

NM1 - _____ 12 _____

**GENERAL
CORRESPONDENCE**

YEAR(S):

2013-2016

State of New Mexico
Energy, Minerals and Natural Resources Department

Susana Martinez
Governor

David Martin
Cabinet Secretary

Tony Delfin
Deputy Cabinet Secretary

David R. Catanach, Division Director
Oil Conservation Division



April 22, 2016

Mr. Jimmy T. Cooper
C & C Landfarm Inc.
P.O. Box 55
Monument, New Mexico 88265

**RE: Denial of a Request for an Additional Lift
C & C Landfarm Inc.
Permit NM1-012
Location: Unit B of Section 3, Township 20 South, Range 37 East, NMPM
Lea County, New Mexico**

Dear Mr. Cooper:

The Oil Conservation Division (OCD) has completed the review of C & C Landfarm Inc.'s (C&C) request, dated March 2016 and received by OCD on April 1, 2016, to add an additional lift of petroleum contaminated soils to landfarm cells M, B, and J. OCD is unable to consider the request, due to the absence of laboratory results submitted with the request to demonstrate compliance Condition 6, under the heading of Landfarm Operation, of the C & C's April 30, 1998 surface waste management permit NM1-012 and Subsection D of 19.15.36.15 NMAC based upon the compliance with the operational requirements pursuant to the Transitional Provisions of Subsection A of 19.15.36.20 NMAC. Without the submittal of the appropriate laboratory data, OCD is unable to consider the request for an additional lift at this time.

In accordance with the existing permit, NM1-012:

Soils will be spread on the surface in six inch lifts or less.

Successive lifts of contaminated soils will not be spread until a laboratory measurement of Total Petroleum Hydrocarbons (TPH) in the previous lift is less than 100 parts per million (ppm), and the sum of all aromatic hydrocarbons (BTEX) is less than 50 ppm, and the benzene is less than 10 ppm...

Pursuant to Subsection D of 19.15.36.15 NMAC:

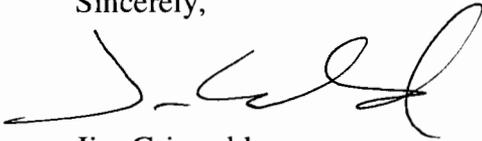
The operator shall conduct treatment zone monitoring to ensure that prior to adding an additional lift the TPH concentration of each lift, as determined by EPA SW-846 method 8015M or EPA method 418.1 or other EPA method approved by the division, ... and that the chloride concentration, as determined by EPA method 300.1, does not exceed 500

Mr. Cooper
C&C Landfarms Inc.
Permit NM1-012
April 22, 2016
Page 2 of 2

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.

Please submit recent laboratory results so that OCD can consider the request for an additional lift. If there are any questions regarding this matter, please do not hesitate to contact Brad Jones of my staff at (505) 476-3487 or brad.a.jones@state.nm.us.

Sincerely,



Jim Griswold
Environmental Bureau Chief

JG/baj

cc: OCD District I Office, Hobbs
Eddie Seay, Eddie Seay Consulting, Hobbs, NM 88242

**C & C LANDFARM
BOX 55
MONUMENT, NM 88265**

11/20/16 1:00
2016/11/11 P 3:02

March 2016

NMOCD Environmental
1220 South St. Francis Dr.
Santa Fe, NM 87505

RE: C & C Landfarm
Lift Request
Cells M, B and J

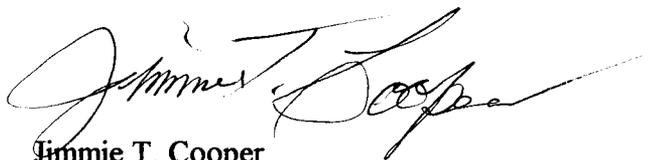
Dear Sir:

We have been working on C & C Landfarm, berms, fences and disking with the hope that the oil economy will come back soon.

C & C would like to add an additional lift to cells M, B and J.

Your approval to our request would be appreciated.

Thanks,



Jimmie T. Cooper
C & C Landfarm
Box 55
Monument, NM 88265
575-369-7108

C & C LANDFARM
BOX 55
MONUMENT, NM 88265

1000
10/13/00 3:38

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

RE: C & C Landfarm

Mr. Jones:

Please find the attached request and/or information concerning C & C.

We appreciate your continued patience as we get everything as you requested.

Thanks for your help.



Jimmie T. Cooper
Owner - Operator
C & C Landfarm
575-397-2045

July 9, 2015

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

RE: C & C Landfarm
Compliance Review

Mr. Jones:

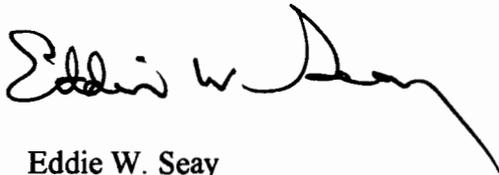
In reading your review letter, it was pointed out that in Cell G there were some exceedences in some metals that were not identified in my report. I apologize for the oversight. When reviewing the analytical, I mostly concentrate on BTEX, TPH and Chloride, I will make a more thorough review in the future.

In reviewing the data in the Cell G analytical, I found some slight exceedences in some of the metals which I compared to the 1998 background.

Before I prepare a plan of action or response to this, I would like to wait until a new and updated "background" is established. I have submitted my draft plan for this background. This way we can address everything on the Cell G report.

I would appreciate your consideration to this request, and thanks for your help.

