regarding this matter, please do not hesitate to contact Brad Jones on my staff at (505) 476-3487 or brad.a.jones@state.nm.us.

Respectfully,



Jim Griswold
Environmental Bureau Chief

JG/baj

cc: Jay T. Snyder, EA Engineering, Science, and Technology, Inc.

Jones, Brad A., EMNRD

From: Snyder, Jay <jsnyder@eaest.com>
Sent: Thursday, June 27, 2019 1:53 PM
To: Griswold, Jim, EMNRD; Jones, Brad A., EMNRD
Cc: rhinoabq@hotmail.com
Subject: [EXT] Request for Minor Modifications, Goo Yea Landfarm, Inc. North (NM-01-0015)
Attachments: Jim Griswold 6_27_19 Goo Yea Landfarm Bronco C-137A Modification Request NM-01-0015.pdf

Attached please find the referenced document. Thanks for your assistance with this. I will submit the cured Closure Plan shortly.

Jay T. Snyder, P.E., P.G., CHG
Senior Geological Engineer
EA Engineering, Science, and Technology, Inc. PBC
320 Gold Avenue SW, Suite 1300
Albuquerque, NM 87102
505-224-9013 x1509 (office)
505-400-7125 (cell)
jsnyder@eaest.com

Goo-Yea Landfarm, Inc.

4601 Hondo Pass, Suite K, El Paso, Texas 79904
Phone 915-886-4335 • Fax 915-886-4358

June 27, 2019

Mr. Jim Griswold
Oil Conservation Division
1220 South St. Francis Drive, #3
Santa Fe, New Mexico 87505

Re: Minor Modification Requests, Goo-Yea Landfarm, Inc. Bronco Facility (NM-01-0015)

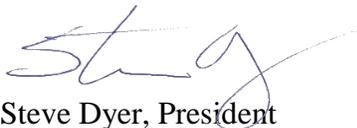
Dear Mr. Griswold,

Goo-Yea Landfarm, Inc. is requesting minor modifications to facilitate closure of its Bronco Facility, Permit NM-01-0015. The requested modifications provide for:

- Vadose zone monitoring to be conducted in accordance with 19.15.36.15.E rather than permit provisions;
- The use of New Mexico Environment Department Risk Assessment Guidelines for Site Investigations and Remediation to provide Soil Screen Levels (SSL) for comparison of 20.2.6.3103 constituents detected in environmental samples to determine protectiveness and closure end points unless there are promulgated standards in 19.15.36.15 NMAC;
- By use of SSL, background soil samples will only be collected for chloride to facilitate release determination for vadose zone monitoring;
- Several classes of toxic pollutants, now part of 20.6.2.3103 A and B by reference, are excluded from sampling since they are not oil-filed related contaminants;
- Goo-Yea requests the access road along the north property line of the landfarm be left to provide access to the property.

Attached is Oil Conservation Division Form C-137A to request these minor modifications. Please contact me at 915-490-0979.

Sincerely,



Steve Dyer, President

Attachment: Form C-137A

District I
1625 N. French Dr., Hobbs, NM 88240
District II
811 S. First St., Artesia, NM 88210
District III
1000 Rio Brazos Road, Aztec, NM 87410
District IV
1220 S. St. Francis Dr., Santa Fe, NM 87505

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

For State Use Only:

Form C-137A
June 30, 2016

Submit 1 Copy to Santa Fe Office

APPLICATION FOR MINOR MODIFICATION TO SURFACE WASTE MANAGEMENT FACILITY

1. Operator: Goo Yea Landfarm, Inc.
Address: 4601 Hondo Pass Road, Suite K, El Paso, TX 79904
Contact Person: Steve Dyer Phone: 915-490-0979
2. Location: /4 SE /4 Section 14 Township 11 South Range 38 East
3. Provide permit number NM-01-0015
4. Attach a description of the proposed minor modification(s) to the surface waste management facility. ***Item 6 below request minor modification to operate and close in accordance with 19.15.36.15 and 18 NMAC.***
5. If the Minor Modification involves changes to a treatment, remediation, or disposal method, attach engineering designs, certified by a registered professional engineer, including technical data on the design elements of each applicable treatment, remediation, and disposal method and detailed designs of surface impoundments.
6. If the Minor Modification will affect the closure and post-closure plan, attach an updated closure and post closure plan, including a responsible third party contractor's cost estimate, sufficient to close the surface waste management facility in a manner that will protect fresh water, public health, and the environment (the closure and post closure plan shall comply with the requirements contained in 19.15.36.18 NMAC).
7. If the Minor Modification will affect the contingency plan, attach an updated contingency plan that complies with the requirements of Subsection N of 19.15.36.13 NMAC and with NMSA 1978, Sections 12-12-1 through 12-12-30, as amended (the Emergency Management Act).
8. If the Minor Modification will affect the control of run-on or run-off water at the site, attach an updated plan to control run-on water onto the site and run-off water from the site that complies with the requirements of Subsection M of 19.15.36.13 NMAC.
9. If the Minor Modification will affect the best management practice plan, attach a best management practice plan to ensure protection of fresh water, public health, and the environment.
10. The division may require additional information to demonstrate that the surface waste management facility's operation will not adversely impact fresh water, public health, or the environment and that the surface waste management facility will comply with division rules and orders.

