

**NM2 - \_\_\_\_\_ 21 \_\_\_\_\_**

**GENERAL  
CORRESPONDENCE  
YEAR(S):**

**\_\_\_\_\_ 2011 - 2012 \_\_\_\_\_**

**Jones, Brad A., EMNRD**

---

**From:** Gil Van Deventer [gil@trident-environmental.com]  
**Sent:** Thursday, June 24, 2010 4:19 PM  
**To:** Jones, Brad A., EMNRD  
**Cc:** Carolyn Haynes  
**Subject:** Re: JHHC (NM-02-0021) 2010 Semi-annual lab reports  
**Attachments:** gil.vcf

Hi Brad:

JHHC has retained Trident Environmental to review the complete set of analytical data for the JHHC landfarm (NM-02-0021), make comparisons with background data, and assess the possible occurrence of downward migration of constituents of concern into the vadose zone. Trident has been in the process of compiling the data set to perform statistical analysis, geochemical evaluation methodology, and evaluate increasing or decreasing trends to quantify the level of any significant exceedences of constituents of concern in the vadose zone. The tasks briefly outlined above will require a significant effort of evaluation and assessment to make valid conclusions, thus we plan to provide you a written comparison, assessment, and conclusions by mid-August. As we evaluate the data set we may find it necessary to collect additional background samples to apply certain statistical applications and geochemical associations.

If you have any questions please feel free to contact me or Carolyn Haynes with JHHC (432-684-6631).

Thanks - Gil

Gilbert J. Van Deventer, PG, REM  
Trident Environmental  
PO Box 12177  
Odessa TX 79768  
(432) 638-8740

On 05/26/10 12:15 PM, Jones, Brad A., EMNRD wrote:  
Carolyn and Gil,

Pursuant to vadose zone monitoring requirements of Paragraph (3) of 19.15.36.15 NMAC, the operator "shall compare each result to the higher of the PQL or the background soil concentrations to determine whether a release has occurred." The document attached to the email below did not provide the comparison nor was there an assessment to whether a release has occurred. The intent and purpose of the vadose zone monitoring is to determine if the operations of the landfarm is causing downward migration of contaminants beneath the soils to be remediated. If it determined that the operation of the landfarm is contaminating the vadose zone, then pursuant to Paragraph (5) of 19.15.36.15 NMAC the operator shall submit a response action plan that addresses "changes in the landfarm's operation to prevent further contamination and, if necessary, a plan for remediating existing contamination." If the analytical results indicate that a release has occurred in the vadose zone and the assessment is not completed until the submittal of an annual report, then John H. Hendrix Corporation will find itself in violation of operational provisions of the Surface Waste Management Facility rule, 19.15.36 NMAC, regarding failure to complete certain tasks by specified deadlines and timelines within the rule. Please submit

the comparison and John H. Hendrix Corporation's assessment and conclusion of the vadose zone monitoring event.

Brad

**Brad A. Jones**

*Environmental Engineer*

*Environmental Bureau*

*NM Oil Conservation Division*

*1220 S. St. Francis Drive*

*Santa Fe, New Mexico 87505*

*E-mail: [brad.a.jones@state.nm.us](mailto:brad.a.jones@state.nm.us)*

*Office: (505) 476-3487*

*Fax: (505) 476-3462*

---

**From:** Gil Van Deventer [<mailto:gil@trident-environmental.com>]

**Sent:** Thursday, May 20, 2010 4:04 PM

**To:** Jones, Brad A., EMNRD

**Cc:** Carolyn Haynes

**Subject:** JHHC (NM-02-0021) 2010 Semi-annual lab reports

Facility: Centralized Surface Waste Management Facility (NM-02-0021)

Operator: John H. Hendrix Corporation

Location: W/2 SW/4 and W/2 NW/4, Sec 15, T-24-S, R-36-E, Lea County NM

Attachments: Laboratory analytical reports

Greetings Brad:

As agent for John H. Hendrix Corporation, Trident Environmental submits the attached laboratory analytical reports for the semi-annual sampling event which occurred at the above-referenced facility on April 7, 2010. The annual sampling event is scheduled for the third quarter, probably October, of this year, after which the annual report documenting all operations and monitoring activities performed during the year will be submitted to you.