Thanks,



Eddie W. Seay
Eddie Seay Consulting
601 W. Illinois
Hobbs, NM 88242
575-392-2236
seay04@leaco.net

cc: J. Cooper - C & C Landfarm

Analytical Results For:

Eddie Seay Consulting 601 W. Illinois Hobbs NM, 88242	Project: C & C LANDFARM (NM-01-0012) V/ Project Number: C & C LANDFARM Project Manager: Eddie Seay Fax To: (505) 392-6949	Reported: 04-Sep-14 10:06
---	--	------------------------------

CELL G - 1
H402411-01 (Soil)

Analyte	Result	MDL	Reporting Limit	Units	Dilution	Batch	Analyst	Analyzed	Method	Notes
---------	--------	-----	-----------------	-------	----------	-------	---------	----------	--------	-------

Green Analytical Laboratories
Total Metals by ICP

Zinc	6.30		5.00	mg/kg dry	100	B408112	JGS	20-Aug-14	EPA6010 B	
------	------	--	------	-----------	-----	---------	-----	-----------	-----------	--

Total Metals by ICPMS

Arsenic	0.608		0.500	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Cadmium	0.141		0.100	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Chromium	5.11		1.00	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Copper	0.659		0.100	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Lead	2.23		0.500	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Manganese	22.8		0.500	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Selenium	1.18		1.00	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Silver	ND		0.100	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Uranium	0.101		0.100	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	

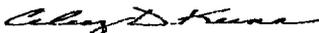
Total Mercury by CVAA

Mercury	ND		0.0995	mg/kg dry	495	B408164	JGS	20-Aug-14	EPA7471	
---------	----	--	--------	-----------	-----	---------	-----	-----------	---------	--

Cardinal Laboratories

*=-Accredited Analyte

PLEASE NOTE: Liability and Damages. Cardinal's liability and client's exclusive remedy for any claim arising, whether based in contract or tort, shall be limited to the amount paid by client for analyses. All claims, including those for negligence or any other cause whatsoever shall be deemed waived unless made in writing and received by Cardinal within thirty (30) days after completion of the applicable service. In no event shall Cardinal be liable for incidental or consequential damage including, without limitation, business interruptions, loss of use, or loss of profits incurred by client, its subsidiaries, affiliates or successors arising out of or related to the performance of the services rendered by Cardinal, regardless of whether such claim is based upon any of the above stated reasons or otherwise. Results relate only to the samples identified above. This report shall not be reproduced except in full with written approval of Cardinal Laboratories.



Celey D. Keene, Lab Director/Quality Manager

Analytical Results For:

 Eddie Seay Consulting
 601 W. Illinois
 Hobbs NM, 88242

 Project: C & C LANDFARM (NM-01-0012) V/
 Project Number: C & C LANDFARM
 Project Manager: Eddie Seay
 Fax To: (505) 392-6949

 Reported:
 04-Sep-14 10:06

CELL G - 2
H402411-02 (Soil)

Analyte	Result	MDL	Reporting Limit	Units	Dilution	Batch	Analyst	Analyzed	Method	Notes
---------	--------	-----	--------------------	-------	----------	-------	---------	----------	--------	-------

Green Analytical Laboratories
Total Metals by ICPMS

Arsenic	0.692		0.500	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Cadmium	0.163		0.100	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Chromium	5.03		1.00	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Copper	0.801		0.100	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Lead	3.14		0.500	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Manganese	31.6		0.500	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Selenium	2.28		1.00	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Silver	ND		0.100	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Uranium	ND		0.100	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	

Total Mercury by CVAA

Mercury	ND		0.0966	mg/kg dry	480	B408164	JGS	20-Aug-14	EPA7471	
---------	----	--	--------	-----------	-----	---------	-----	-----------	---------	--

Cardinal Laboratories

* = Accredited Analyte

PLEASE NOTE: Liability and Damages. Cardinal's liability and client's exclusive remedy for any claim arising, whether based in contract or tort, shall be limited to the amount paid by client for analyses. All claims, including those for negligence or any other cause whatsoever shall be deemed waived unless made in writing and received by Cardinal within thirty (30) days after completion of the applicable service. In no event shall Cardinal be liable for incidental or consequential damage including, without limitation, business interruptions, loss of use, or loss of profits incurred by client, its subsidiaries, affiliates or successors arising out of or related to the performance of the services rendered by Cardinal, regardless of whether such claim is based upon any of the above stated reasons or otherwise. Results relate only to the samples identified above. This report shall not be reproduced except in full with written approval of Cardinal Laboratories.



Celey D. Keene, Lab Director/Quality Manager

Analytical Results For:

Eddie Seay Consulting 601 W. Illinois Hobbs NM, 88242	Project: C & C LANDFARM (NM-01-0012) V/ Project Number: C & C LANDFARM Project Manager: Eddie Seay Fax To: (505) 392-6949	Reported: 04-Sep-14 10:06
---	--	------------------------------

CELL G - 3
H402411-03 (Soil)

Analyte	Result	MDL	Reporting Limit	Units	Dilution	Batch	Analyst	Analyzed	Method	Notes
---------	--------	-----	-----------------	-------	----------	-------	---------	----------	--------	-------

Green Analytical Laboratories
Total Metals by ICPMS

Arsenic	2.32		0.500	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Cadmium	0.464		0.100	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Chromium	9.54		1.00	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Copper	5.26		0.100	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Lead	6.50		0.500	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Manganese	124		0.500	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Selenium	2.58		1.00	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Silver	ND		0.100	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Uranium	0.275		0.100	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	

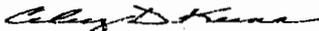
Total Mercury by CVAA

Mercury	ND		0.101	mg/kg dry	490	B408164	JGS	20-Aug-14	EPA7471	
---------	----	--	-------	-----------	-----	---------	-----	-----------	---------	--

Cardinal Laboratories

* = Accredited Analyte

PLEASE NOTE: Liability and Damages. Cardinal's liability and client's exclusive remedy for any claim arising, whether based in contract or tort, shall be limited to the amount paid by client for analyses. All claims, including those for negligence or any other cause whatsoever shall be deemed waived unless made in writing and received by Cardinal within thirty (30) days after completion of the applicable service. In no event shall Cardinal be liable for incidental or consequential damage including, without limitation, business interruptions, loss of use, or loss of profits incurred by client, its subsidiaries, affiliates or successors arising out of or related to the performance of the services rendered by Cardinal, regardless of whether such claim is based upon any of the above stated reasons or otherwise. Results relate only to the samples identified above. This report shall not be reproduced except in full with written approval of Cardinal Laboratories.



