

NM1 - ___39___

**GENERAL
CORRESPONDENCE**

YEAR(S):

2015-2018

State of New Mexico
Energy, Minerals and Natural Resources Department

Susana Martinez
Governor

Ken McQueen
Cabinet Secretary

Matthias Sayer
Deputy Cabinet Secretary

David R. Catanach, Division Director
Oil Conservation Division



January 24, 2017

Ms. Monte Carol Madera
Pitchfork Landfarm, LLC
524 Antelope Road
Jal, New Mexico 88252

**Re: Quarterly Vadose Zone Monitoring, and Vadose Zone Resampling Event Report,
and Vadose Zone Response Action Plan Review
Pitchfork Landfarm, LLC
Permit NM1-039
Location: NE/4, NW/4, NE/4 Section 5, Township 24 South, Range 34 East, NMPM
Lea County, New Mexico**

Dear Ms. Madera:

The Oil Conservation Division (OCD) has completed the review of Pitchfork Landfarm, LLC's (Pitchfork) Vadose Zone Response Action Plan, dated November 9, 2016, to further delineate, vertically and horizontally, the potential release to the vadose zone and to remove soils that have been impacted by the release. Based on the information provided in the November 9, 2016 Vadose Zone Response Action Plan, OCD hereby approves the request with the following understandings and conditions:

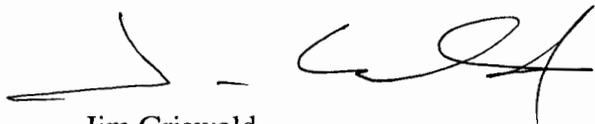
1. Pitchfork shall comply with all applicable requirements of the Oil and Gas Act (Chapter 70, Article 2 NMSA 1978), and all conditions specified in this approval and shall implement the Vadose Zone Response Action Plan in accordance with the November 9, 2016 request;
2. Pitchfork shall continue to monitor the vadose zone for "total petroleum hydrocarbons (TPH) and volatile aromatic organics (BTEX) quarterly and for major cations/anions and Water Quality Control Commission (WQCC) metals annually" as require of the existing permit NM1-039 and semi-annually for chlorides as required of Subsection E of 19.15.36.15 NMAC to demonstrate compliance to the transitional provision of Subsection A of 19.15.36.20 NMAC.
3. Pitchfork shall continue to monitor the treatment zone semi-annually for TPH and chlorides as required of Subsection D of 19.15.36.15 NMAC to demonstrate compliance to the transitional provision of Subsection A of 19.15.36.20 NMAC.

4. Pitchfork shall obtain written approval from OCD prior to implementing any changes to the November 9, 2016 Vadose Zone Response Action Plan.

Please be advised that approval of this request does not relieve Pitchfork of liability should operations result in pollution of surface water, ground water or the environment. Nor does approval relieve Pitchfork of its responsibility to comply with any other applicable governmental authority's 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.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Griswold", is written over a horizontal line.

Jim Griswold
Environmental Bureau Chief

JG/baj

Cc: OCD District I Office, Hobbs
Bruce McKenzie, Enviro Clean Services, LLC, Tulsa, OK 74136

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

David Catanach, Division Director
Oil Conservation Division



July 2, 2015

Ms. Monte Carol Madera
Pitchfork Landfarm, LLC
524 Antelope Road
Jal, New Mexico 88525

**Re: Treatment Zone High Chloride Waste Isolation Report Review
Pitchfork Landfarm, LLC
Permit NM1-039
Location: NE/4, NW/4, NE/4 Section 5, Township 24 South, Range 34 East, NMPM
Lea County, New Mexico**

Dear Ms. Madera:

The Oil Conservation Division (OCD) has reviewed Pitchfork Landfarm, LLC's (Pitchfork) Treatment Zone High Chloride Waste Isolation and Removal report, dated June 23, 2015, and the proposal to conduct quarterly treatment zone monitoring for total petroleum hydrocarbons (TPH) and chlorides. As identified in the June 23, 2015 report, on May 7, 2015 in conference call with OCD, Pitchfork proposed to conduct quarterly waste sampling of the treatment zone for 4 quarters to document the levels of total petroleum hydrocarbons (TPH) and chlorides.

Please note pursuant to the transitional provisions of Part 36 (19.15.36.20.A 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." In accordance with 19.15.36.15.D NMAC, "The operator shall collect and analyze at least one composite soil sample, consisting of four discrete samples, from the treatment zone at least semi-annually using the methods specified below for TPH and chlorides." As underlined in the above reference of Subsection D of 19.15.36.15 NMAC, the "methods specified below for TPH 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..." OCD is willing to accept an equivalent method to EPA Method 418.1 that is capable of demonstrating a carbon range from C₆ to C₃₆. Please review OCD's letter dated June 30, 2011 and titled "*Compliance with the Transitional Provisions of the Surface Waste Management Facilities rule (Rule 36) and Treatment and Vadose Monitoring Requirements at Existing Landfarms*" for expectation of compliance.

Based on the information provided in the request, the proposal to conduct quarterly treatment zone monitoring for total petroleum hydrocarbons (TPH) and chlorides as specified above is hereby approved with the following understandings and conditions:

1. Pitchfork shall comply with all applicable requirements of the Oil and Gas Act (Chapter 70, Article 2 NMSA 1978), and all conditions specified in this approval and shall conduct the quarterly treatment zone monitoring in accordance with the June 23, 2015 submittal;
2. Pitchfork shall continue to monitor the treatment zone semi-annually for TPH and chlorides as required of Subsection D of 19.15.36.15 NMAC to demonstrate compliance to the transitional provision of Subsection A of 19.15.36.20 NMAC.
3. If the treatment zone monitoring demonstrates an exceedance above the waste acceptance criteria of Subsection A of 19.15.36.15 NMAC, Pitchfork shall notify OCD in writing of the exceedance prior to implementing the February 26, 2015 High Chloride Waste Isolation and Removal and Vadose Zone Monitoring Plan approved by OCD on March 3, 2015.
4. Upon completion of the High Chloride Waste Isolation and Removal Plan and obtaining the associated laboratory analytical results, Pitchfork shall obtain written approval of the vadose zone sampling locations from OCD prior to implementing the Vadose Zone Monitoring Plan; and
5. Pitchfork shall obtain written approval from OCD prior to implementing any changes to the June 23, 2015 proposal to conduct quarterly waste sampling of the treatment zone for 4 quarters to document the levels of total petroleum hydrocarbons (TPH) and chlorides and/or the February 26, 2015 High Chloride Waste Isolation and Removal and Vadose Zone Monitoring Plan.

Please be advised that approval of this request does not relieve Pitchfork of liability should operations result in pollution of surface water, ground water or the environment. Nor does approval relieve Pitchfork of its responsibility to comply with any other applicable governmental authority's rules and regulations.

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
Bruce McKenzie, Enviro Clean Services, LLC, Tulsa, OK 74136