Please let me know if you need hard copies of these reports at this time or if they can wait until the annual reporting process. If you have any questions please feel free to contact me, or Carolyn Haynes at (432) 684-6631.

Thanks - Gil

**Gilbert J. Van Deventer, PG, REM**

**Trident Environmental**

*P. O. Box 12177*

*Odessa TX 79768-2177*

Work/Mobile: 432-638-8740

Fax: 413-403-9968

**CONFIDENTIALITY NOTICE**

*This message (including attachments) is subject as a confidential communication and is intended solely for the use of the addressee. It is not intended for transmission to, or receipt by, any unauthorized person. If you are not the intended recipient or received these documents by mistake, please contact the sender by return e-mail. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, action or reliance upon the contents of the documents is strictly prohibited.*

Confidentiality Notice: This e-mail, including all attachments is for the sole use of the intended recipient(s) and

may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender and destroy all copies of this message. -- This email has been scanned by the Sybari - Antigen Email System.

--

**Gilbert J. Van Deventer, PG, REM**

## Jones, Brad A., EMNRD

---

**From:** Jones, Brad A., EMNRD  
**Sent:** Wednesday, May 26, 2010 11:16 AM  
**To:** 'Gil Van Deventer'  
**Cc:** Carolyn Haynes; VonGonten, Glenn, EMNRD  
**Subject:** RE: JHHC (NM-02-0021) 2010 Semi-annual lab reports

Carolyn and Gil,

Pursuant to vadose zone monitoring requirements of Paragraph (3) of 19.15.36.15 NMAC, the operator “shall compare each result to the higher of the PQL or the background soil concentrations to determine whether a release has occurred.” The document attached to the email below did not provide the comparison nor was there an assessment to whether a release has occurred. The intent and purpose of the vadose zone monitoring is to determine if the operations of the landfarm is causing downward migration of contaminants beneath the soils to be remediated. If it determined that the operation of the landfarm is contaminating the vadose zone, then pursuant to Paragraph (5) of 19.15.36.15 NMAC the operator shall submit a response action plan that addresses “changes in the landfarm’s operation to prevent further contamination and, if necessary, a plan for remediating existing contamination.” If the analytical results indicate that a release has occurred in the vadose zone and the assessment is not completed until the submittal of an annual report, then John H. Hendrix Corporation will find itself in violation of operational provisions of the Surface Waste Management Facility rule, 19.15.36 NMAC, regarding failure to complete certain tasks by specified deadlines and timelines within the rule. Please submit the comparison and John H. Hendrix Corporation’s assessment and conclusion of the vadose zone monitoring event.

Brad

***Brad A. Jones***  
*Environmental Engineer*  
*Environmental Bureau*  
*NM Oil Conservation Division*  
*1220 S. St. Francis Drive*  
*Santa Fe, New Mexico 87505*  
*E-mail: [brad.a.jones@state.nm.us](mailto:brad.a.jones@state.nm.us)*  
*Office: (505) 476-3487*  
*Fax: (505) 476-3462*

---

**From:** Gil Van Deventer [<mailto:gil@trident-environmental.com>]  
**Sent:** Thursday, May 20, 2010 4:04 PM  
**To:** Jones, Brad A., EMNRD  
**Cc:** Carolyn Haynes  
**Subject:** JHHC (NM-02-0021) 2010 Semi-annual lab reports

Facility: Centralized Surface Waste Management Facility (NM-02-0021)  
Operator: John H. Hendrix Corporation  
Location: W/2 SW/4 and W/2 NW/4, Sec 15, T-24-S, R-36-E, Lea County NM  
Attachments: Laboratory analytical reports

Greetings Brad:

As agent for John H. Hendrix Corporation, Trident Environmental submits the attached laboratory analytical reports for the semi-annual sampling event which occurred at the above-referenced facility on April 7, 2010. The annual sampling event is scheduled for the third quarter, probably October, of this year, after which the annual report documenting all operations and monitoring activities performed during the year will be submitted to you.