Celey D. Keene, Lab Director/Quality Manager

Analytical Results For:

Eddie Seay Consulting 601 W. Illinois Hobbs NM, 88242	Project: C & C LANDFARM (NM-01-0012) V/ Project Number: C & C LANDFARM Project Manager: Eddie Seay Fax To: (505) 392-6949	Reported: 04-Sep-14 10:06
---	--	------------------------------

CELL G - 4
H402411-04 (Soil)

Analyte	Result	MDL	Reporting Limit	Units	Dilution	Batch	Analyst	Analyzed	Method	Notes
---------	--------	-----	-----------------	-------	----------	-------	---------	----------	--------	-------

Green Analytical Laboratories
Total Metals by ICPMS

Arsenic	0.675		0.500	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Cadmium	0.112		0.100	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Chromium	5.48		1.00	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Copper	0.758		0.100	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Lead	2.07		0.500	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Manganese	29.1		0.500	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Selenium	2.60		1.00	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Silver	ND		0.100	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	
Uranium	ND		0.100	mg/kg dry	1000	B408170	JGS	21-Aug-14	6020 A	

Total Mercury by CVAA

Mercury	ND		0.0966	mg/kg dry	480	B408164	JGS	20-Aug-14	EPA7471	
---------	----	--	--------	-----------	-----	---------	-----	-----------	---------	--

Cardinal Laboratories

*= Accredited Analyte

PLEASE NOTE: Liability and Damages. Cardinal's liability and client's exclusive remedy for any claim arising, whether based in contract or tort, shall be limited to the amount paid by client for analyses. All claims, including those for negligence or any other cause whatsoever shall be deemed waived unless made in writing and received by Cardinal within thirty (30) days after completion of the applicable service. In no event shall Cardinal be liable for incidental or consequential damage including, without limitation, business interruptions, loss of use, or loss of profits incurred by client, its subsidiaries, affiliates or successors arising out of or related to the performance of the services hereunder by Cardinal, regardless of whether our claim is based upon any of the above stated reasons or otherwise. Results relate only to the samples identified above. This report shall not be reproduced except in full with written approval of Cardinal Laboratories.



Celey D. Keene, Lab Director/Quality Manager



CARDINAL LABORATORIES, INC.

2111 Beechwood, Abilene, TX 79603 101 East Marland, Hobbs, NM 88240
(915) 673-7001 Fax (915) 673-7020 (505) 393-2326 Fax (505) 393-2476

CHAIN-OF-CUSTODY AND ANALYSIS REQUEST

Page ____ of ____

Company Name: <u>Eddie Seay Consulting</u>		BILL TO		PO #:	
Project Manager: <u>Eddie Seay</u>		Company:			
Address: <u>691 W Illinois</u>		Attn:			
City: <u>Hobbs</u> State: <u>NM</u> Zip: <u>88240</u>		Address:			
Phone #: <u>392-2236</u>		City:			
Fax #:		State:			
Project #: <u>CTC Low Form</u> Project Owner: <u>Cooper</u>		Phone #:			
Project Name: <u>CTC</u>		Fax #:			
Project Location: <u>Monument NM</u>		PRES.		SAMPLING	
FOR LAB USE ONLY		MATRIX			
LAB I.D.		Sample I.D.			
H3445-1		CTC Expansion			
Background					
		<input checked="" type="checkbox"/> (GRAB) OR (C)OMP.			
		# CONTAINERS			
		GROUNDWATER			
		WASTEWATER			
		SOIL			
		OIL			
		SLUDGE			
		OTHER:			
		ACID:			
		<input checked="" type="checkbox"/> ICE / COOL			
		OTHER:			
		DATE		TIME	
		2/5		1:00	
		<input checked="" type="checkbox"/>		TPH 418.1	
		<input checked="" type="checkbox"/>		BTEX	
		<input checked="" type="checkbox"/>		Cations	
		<input checked="" type="checkbox"/>		Anions	
		<input checked="" type="checkbox"/>		(ICLP) Metals	

PLEASE NOTE: Liability and Damages. Cardinal's liability and client's exclusive remedy for any claim arising whether based in contract or tort, shall be limited to the amount paid by the client for the analysis. All claims including those for negligence and any other causes whatsoever shall be deemed waived unless made in writing and received by Cardinal within 30 days after completion of the applicable service. In no event shall Cardinal be liable for incidental or consequential damages, including without limitation, business interruption, loss of use, or loss of profit incurred by client, its subsidiaries, affiliates or successors arising out of or related to the performance of services hereunder by Cardinal, regardless of whether such claim is based upon any of the above stated reasons or otherwise.

Terms and Conditions: Interest will be charged on all accounts more than 30 days past due at the rate of 2 1/2% per annum from the original date of invoice, and all costs of collections, including attorney's fees.

Sampler Relinquished: Ed Seay Date: 2/5 Time: 1:45 Received By: Anna Hill

Relinquished By: Ed Seay Date: 2/5 Time: 1:45 Received By: Anna Hill

Delivered By: (Circle One) UPS Bus Other: Sample Condition: Cool Intact Yes No

CHECKED BY: (Initials) Anna Hill

REMARKS: Background for New expansion Unit CAD 3-20-37

† Cardinal cannot accept verbal changes. Please fax written changes to 915-673-7020.