11. CERTIFICATION

I hereby certify that the information submitted with this application is true, accurate, and complete to the best of my knowledge and belief.

Name: Steve Dyer Title: President
Signature:  Date: 27 June 2019
E-mail Address: rhinoabq@hotmail.com

Facility: Goo Yea Landfarm, Inc. North Landfarm, Lea County, New Mexico
Permit Number: NM-01-0015
Location: SE/4 of Section 14, Township 11 South, Range 38 East, NMPM
Purpose: Modify Closure Requirements as Requested Herein
Date: June 27, 2019

This request for minor modification is to operate and close in accordance with 19.15.36 New Mexico Administrative Code (NMAC) as modified herein. The goal of the modifications is to provide an efficient, protective path to closure.

Goo Yea Landfarm, Inc. requests the following minor modifications to NM-01-0015

- Vadose zone sampling will be performed in accordance with 19.15.36.15.E. NMAC in lieu of NM-01-0015 permit requirements.
- Except for chloride, background sampling will not be conducted as specified in 19.15.36.15.B. NMAC requirements. Benzene, toluene, ethyl benzene, and xylenes (BTEX), and total petroleum hydrocarbons (TPH), will be considered anthropogenic if detected and will not be considered background.
- For other 20.6.2.3103 NMAC constituents required for vadose zone sampling, treatment zone sampling, and site cleanup soil testing 19.15.36.18.C.4.f. NMAC, analytical results from required analyses will be compared to applicable risk pathway soil screening levels (SSL) published in New Mexico Environment Department Risk Assessment Guidelines for Site Investigation and Remediation (Risk Assessment Guidelines), March 2019 or current version at time of comparison. Within the Risk Assessment Guidelines, the Soil Screening Guidance (SSG) incorporates readily obtainable site data and utilizes methods from various United States Environmental Protection Agency (US EPA) risk assessment guidance and derives site-specific screening levels for selected contaminants and exposure pathways. In accordance with Section 2.8 of the SSG, a Site Assessment will be prepared consisting of a conceptual site model, establishing exposure intervals, identifying contaminants of concern, and exposure point concentrations. Since Goo Yea Landfarm North is located in agricultural/ranching land use, only Industrial/Occupational exposure scenarios will be evaluated since residential land use is not expected. Accordingly, Goo Yea Landfarm, Inc. will compare analytical results for metals and other 20.6.2.3103 NMAC constituents if appropriate to SSLs in Table A-1 for the following exposure pathways:
 - Industrial/Occupational soil exposure non-cancer and cancer;
 - Construction worker soil exposure non-cancer and cancer;
 - Soil leaching to groundwater (Target Soil Leaching Concentration) will be evaluated at dilution attenuation factor DAF-20 as recommended by the guidelines; and

- Finally, adjusting the SSL to site specific conditions (i.e., depth to groundwater, soil characteristics, infiltration, and groundwater seepage velocity) may be performed in accordance with SSG if warranted.
- Toxic pollutants listed in 20.6.2.7.T.2 NMAC are incorporated into 20.6.2.3103.A.2.NMAC standards by reference, and Goo Yea Landfarm, Inc. requests a modification to 19.15.36.15.B. NMAC for Subsections A and B of 20.6.2.3103 NMAC to exclude the following analytes not considered associated with oil field wastes:
 - Bis (chloromethyl) ether (20.6.2.T.2(f)(iii) NMAC)
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 - Nitrosamines (20.6.2.T.2(q) NMAC)
 - Perchlorate (20.6.2.T.2(r) NMAC)
 - Perfluorinated compounds (20.6.2.T.2(s) NMAC)
 - Endosulfan (20.6.2.T.2(t)(vi) NMAC)
 - Prometon (20.6.2.T.2(t)(xi) NMAC)
 - Sulfolane (20.6.2.T.2(y) NMAC)
- The SSG SSL be accepted as applicable thresholds and endpoints for closure and post-closure-care where promulgated standards are not applicable for the purpose of establishing financial assurance and bond costs.
- Analysis of TPH by EPA 8015M full range for GRO, DRO and Motor Oil Range Organics (MRO) hydrocarbons is requested, replacing EPA 418.1.
- It is requested that for Treatment Zone Closure, analytical results for 20.6.2.3103 A and B NMAC metals be compared directly to human-health-based standards provided in SSG which provides Soil Screening Levels (SSLs) protective of groundwater and human health.
- For Vadose Zone monitoring, it is requested that requirement for establishing background levels for TPH and BTEX be waived and concedes that any detections of TPH or BTEX at 3 to 4 feet below the treatment zone are anthropogenic and related to landfarm operations. Background chloride concentration is required and will be established in accordance with 19.15.36.15.B.
- In accordance with 19.15.36.18.C.4.f. NMAC, buildings, fences, roads and equipment have to be removed, and the site cleaned up. Fences are owned by the adjacent ranch owner, and are not owned by Goo Yea Landfarm, Inc. One road runs along the north side of the landfarm, just inside the north fence line, and it is requested it remain for property access.