Please let me know if you need hard copies of these reports at this time or if they can wait until the annual reporting process. If you have any questions please feel free to contact me, or Carolyn Haynes at (432) 684-6631.

Thanks - Gil

**Gilbert J. Van Deventer, PG, REM**

**Trident Environmental**

P. O. Box 12177

Odessa TX 79768-2177

Work/Mobile: 432-638-8740

Fax: 413-403-9968

**CONFIDENTIALITY NOTICE**

*This message (including attachments) is subject as a confidential communication and is intended solely for the use of the addressee. It is not intended for transmission to, or receipt by, any unauthorized person. If you are not the intended recipient or received these documents by mistake, please contact the sender by return e-mail. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, action or reliance upon the contents of the documents is strictly prohibited.*

**Jones, Brad A., EMNRD**

---

**From:** Jones, Brad A., EMNRD  
**Sent:** Monday, February 22, 2010 2:44 PM  
**To:** 'Gil Van Deventer'  
**Cc:** Carolyn Haynes  
**Subject:** RE: JHHC CSWMF NM-02-0021 recommendations

Carolyn and Gil,

Based upon our discussions today (Carolyn) and last week (Gil), the OCD grants administrative approval to temporarily suspend ground water sampling at the John H. Hendrix Corporation landfarm, Centralized Surface Waste Management Facility NM-02-002.

Regarding the request to discontinue sampling and tilling of cells 1A, 1B, 11A, 11C, 12A, 12B, and 12C, the OCD has determined to postpone consideration of this request until compliance issues are resolved. The Nov./Dec. 2009 report indicate the possibility of downward migration of contaminants within the vadose zone. Please comply with the appropriate provision of Subsection E of 19.15.36.15 NMAC in regards to vadose zone exceedances. Also, please ensure that the laboratory detection limits are set at or below the established background limits.

If you have any questions regarding this matter, please do not hesitate to contact me.

Brad

***Brad A. Jones***  
*Environmental Engineer*  
*Environmental Bureau*  
*NM Oil Conservation Division*  
*1220 S. St. Francis Drive*  
*Santa Fe, New Mexico 87505*  
*E-mail: [brad.a.jones@state.nm.us](mailto:brad.a.jones@state.nm.us)*  
*Office: (505) 476-3487*  
*Fax: (505) 476-3462*

---

**From:** Gil Van Deventer [<mailto:gil@trident-environmental.com>]  
**Sent:** Thursday, February 18, 2010 8:29 AM  
**To:** Jones, Brad A., EMNRD  
**Cc:** Carolyn Haynes  
**Subject:** JHHC CSWMF NM-02-0021 recommendations

**Centralized Surface Waste Management Facility NM-02-0021**  
**John H. Hendrix Corporation**  
**Section 15, Township 24 South, Range 36 East**  
**Lea County, New Mexico**

Good morning Brad:

The 2009 *Operations and Monitoring Report* for the above-referenced facility, was submitted to you on Nov 29, 2009. We seek concurrence from OCD for the following recommendations in that report:

1: Discontinue sampling and tilling of cells 1A, 1B, 11A, 11C, 12A, 12B, and 12C since laboratory results show benzene, BTEX and TPH below the permitted remediation target levels of 10 mg/kg, 50 mg/kg and 100 mg/kg, respectively. Soil samples will continue to be collected from the treatment and vadose zones in the active cells (1C, 10B, and 10C), where target remediation levels have not been met, and any new cells receiving imported soil, if applicable. In addition, soil samples will be collected from the treatment and vadose zones in inactive cell 11B until the remediation target concentration for TPH (100 mg/kg) is achieved. Tilling will continue in cells 1C, 10B, 10C, and 11B to further degrade the petroleum hydrocarbons as long as those cells are in use and until remediation target levels are achieved.