PHONE (915) 673-7001 • 2111 BEECHWOOD • ABILENE, TX 79603

PHONE (505) 393-2326 • 101 E. MARLAND • HOBBS, NM 88240

ANALYTICAL RESULTS FOR
 EDDIE SEAY CONSULTING
 ATTN: EDDIE SEAY
 601 W. ILLINOIS
 HOBBS, NM 88240
 FAX TO:

Receiving Date: 02/05/98
 Reporting Date: 02/17/98
 Project Owner: COOPER
 Project Name: C&C LANDFARM
 Project Location: MONUMENT, NM

Sampling Date: 02/05/98
 Sample Type: SOIL
 Sample Condition: COOL & INTACT
 Sample Received By: AH
 Analyzed By: GP/AH

TCLP METALS

LAB NUMBER SAMPLE ID As Ag Ba Cd Cr Pb Hg Se
 ppm ppm ppm ppm ppm ppm ppm ppm

ANALYSIS DATE:	02/16/98	02/06/98	02/11/98	02/12/98	02/12/98	02/12/98	02/10/98	02/06/98
EPA LIMITS:	5	5	100	1	5	5	0.2	1
H3445-1 C&C EXPANSION	<1	<1	<5	<0.1	<1	<1	<0.02	<0.1
BACKGROUND								
Quality Control	0.095	2.358	4.945	2.025	5.026	5.006	0.0087	0.0485
True Value QC	0.100	2.500	5.000	2.000	5.000	5.000	0.0100	0.0500
% Recovery	95	94	99	101	101	100	87	97
Relative Standard Deviation	7.5	0.5	14.6	0.9	1.9	4.7	8.9	10.1

METHODS: EPA 1311, 600/4-91/0	206.2	272.1	208.1	213.1	218.1	239.1	245.1	270.2
-------------------------------	-------	-------	-------	-------	-------	-------	-------	-------

Benjamin A. Cook
 Chemist

2/17/98
 Date

PLEASE NOTE: Liability and Damages. Cardinal's liability and client's exclusive remedy for any claim arising, whether based in contract or tort, shall be limited to the amount paid by client for analyses. All claims, including those for negligence and any other cause whatsoever shall be deemed waived unless made in writing and received by Cardinal within thirty (30) days after completion of the applicable service. Cardinal shall be liable for incidental or consequential damages, including, without limitation, business interruptions, loss of use, or loss of profits incurred by client, its subsidiaries, affiliates or successors arising out of or related to the performance of services hereunder by Cardinal, regardless of whether such claim is based upon any of the above-stated reasons or otherwise.

C & C LANDFARM
BOX 55
MONUMENT, NM 88265

RECEIVED OGD
2015 JUL -2 P 1:32

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

RE: C & C Landfarm

Mr. Jones:

Please find the attached request and/or information concerning C & C.

We appreciate your continued patience as we get everything as you requested.

Thanks for your help.



Jimmie T. Cooper
Owner - Operator
C & C Landfarm
575-397-2045

June 29, 2015

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

RE: C & C Landfarm
Background

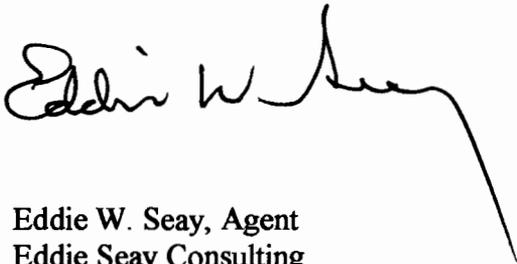
Mr. Jones:

Find attached the background analytical, which I have been using to compare tests. This is the most recent and updated analytical we have.

I would like to submit a plan to re-establish a new "background" which is consistent with all the constituents in subsection A and B of 20.6.2.3103 NMAC.

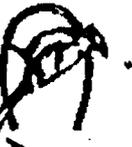
Please let me know what you suggest and I will get plan worked up.

Thanks again for your help.

A handwritten signature in black ink, appearing to read "Eddie W. Seay". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Eddie W. Seay, Agent
Eddie Seay Consulting
601 W. Illinois
Hobbs, NM 88242
575-392-2236
seay04@leaco.net

cc: C & C Landfarm - Jimmy T. Cooper



CARDINAL LABORATORIES, INC.

2111 Beechwood, Abilene, TX 79603 101 East Marland, Hobbs, NM 88240
 (915) 673-7001 Fax (915) 673-7020 (505) 393-2326 Fax (505) 393-2476

CHAIN-OF-CUSTODY AND ANALYSIS REQUEST

Page _____ of _____

Company Name: <u>Eddie Sooy Consulting</u>		BILTO		PO #:							
Project Manager: <u>Eddie Sooy</u>		Company:									
Address: <u>691 W Illinois</u>		Attn:									
City: <u>Hobbs</u> State: <u>NM</u> Zip: <u>88240</u>		Address:									
Phone #: <u>392-2236</u>		City:									
Fax #:		State:		Zip:							
Project #: <u>CTC Lowform</u> Project Owner: <u>Cooper</u>		Phone #:									
Project Name: <u>CTC</u>		Fax #:									
Project Location: <u>Monument N.M</u>		PRES.		SAMPLING							
FOR LAB USE ONLY		MATRIX									
LAB I.D.	Sample I.D.	(GRAB OR (C)OMP.									
		# CONTAINERS									
H3445-1 CTC Expansion Background	✓	2	GROUNDWATER	✓	DATE	TIME	TPH 418.1	BTEX	Cations	Anions	(ICLP) Metals
			WASTEWATER								
			SOIL								
			OIL								
			SLUDGE								
			OTHER:								
			ACID:								
			OTHER:								
			DATE								
			TIME								

PLEASE NOTE: Liability and Damages: Cardinal's liability and client's exclusive remedy for any claim arising whether based in contract or tort, shall be limited to the amount paid by the client for the analysis. All claims, including those for negligence and any other cause whatsoever shall be deemed waived unless made in writing and received by Cardinal within 30 days after completion of the applicable service. In no event shall Cardinal be liable for incidental or consequential damages, including without limitation, business interruptions, loss of use, or loss of profits incurred by client, its subsidiaries, affiliates or successors arising out of or related to the performance of services hereunder by Cardinal, regardless of whether such claim is based upon any of the above stated reasons or otherwise.

Terms and Conditions: Interest will be charged on all accounts more than 30 days past due at the rate of 24% per annum from the original date of invoice, and all costs of collections, including attorney's fees.