2. Suspend groundwater sampling until a request for facility closure is made. This may require a minor modification to the permit and we are ready to do so upon your request. The intended purpose for the groundwater monitoring well network was to establish baseline (background) conditions in 2005 prior to initiating use of the landfarm. That purpose has long since been achieved. Depth to groundwater varies from 147 to 178 ft bgs across the property and concentrations of all analyzed constituents have remained stable over the past four years. A groundwater monitoring well network for a centralized surface waste management facility is not a requirement under past Rule 711, or under current rule 19.15.36 regulations, particularly for a site where depth to groundwater is greater than 100 ft below the bottom of the treatment cells.

The semi-annual sampling is upcoming in March, thus we would appreciate your reply ahead of time so we can plan the next sampling event accordingly. Please feel free to call me at 432-638-8740 or Carolyn Haynes at 575-390-9689, if you have any questions.

Thanks - Gil

**Gilbert J. Van Deventer, PG, REM**  
*Trident Environmental*  
P. O. Box 7624, Midland TX 79708  
Work: 432-682-0008  
Mobile: 432-638-8740  
Fax: 413-403-9968

---

This inbound email has been scanned for malicious software and transmitted safely to you using Webroot Email Security.

---



New Mexico Energy, Minerals and Natural Resources Department

**Susana Martinez**  
Governor

John H. Bemis  
Cabinet Secretary-Designate

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

Jami Bailey  
Division Director  
Oil Conservation Division



June 30, 2011

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

RE: Compliance with the Transitional Provisions of the Surface Waste Management Facilities rule (Rule 36) and Treatment and Vadose Monitoring Requirements at Existing Landfarms  
John H. Hendrix Corp.  
Permit NM-2-021  
Location: Unit E of Section 15, Township 24 South, Range 36 East, NMPM  
Lea County, New Mexico

Dear Owner/Operator:

The Oil Conservation Division (OCD) has received several landfarm monitoring reports which indicate Owner/Operators are not conducting the required sampling and assessment of the monitoring data required by existing permit conditions and the applicable requirements of the Surface Waste Management Facilities rule 19.15.36 NMAC (Rule 36). OCD wishes to remind such Owner/Operators that the requirements of Rule 36 have been in effect since February 14, 2007 and compliance is required. This letter is provided to help Owner/Operators understand the most common deficiencies regarding compliance in general operations, sampling of landfarms at existing surface waste management facilities, and the reporting of such results.

**I. Transitional Provisions, Existing Surface Waste Management Facilities:**

The transitional provision of Rule 36.20.A states that existing surface waste management facilities *shall comply with the operational, waste acceptance, and closure requirements* provided in the new rule, unless specifically addressed in the current permit, order, waiver, exception, or agreement granted in writing from OCD. Where the language in the existing permit is silent (i.e., where a specified requirement of Rule 36 is not addressed within the existing permit or in writing from OCD), the operational, waste acceptance, and closure provisions of Rule 36 apply and



supplement the conditions of the existing permit. Examples of how this transitional provision would be applied to Owner/Operators of existing landfarms are as follows:

**A. Treatment Zone Monitoring (contaminated soils being remediated):**

Most Owner/Operators of existing landfarms have common language or conditions specified within their permits. For this example, two of the following common permit conditions demonstrate how an Owner/Operator would request the necessary modification of their existing permit.

In an existing landfarm permit:

1. Soils will be spread on the surface in six-inch lifts or less.
2. Successive lifts of contaminated soils may not be spread until a laboratory measurement of:
  - a. total petroleum hydrocarbons (TPH) in the previous lift is less than 100 parts per million (ppm);
  - b. the sum of all aromatic hydrocarbons (BTEX) is less than 50 ppm; and
  - c. benzene is less than 10 ppm.
  - d. Comprehensive records of the laboratory analyses and the sampling locations must be maintained at the facility. Authorization from the OCD must be obtained prior to application of successive lifts and/or removal of the remediated soils.

In addition to the above permit conditions, an Owner/Operator also has to implement the following additional requirements of Rule 36:

- Chloride testing and limits (See 19.15.36.15.D NMAC)

<b>If ground water is between 50' and 100' below the bottom of the oil field waste:</b>	<b>If ground water is more than 100' below the bottom of the oil field waste:</b>
Chloride concentration cannot exceed <b>500</b> mg/kg	Chloride concentration cannot exceed <b>1000</b> mg/kg

- The following test methods would have to be utilized: TPH concentration of each lift determined by EPA SW-846 method 8015M or EPA method 418.1 or other EPA method approved by the division, and chloride concentration, determined by EPA method 300.1. (See 19.15.36.15.D NMAC)
- The sampling protocol and frequency: *"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."* (See 19.15.36.15.D NMAC)
- The maximum thickness of remediated soils for closure: *"The maximum thickness of treated soils in a landfarm cell shall not exceed two feet or approximately 3000 cubic yards per acre. When that thickness is reached, the operator shall not place additional oil field waste in the landfarm cell until it has demonstrated by monitoring 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.” (See 19.15.36.15.D NMAC)*

**Therefore, in order to remain in compliance with existing permit conditions and Rule 36 the Owner/Operator shall ensure that:**

1. Soils will be spread on the surface in **six-inch lifts** or less, and the addition of any remediated soils is not allowed until:
  - a. TPH concentration of each lift, as determined by EPA SW-846 method 8015M or EPA method 418.1 or other EPA method approved by the division, does not exceed **100 mg/kg (ppm)**,
  - b. the sum of all aromatic hydrocarbons (BTEX) is less than **50 ppm**,
  - c. benzene is less than **10 ppm**, and
  - d. the chloride concentration, as determined by EPA method 300.1, does not exceed **500 mg/kg or 1000 mg/kg**. (See depth to ground water restrictions above.)
2. The Owner/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 above for TPH and chlorides.
3. The maximum thickness of treated soils in a landfarm cell shall not exceed **two feet** or approximately **3000 cubic yards per acre**. When that thickness is reached, the Owner/Operator shall not place additional oil field waste in the landfarm cell until it has demonstrated by monitoring the treatment zone at least semi-annually that the contaminated soil has been treated to the standards specified in Rule 36.15.F or the contaminated soils have been removed to a division-approved surface waste management facility. Owner/Operators **must** obtain authorization from the OCD prior to application of successive lifts and/or removal of the remediated soils.

The requirements of Rule 36 that would require an Owner/Operator to submit a modification request regarding treatment zone monitoring to an existing landfarm are as follows:

- *“The operator shall spread contaminated soils on the surface in **eight-inch or less lifts or approximately 1000 cubic yards per acre per eight-inch lift**.” (See 19.15.36.15.D NMAC)*
- *“TPH concentration of each lift, as determined by EPA SW-846 method 8015M or EPA method 418.1 or other EPA method approved by the division, does not exceed **2500 mg/kg**.” (See 19.15.36.15.D NMAC)*

**B. Vadose Zone Monitoring (native soils beneath the contaminated soils being remediated):**

In regards to vadose zone monitoring (commonly referred to by the misnomer of “Treatment Zone Monitoring” within existing landfarm permits), most Owner/Operators of existing surface waste management facilities that operate landfarms have common language or conditions specified within their permits. For this example two of the most common permit conditions regarding the vadose zone will be used to demonstrate how an Owner/Operator would comply with the

transitional provision of Rule 36.20.A, and what requirements of the rule would require an Owner/Operator to submit a request to modify an existing permit.

Two of the most common conditions in an existing landfarm permit are as follows:

1. A treatment zone not to exceed **three (3) feet** beneath the landfarm native ground surface must be monitored. A minimum of one random soil sample must be taken from each individual cell, with no cell being larger than five (5) acres, **six (6) months** after the first contaminated soils are received in the cell and then **quarterly** thereafter. The sample must be taken at two (2) to three (3) feet below the native ground surface.
2. The soil samples must be analyzed using EPA-approved methods for total petroleum hydrocarbons (TPH) and volatile aromatic organics (BTEX) **quarterly** and for major cations/anions and Water Quality Control Commission (WQCC) metals **annually**.