Sampler Relinquished: _____ Date: 3/3 Received By: _____
 Relinquished By: Eddie Sooy Time: 1:45 Received By: (Lab Staff) _____
 Date: 3/5/18 Time: 1:45 Checked By: _____
 Delivered By: (Circle One) _____ Sample Condition: _____
 Sampler - UPS - Bus - Other: _____ Cool Intact: Yes No

REMARKS:
 Background for New expansion
 Unit CAD 3-20-37

† Cardinal cannot accept verbal changes. Please fax written changes to 915-673-7020.



PHONE (915) 673-7001 • 2111 BEECHWOOD • ABILENE, TX 79603

PHONE (505) 393-2326 • 101 E. MARLAND • HOBBS, NM 88240

ANALYTICAL RESULTS FOR
EDDIE SEAY CONSULTING
ATTN: EDDIE SEAY
601 W. ILLINOIS
HOBBS, NM 88240
FAX TO:

Receiving Date: 02/05/98
 Reporting Date: 02/06/98
 Project Owner: COOPER
 Project Name: C&C LANDFARM
 Project Location: MONUMENT, NM

Sampling Date: 02/05/98
 Sample Type: SOIL
 Sample Condition: COOL & INTACT
 Sample Received By: AH
 Analyzed By: BC

LAB NUMBER	SAMPLE ID	TPH (mg/Kg)	BENZENE (mg/Kg)	TOLUENE (mg/Kg)	ETHYL BENZENE (mg/Kg)	TOTAL XYLENES (mg/Kg)
ANALYSIS DATE:		02/06/98	02/05/98	02/05/98	02/05/98	02/05/98
H3445-1	C&C EXPANSION	<10	<0.020	<0.020	<0.020	<0.060
	BACKGROUND					
	Quality Control	203	0.102	0.104	0.102	0.306
	True Value QC	200	0.100	0.100	0.100	0.300
	% Recovery	102	102	104	102	102
	Relative Percent Difference	3.6	2.7	2.2	1.4	0.9

METHODS: TRPHC - EPA 600/7-79-020, 418.1; BTEX - EPA SW-846-8260

Burgess A. Cooke
 Burgess A. Cooke, Ph. D.

2/6/98
 Date

PLEASE NOTE: Liability and Damages. Cardinal's liability and client's exclusive remedy for any claim arising, whether based in contract or tort, shall be limited to the amount paid by client for analyses. All claims, including those for negligence and any other cause whatsoever shall be deemed waived unless made in writing and received by Cardinal within thirty (30) days after completion of the applicable service. In no event shall Cardinal be liable for incidental or consequential damages, including, without limitation, business interruptions, loss of use, or loss of profits incurred by client, its subsidiaries, affiliates or successors arising out of or related to the performance of services hereunder by Cardinal, regardless of whether such claim is based upon any of the above-stated reasons or otherwise.



PHONE (915) 873-7001 • 2111 BEECHWOOD • ABILENE, TX 79603

PHONE (505) 393-2326 • 101 E. MARLAND • HOBBS, NM 88240

ANALYTICAL RESULTS FOR
 EDDIE SEAY CONSULTING
 ATTN: EDDIE SEAY
 601 W. ILLINOIS
 HOBBS, NM 88240
 FAX TO:

Receiving Date: 02/05/98
 Reporting Date: 02/09/98
 Project Owner: COOPER
 Project Name: C&C LANDFARM
 Project Location: MONUMENT, NM

Sampling Date: 02/05/98
 Sample Type: SOIL
 Sample Condition: COOL & INTACT
 Sample Received By: AH
 Analyzed By: AH/BC

LAB NUMBER	SAMPLE ID	Na (mg/Kg)	Ca (mg/Kg)	Mg (mg/Kg)	K (mg/Kg)	Conductivity (u mhos/cm)	T-Alkalinity (mgCaCO ₃ /Kg)
ANALYSIS DATE:		02/09/98	02/06/98	02/06/98	02/06/98	02/06/98	02/06/98
H3445-1	C&C EXPANSION	72	58	23	16.2	139	192
	BACKGROUND						
Quality Control		NR	55	51	NR	1445	NR
True Value QC		NR	50	50	NR	1413	NR
% Accuracy		NR	110	102	NR	102	NR
Relative Percent Difference		NR	9.1	1.9	NR	0.3	NR

METHODS:	SM3500-Ca-D	3500-Mg E	8049	120.1	310.1
----------	-------------	-----------	------	-------	-------

	Cl ⁻ (mg/Kg)	SO ₄ (mg/Kg)	CO ₃ (mg/Kg)	HCO ₃ (mg/Kg)	pH (s.u.)	
ANALYSIS DATE:	02/06/98	02/06/98	02/06/98	02/06/98	02/06/98	
H3445-1	C&C EXPANSION	160	<1	0	234	8.11
	BACKGROUND					
Quality Control		472	101	NR	NR	6.97
True Value QC		500	100	NR	NR	7.00
% Accuracy		94.4	101	NR	NR	99.6
Relative Percent Difference		4.0	0	NR	NR	0.4

METHODS:	SM4500-Cl-B	375.4	310.1	310.1	150.1
----------	-------------	-------	-------	-------	-------

Burgess J. Cooke
 Chemist

2/19/98
 Date

PLEASE NOTE: Liability and Damages. Cardinal's liability and client's exclusive remedy for any claim arising, whether based in contract or tort, shall be limited to the amount paid by client for analyses. All claims, including those for negligence and any other cause whatsoever shall be deemed waived unless made in writing and received by Cardinal within thirty (30) days after completion of the applicable service. In no event shall Cardinal be liable for incidental or consequential damages, including, without limitation, business interruptions, loss of use, or loss of profits incurred by client, its subsidiaries, affiliates or successors arising out of or related to the performance of services hereunder by Cardinal, regardless of whether such claim is based upon any of the above-stated reasons or otherwise.



PHONE (915) 673-7001 • 2111 BEECHWOOD • ABILENE, TX 79603

PHONE (505) 393-2326 • 101 E. MARLAND • HOBBS, NM 88240

ANALYTICAL RESULTS FOR
 EDDIE SEAY CONSULTING
 ATTN: EDDIE SEAY
 601 W. ILLINOIS
 HOBBS, NM 88240
 FAX TO:

Receiving Date: 02/05/98
 Reporting Date: 02/17/98
 Project Owner: COOPER
 Project Name: C&C LANDFARM
 Project Location: MONUMENT, NM

Sampling Date: 02/05/98
 Sample Type: SOIL
 Sample Condition: COOL & INTACT
 Sample Received By: AH
 Analyzed By: GP/AH

TCLP METALS

LAB NUMBER SAMPLE ID As Ag Ba Cd Cr Pb Hg Se
 ppm ppm ppm ppm ppm ppm ppm ppm

ANALYSIS DATE:	02/16/98	02/06/98	02/11/98	02/12/98	02/12/98	02/12/98	02/10/98	02/06/98
EPA LIMITS:	5	5	100	1	5	5	0.2	1
H3445-1 C&C EXPANSION	<1	<1	<5	<0.1	<1	<1	<0.02	<0.1
BACKGROUND								
Quality Control	0.095	2.358	4.945	2.025	5.026	5.006	0.0087	0.0485
True Value QC	0.100	2.500	5.000	2.000	5.000	5.000	0.0100	0.0500
% Recovery	95	94	99	101	101	100	87	97
Relative Standard Deviation	7.5	0.5	14.6	0.9	1.9	4.7	8.9	10.1

METHODS: EPA 1311, 600/4-91/0	206.2	272.1	208.1	213.1	218.1	239.1	245.1	270.2
-------------------------------	-------	-------	-------	-------	-------	-------	-------	-------

Gregory A. Coche
 Chemist

2/17/98
 Date

PLEASE NOTE: Liability and Damages. Cardinal's liability and client's exclusive remedy for any claim arising, whether based in contract or tort, shall be limited to the amount paid by client for analyses. All claims, including those for negligence and any other cause whatsoever shall be deemed waived unless made in writing and received by Cardinal within thirty (30) days after completion of the applicable service. Cardinal shall be liable for incidental or consequential damages, including, without limitation, business interruptions, loss of use, or loss of profits incurred by client, its subsidiaries, affiliates or successors arising out of or related to the performance of services hereunder by Cardinal, regardless of whether such claim is based upon any of the above-stated reasons or otherwise.

Jones, Brad A., EMNRD

From: Jones, Brad A., EMNRD
Sent: Thursday, July 02, 2015 2:09 PM
To: 'Rena Seay'
Subject: RE: Landfarm Rule Modification

Eddy,

Each letter provided instructions if approval of a modification could not be demonstrated. Below is the paragraph from each letter with the instructions underlined.

C&C Landfarm:

“OCD has reviewed the administrative files for the facility and determined that the vadose zone monitoring frequency changed from the permit condition “The soil samples will be analyzed using approved EPA methods for TPH and BTEX quarterly, and for major cations/anions and heavy metals annually,” to semi-annual in 2008. OCD has been unable to locate C&C’s modification request for the change in sampling frequency or OCD’s approval for such a modification request. Please provide OCD a copy of C&C’s modification request and OCD approval in order to continue the semi-annual sampling frequency. If C&C is unable to demonstrate the approval, C&C shall revert back permitted vadose zone monitoring frequency. Please note that the transitional provisions of 19.15.36.20 NMAC must be considered. 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.”

DD Landfarm:

“OCD has reviewed the administrative files for the facility and determined that the vadose zone monitoring frequency changed from the permit condition “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” to semi-annual in 2009. OCD has been unable to locate DD’s modification request for the change in sampling frequency or OCD’s approval for such a modification request. Please provide OCD a copy of DD’s modification request and OCD approval in order to continue the semi-annual sampling frequency. If DD is unable to demonstrate the approval, DD shall revert back permitted vadose zone monitoring frequency. Please note that the transitional provisions of 19.15.36.20 NMAC must be considered. 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.”

If you have any questions regarding this matter, please contact me.

Brad

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
Office: (505) 476-3487
Fax: (505) 476-3462

From: Rena Seay [mailto:seay04@leaco.net]
Sent: Thursday, July 02, 2015 8:31 AM
To: Jones, Brad A., EMNRD
Subject: Landfarm Rule Modification

Hello Brad,

I have finished going thru the files of C & C Landfarm and DD Landfarm, and all correspondence pertaining to the same.

I have been unable to find a letter pertaining to the modification request to operate under rule 36. DD and C & C are committed to getting in compliance with OCD, and has been trying to comply with rule 36.

Please let me know what we can do to continue operations.

Your advice would be appreciated. Have a good 4th of July.

Thanks,

Eddie W. Seay
Eddie Seay Consulting
601 W. Illinois
Hobbs, Nm 88242
575-392-2236
seay04@leaco.net

Jones, Brad A., EMNRD

From: Rena Seay <seay04@leaco.net>
Sent: Thursday, July 02, 2015 8:31 AM
To: Jones, Brad A., EMNRD
Subject: Landfarm Rule Modification

Hello Brad,

I have finished going thru the files of C & C Landfarm and DD Landfarm, and all correspondence pertaining to the same.

I have been unable to find a letter pertaining to the modification request to operate under rule 36. DD and C & C are committed to getting in compliance with OCD, and has been trying to comply with rule 36.

Please let me know what we can do to continue operations.

Your advice would be appreciated. Have a good 4th of July.