Based upon the transitional provision of Rule 36.20.A, an Owner/Operator would have to implement and integrate the following **additional requirements** while complying with the conditions specified above.

- The testing for chlorides and the comparison of the results to background: *“The operator shall collect and analyze a minimum... 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.”* (See 19.15.36.15.E(2) NMAC):
  - i. *Note:* The “methods specified below for TPH, BTEX and chlorides” are those identified in Subsection F of 19.15.36.15 NMAC: “Total BTEX, as determined by EPA SW-846 method 8021B or 8260B...” (See 19.15.36.15.F(2) NMAC); “TPH, as determined by EPA method 418.1 or other EPA method approved by the division...” (See 19.15.36.15.F(3) NMAC); and “Chlorides, as determined by EPA method 300.1...” (See 19.15.36.15.F(3) NMAC).
- The five year monitoring program: *“The operator shall collect and analyze a minimum of four randomly selected, independent samples from the vadose zone, using the methods specified below for the constituents listed in Subsections A and B of 20.6.2.3103 NMAC at least every five years and shall compare each result to the higher of the PQL or the background soil concentrations to determine whether a release has occurred.”* (See 19.15.36.15.E(3) NMAC).
  - ii. *Note:* The “methods specified below for the constituents listed in Subsections A and B of 20.6.2.3103 NMAC” are those identified in Subsection F of 19.15.36.15 NMAC: “The concentration of constituents listed in Subsections A and B of 20.6.2.3103 NMAC shall be determined by EPA SW-846 methods 6010B or 6020 or other methods approved by the division.” (See 19.15.36.15.F(5) NMAC)

- The release response: *“If vadose zone sampling results show that the concentrations of TPH, BTEX or chlorides exceed the higher of the PQL 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.”* (See 19.15.36.15.E(5) NMAC)

The requirements of Rule 36 that would require an Owner/Operator to submit a modification request regarding vadose zone monitoring to an existing landfarm are as follows:

- *“The operator shall take the vadose zone samples from soils between three and four feet below the cell’s original ground surface.”* (See 19.15.36.15.E(1) NMAC)
- *“The operator shall collect and analyze a minimum of four randomly selected, independent samples from the vadose zone at least semi-annually...”* (See 19.15.36.15.E(2) NMAC)

### **C. Transitional Provisions, New Landfarm Cells Constructed at an Existing Surface Waste Management Facility:**

The transitional provision, Rule 36.20.B, states “Major modification of an existing surface waste management facility and new landfarm cells constructed at an existing surface waste management facility shall comply with the requirements provided in 19.15.36 NMAC.” In this case, an Owner/Operator is required to consider the siting criteria and operational requirements regarding landfarms specified in Rule 36.13; the specific requirements applicable to landfarms specified in Rule 36.15; and the closure and post closure requirements regarding landfarms of Rule 36.18. The existing permit conditions would not be applicable to new landfarm cells at the existing facility, but would continue to apply to landfarm cells that were constructed prior to the February 14, 2007 effective date of Rule 36.

## **II. Compliance with Additional Operational Requirements:**

Other regulatory requirements that Owner/Operators of existing surface waste management facilities that operate landfarms should be aware of and consider when operating its facility are as follows:

### **A. Reuse of remediated soils:**

Most existing surface waste management facility permits regarding landfarming do not specify the constituents and concentrations that must be achieved for reuse of treated or remediated soils. Rule 36 has a provision that specifically addresses the conditions of approval for reuse of treated soils. Rule 36.15.G(1), disposition of treated soils, states *“If the operator achieves the closure performance standards specified in Subsection F of 19.15.36 NMAC, then the operator may either leave the treated soils in place, or, with prior division approval, dispose or reuse of the treated soils in an alternative manner.”*

In accordance with the treatment zone closure performance standards of Rule 36.15.F, "the operator shall continue treatment until the contaminated soil has been remediated to the higher of the background concentrations or the following closure performance standards. The operator shall demonstrate compliance with the closure performance standards by collecting and analyzing a minimum of one composite soil sample, consisting of four discrete samples.