Thanks,

Eddie W. Seay
Eddie Seay Consulting
601 W. Illinois
Hobbs, Nm 88242
575-392-2236
seay04@leaco.net

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 R. Catanach, Division Director
Oil Conservation Division



June 4, 2015

Mr. Jimmie T. Cooper
C & C Landfarm Inc.
P.O. Box 55
Monument, New Mexico 88265

**RE: Extension Request To Respond To OCD's 2014 Bi-Annual Sampling and Five Year Monitoring Report Review
C & C Landfarm Inc.
Permit NM1-012
Location: Unit B of Section 3, Township 20 South, Range 37 East, NMPM
Lea County, New Mexico**

Dear Mr. Cooper:

The Oil Conservation Division (OCD) has completed the review of C & C Landfarm Inc.'s (C&C) request, received by OCD on June 2, 2015, for an extension to respond to OCD's request for additional information based upon OCD's May 14, 2015 written review of C&C's June 2014 Bi-Annual Treatment and Vadose Zone and Five Year Vadose Zone Monitoring Report; December 2014 Bi-Annual Treatment and Vadose Zone Monitoring Report; and the August 2014 Release Response report for Cell G. OCD hereby grants a 30-day extension to the original deadlines, as provided in OCD's May 14, 2015 review.

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", written over a circular stamp or seal.

Brad A. Jones
Environmental Engineer

BAJ/baj

cc: OCD District I Office, Hobbs
Eddie Seay, Eddie Seay Consulting, Hobbs, NM 88242

C & C Landfarm

Box 55

Monument, NM 88265

RECEIVED OCD

2015 JUN -2 P 3: 1b

NMOCD Environmental

ATTN: Brad Jones

1220 South St. Francis Drive

Santa Fe, NM 87505

RE: C & C Landfarm

Mr. Jones:

As owner and operator of C & C Landfarm, we have received your recent request for additional information at our facility. Our consultant is going to be gone until June 13th, 2015. We are requesting an extension of time to prepare the information the OCD needs.

Your favor to an extension would be appreciated.

Thanks,



C & C Landfarm

Jimmie T. Cooper

1-575-397-2045

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 R. Catanach, Division Director
Oil Conservation Division



May 14, 2015

Mr. Jimmy Cooper
C & C Landfarm Inc.
P.O. Box 55
Monument, New Mexico 88265

**RE: 2014 Bi-Annual Sampling and Five Year Monitoring Report Review
C & C Landfarm Inc.
Permit NM1-012
Location: Unit B of Section 3, Township 20 South, Range 37 East, NMPM
Lea County, New Mexico**

Dear Mr. Cooper:

The Oil Conservation Division (OCD) has completed the review of C & C Landfarm Inc.'s (C&C) June 2014 Bi-Annual Treatment and Vadose Zone and Five Year Vadose Zone Monitoring Report; December 2014 Bi-Annual Treatment and Vadose Zone Monitoring Report; and the August 2014 Release Response report for Cell G. OCD appreciates C&C's efforts to implement changes to your monitoring protocols to comply with requests in OCD's 2013 Bi-Annual Sampling and Five Year Monitoring Report Review, dated April 9, 2014. The review of the 2014 monitoring data has resulted in the discovery of some issues that must be addressed in order for C&C to remain compliant with Permit NM1-012 and Part 36.

OCD has reviewed the administrative files for the facility and determined that the vadose zone monitoring frequency changed from the permit condition "The soil samples will be analyzed using approved EPA methods for TPH and BTEX quarterly, and for major cations/anions and heavy metals annually," to semi-annual in 2008. OCD has been unable to locate C&C's modification request for the change in sampling frequency or OCD's approval for such a modification request. Please provide OCD a copy of C&C's modification request and OCD approval in order to continue the semi-annual sampling frequency. If C&C is unable to demonstrate the approval, C&C shall revert back permitted vadose zone monitoring frequency. Please note that the transitional provisions of 19.15.36.20 NMAC must be considered. 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.

Pursuant to 19.15.36.15.E NMAC, the operator is required to compare the vadose results "to the higher of the PQL or the background soil concentrations to determine whether a release has

occurred.” OCD’s review of the administrative files for the facility resulted in the discovery of the initial facility background data set from 1993. The May 7, 1993 background data set provided results for the following 24 analytes: pH; nitrates; hardness; calcium; magnesium; ortho-phosphate; sulfate; chlorides; arsenic, barium, cadmium, chromium; lead; mercury; selenium; silver; total recoverable petroleum hydrocarbons; benzene, toluene; ethyl benzene; total xylene, and MTBE. OCD has been unable to locate any additional background data that seemed to be used for the comparison for the 27 analytes from the five year vadose zone monitoring event and the 68 analytes from release response sampling event. Please provide OCD a copy of the laboratory data set used for the background/PQL data set, in order to establish an updated and revised facility background with OCD.

The June 2014 five year vadose zone monitoring results and laboratory chain of custody indicates that the vadose zone sampling event was an attempt to combine the annual vadose zone sampling required by permit condition and compliance with the five year vadose zone monitoring of 19.15.36.15.E.(3) NMAC. In doing so, additional analysis for total petroleum hydrocarbons (TPH), BTEX, and major cations/anions were performed on 3 of the 4 samples. Pursuant to the permit, “A minimum of one random soil sample will 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 will be taken at two (2) to three (3) feet below the native ground surface.” In accordance with 19.15.36.15.E.(3) NMAC, the operator “The operator shall collect and analyze a minimum of four randomly selected, independent samples from the vadose zone...” OCD also compared the 1993 background data set to the June 2014 five year vadose zone monitoring results and determined common exceedances for calcium, magnesium, arsenic, barium, cadmium, chromium, and lead. None of these exceedances were recognized in the assessment or recommended for the release response sampling of 19.15.36.15.E.(5) NMAC. If a different facility background data set was utilized for the assessment, please provide OCD a copy of the laboratory data set in order to establish an updated and revised facility background with OCD. If not, please demonstrate compliance to 19.15.36.15.E.(5) NMAC. Also, in the next sampling report, please identify which of the 13 landfarm cells (A through L) have been sampled for the five year vadose zone monitoring demonstration of 19.15.36.15.E.(3) NMAC and provide the associated sampling and laboratory results analyses date with the appropriate landfarm cell.

OCD compared the 1993 background data set to the August 2014 release response results for Cell G and determined common exceedances for arsenic, barium, cadmium, chromium, lead, and selenium. None of these exceedances were recognized in the assessment nor was a response action plan of 19.15.36.15.E.(5) NMAC proposed. The assessment provided in the report’s cover letter stated “The analytical was compared to the background and PQL and was within guidelines.” If a different facility background data set was utilized for the assessment, please provide OCD a copy of the laboratory data set in order to establish an updated and revised facility background with OCD. If not, please demonstrate compliance to 19.15.36.15.E.(5) NMAC.

Please note that the submittal of treatment zone monitoring results alone does not constitute a request for a successive/additional lift. The permit condition specifies “Authorization from the OCD must be obtained prior to application of successive lifts and/or removal of remediated soils.” OCD requires such request to be made under a separate cover from other reporting and

Mr. Cooper
C&C Landfarms Inc.
Permit NM-1-012
May 14, 2015
Page 3 of 3

include the supporting analytical results and an updated facility map that illustrates and identifies the individual landfarm cells within the facility boundary and indicate the approximate location within the landfarm cells in which the samples were obtained.

Please provide OCD a copy of C&C's modification request and OCD approval in order to continue the semi-annual sampling frequency within 45 days of the date of this letter. Please provide OCD a copy of the laboratory data set used for the background/PQL data set, in order to establish an updated and revised facility background with OCD within 45 days of the date of this letter. If the 1993 background data set is the only background data for the comparison to determine whether a release has occurred in the vadose zone, please demonstrate compliance to 19.15.36.15.E.(5) NMAC by initiated the additional sampling for the landfarm cells that demonstrate exceedances in the June 2014 Five Year Vadose Zone Monitoring Report and submit a response action plan to address the exceedances August 2014 Release Response report for Cell G within 90 days of the date of this letter. Please identified which of the 13 landfarm cells (A through L) have been sampled for the five year vadose zone monitoring demonstration of 19.15.36.15.E.(3) NMAC and provide the associated sampling and laboratory results analyses date with the appropriate landfarm cell, with the next monitoring report.

OCD has implemented some new policies for submittal. For future submittals, please include a cover letter from the owner/operator, on the owner's/operator's company letterhead, that recognizes the owner/operator has reviewed the submittal, signed by the owner/operator. Also, please provide an updated facility map, for each individual sampling event, that identifies the individual landfarm cells within the facility boundary and indicate the approximate location within the landfarm cells in which the samples were obtained. 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
Eddie Seay, Eddie Seay Consulting, Hobbs, NM 88242

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 9, 2014

Mr. Jimmy Cooper
C & C Landfarm Inc.
P.O. Box 36
Monument, New Mexico 88265

**RE: 2013 Bi-Annual Sampling and Five Year Monitoring Report Review
C & C Landfarm Inc.
Permit NM1-012
Location: Unit B of Section 3, Township 20 South, Range 37 East, NMPM
Lea County, New Mexico**

Dear Mr. Cooper:

The Oil Conservation Division (OCD) has completed the review of C & C Landfarm Inc.'s (C & C) 2013 Bi-Annual Sampling and Five Year Monitoring Report. The vadose zone results were not compared to the background results in order to determine if a release had occurred and if the required follow-up actions are required to be completed. The five year vadose sampling event was not implemented on all of the active landfarm cells and additional laboratory analysis was performed that was not required by regulation. Also, the incorrect test method for TPH was utilized and demonstrated in regards to vadose zone monitoring.

In accordance with Paragraph (1) of 19.15.36.15.E NMAC, "The operator shall monitor the vadose zone beneath the treatment zone in each landfarm cell." Pursuant to Paragraph (3) of 19.15.36.15.E NMAC, "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." The five year sampling was only performed on the following landfarm cell(s): Cell J sampled Dec. 30, 2013. Also, the laboratory results submitted in the monitoring report demonstrated that analysis was performed for all the constituents listed in Subsections A and B of 20.6.2.3103 NMAC. As underlined in the above reference of Paragraph (1) of 19.15.36.15.E NMAC, 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: such as "determined by EPA SW-846 methods 6010B or 6020 or other EPA method approved by the division..." Please perform the five year monitoring program on the remaining active landfarm cells in order to complete the five year monitoring and to demonstrate compliance of Paragraphs (1) and (3) of 19.15.36.15.E NMAC.

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."

Mr. Cooper
C&C Landfarms Inc.
Permit NM-1-012
April 9, 2014
Page 2 of 2

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." The most common vadose zone monitoring (commonly referred to, but incorrectly as "Treatment Zone Monitoring" within existing landfarm permits) condition in an existing landfarm permit is as follows: "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." The permit condition only identified the constituent and does not 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.

The 2013 Bi-Annual Sampling and Five Year Monitoring Report only included the laboratory results from the sampling event. The requirements of Subsection E of 19.15.36.15 NMAC are clear that 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 rest of the vadose zone assessment was not completed to determine if a release has occurred and/or if the required additional testing and a response action plan of Paragraph (5) of 19.15.36.15.E NMAC are required. Please complete the required assessment.

Please note that the submittal of treatment zone monitoring results alone does not constitute a request for a successive/additional lift. The permit condition specifies "Authorization from the OCD must be obtained prior to application of successive lifts and/or removal of remediated soils." OCD requires such request to be made under a separate cover from other reporting and include the supporting analytical results and an updated facility map that illustrates and identifies the individual landfarm cells within the facility boundary and indicate the approximate location within the landfarm cells in which the samples were obtained.

Please complete the required actions of 19.15.36.15.E NMAC, provide OCD with the additional five year sampling results, provide OCD the sampling results compared to background or PQL for release determination, and submit the sampling results demonstrating TPH by EPA Method 418.1 within 120 days of receipt of this letter. Also, please provide an updated facility map that identifies the individual landfarm cells within the facility boundary and indicate the approximate location within the landfarm cells in which the samples were obtained. 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
Eddie Seay, Eddie Seay Consulting, Hobbs, NM 88242