(1) Benzene, as determined by EPA SW-846 method 8021B or 8260B, shall not exceed **0.2 mg/kg**.

(2) Total BTEX, as determined by EPA SW-846 method 8021B or 8260B, shall not exceed **50 mg/kg**.

(3) The gasoline range organics (GRO) and diesel range organics (DRO) combined fractions, as determined by EPA SW-846 method 8015M, shall not exceed **500 mg/kg**. TPH, as determined by EPA method 418.1 or other EPA method approved by the division, shall not exceed **2500 mg/kg**.

(4) Chlorides, as determined by EPA method 300.1, shall not exceed **500 mg/kg** if the landfarm is located where ground water is less than **100 feet** but at least **50 feet** below the lowest elevation at which the operator will place oil field waste or **1000 mg/kg** if the landfarm is located where ground water is **100 feet** or more below the lowest elevation at which the operator will place oil field waste.

(5) The concentration of constituents listed in Subsections A and B of 20.6.2.3103 NMAC shall be determined by EPA SW-846 methods 6010B or 6020 or other methods approved by the division. If the concentration of those constituents exceed the PQL or background concentration, the operator shall **either** perform a site specific risk assessment using EPA approved methods and shall propose closure standards based upon individual site conditions that protect fresh water, public health, safety and the environment, which shall be subject to division approval **or** remove pursuant to Paragraph (2) of Subsection G of 19.15.36.15 NMAC."

#### **B. Waste Acceptance:**

Based upon conversations with several landfarm Owner/Operators, it has come to OCD's attention that the proper waste acceptance protocol is not being implemented at all applicable facilities. In accordance with Rule 36.15.A, "Only soils and drill cuttings predominantly contaminated by petroleum hydrocarbons shall be placed in a landfarm. The division may approve placement of tank bottoms in a landfarm if the operator demonstrates that the tank bottoms do not contain economically recoverable petroleum hydrocarbons. Soils and drill cuttings placed in a landfarm shall be sufficiently free of liquid content to pass the paint filter test, and shall not have a chloride concentration exceeding **500 mg/kg** if the landfarm is located where ground water is less than **100 feet** but at least **50 feet** below the lowest elevation at which the operator will place oil field waste or exceeding **1000 mg/kg** if the landfarm is located where ground water is **100 feet** or more below the lowest elevation at which the operator will place oil field waste. The person tendering oil field waste for treatment at a landfarm shall **certify**, on form C-138, that representative samples of the oil field waste have been subjected to the paint filter test and tested for chloride content, and that the samples have been found to conform to these requirements. The landfarm's operator shall not accept oil field waste for landfarm treatment unless accompanied by this certification."

All landfarm Owner/Operators should be implementing the above referenced requirements in order to ensure compliance to the transitional and waste acceptance provisions of Rule 36. Please note that pursuant to Rule 36.7.A(3), a landfarm "*means a discrete area of land designated and used for the remediation of petroleum hydrocarbon-contaminated soils and drill cuttings.*" Landfarm Owner/Operators should ensure that the waste material accepted for remediation at their facilities contains petroleum hydrocarbons. Acceptance of any other waste material could be considered disposal.

Please note that if you are currently implementing the protocols identified above, OCD appreciates your efforts to continually remain in compliance with the regulations. As for Owner/Operators that are not currently in compliance, the goal of OCD is to get you back on track and in compliance. OCD anticipates observing the changes identified above in the submittal of the results of the next sampling event. If there are any questions regarding this matter, please do not hesitate to contact Mr. Brad A. Jones of my staff at (505) 476-3487 or [brad.a.jones@state.nm.us](mailto:brad.a.jones@state.nm.us).

Sincerely,



Jami Bailey  
Division Director  
Oil Conservation Division

JB/baj

cc: OCD District I Office, Hobbs  
Gilbert J. Van Deventer, Trident Environmental, Odessa, TX 79768