### **NM1-23**

# APPROVED MINOR MODIFICATION JULY 30, 2025

Santa Fe Main Office Phone: (505) 476-3441 General Information Phone: (505) 629-6116

Online Phone Directory Visit: https://www.emnrd.nm.gov/ocd/contact-us/

#### State of New Mexico **Energy Minerals and Natural Resources**

Oil Conservation Division 1220 South St. Francis Dr. Santa Fe, NM 87505

For State Use Only:	

Form C-137A Revised October 11, 2022

File via OCD Permitting with any associated permit fee

#### APPLICATION FOR MINOR MODIFICATION TO SURFACE WASTE MANAGEMENT FACILITY

1. Operator: _	JEL Landfarm Inc		
Address: _	P.O. Box 356 Hobbs A	IM 88241	
Contact Pe	erson: Michelle Kuhn	Phone:	
2. Location:	NZ 14 NZ 14 Section 9 6 10	Township 205	Range 38E
3 Provide per	rmit number A/M 01~0033		

- 4. Attach a description of the proposed minor modification(s) to the surface waste management facility.
- 5. If the Minor Modification involves changes to a treatment, remediation, or disposal method, attach engineering designs, certified by a registered professional engineer, including technical data on the design elements of each applicable treatment, remediation, and disposal method and detailed designs of surface impoundments.
- 6. If the Minor Modification will affect the closure and post-closure plan, attach an updated closure and post closure plan, including a responsible third party contractor's cost estimate, sufficient to close the surface waste management facility in a manner that will protect fresh water, public health, and the environment (the closure and post closure plan shall comply with the requirements contained in 19.15.36.18 NMAC).
- 7. If the Minor Modification will affect the contingency plan, attach an updated contingency plan that complies with the requirements of Subsection N of 19.15.36.13 NMAC and with NMSA 1978, Sections 12-12-1 through 12-12-30, as amended (the Emergency Management Act).
- 8. If the Minor Modification will affect the control of run-on or run-off water at the site, attach an updated plan to control runon water onto the site and run-off water from the site that complies with the requirements of Subsection M of 19.15.36.13 NMAC.
- 9. If the Minor Modification will affect the best management practice plan, attach a best management practice plan to ensure protection of fresh water, public health, and the environment.
- 10. The division may require additional information to demonstrate that the surface waste management facility's operation will not adversely impact fresh water, public health, or the environment and that the surface waste management facility will comply with division rules and orders.

#### 11. CERTIFICATION

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

Name: Michelle D. Kuhn	Title: Office / Operations Mgr.
Name: Michelle D. Kuhn Signature: Michelle D. Kuhn	Date: 7-15-25
F-mail Address: ilroh9697@adl.com	

#### J&L LANDFARM INC

PO BOX 356 HOBBS NM 88241

July 15, 2025

State of New Mexico Energy, Minerals and Natural Resources Dept.

J&L Landfarm Inc would like to request that all cells within the Landfarm, including those constructed prior to 2007, be brought under the regulatory requirements set forth in the 2007 update to the Landfarm rules (per 19.15.36 NMAC). This request is intended to streamline operational oversight, improve consistency across all cells, and ensure uniform environmental standards are applied throughout the facility. Aligning all cells under the 2007 rules set will also help eliminate confusion regarding compliance and reporting requirements between pre and post 2007 constructed cells.

We believe this modification constitutes a minor administrative adjustment and does not alter the physical construction footprint of the facility. No changes to operations or capacity are being proposed at this time. We appreciate your consideration and look forward to your approval.

Sincerely,

Michelle Kuhn

Office/Operations Manager

Jlrob9697@aol.com

575-390-7446

#### State of New Mexico Energy, Minerals and Natural Resources Department

Michelle Lujan-Grisham Governor

Melanie A. Kenderdine

**Albert Chang** Cabinet Secretary Division Director Oil Conservation Division



**Ben Shelton** Deputy Secretary

**Erin Taylor** Deputy Secretary

#### ELECTRONIC MAIL ONLY

July 30, 2025

Ms. Michelle Kuhn J&L Landfarm, Inc. PO Box 356 Hobbs, NM 88241 ilrob9697@aol.com

RE: Minor Modification Request for J&L Landfarm, Inc., Permit NM1-23

Dear Ms. Kuhn:

The Oil Conservation Division (OCD) has completed a review of the minor modification application submitted on July 15, 2025, by J&L Landfarm, Inc. (J&L) for Permit NM1-23. J&L requests "...that all cells within the Landfarm, including those constructed prior to 2007, be brought under the regulatory requirements set forth in the 2007 update to the Landfarm rules (per 19.15.36 NMAC)." The OCD has considered the request and has modified the below permit conditions of NM1-23 as follows:

#### LANDFARM OPERATION

- 3. Soils will be spread on the surface in six-inch lifts or less. The OCD is modifying this condition to allow for lifts to be eight-inch or less or approximately 1000 cubic yards per acre per eight-inch lift.
- 6. 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), the sum of all aromatic hydrocarbons (BTEX) is less than 50 ppm, and benzene is less than 10 ppm. Comprehensive records of the laboratory analyses and the sampling locations will be maintained at the facility. Authorization from the OCD will be obtained prior to application of successive lifts and/or removal of the remediated soils. The OCD is modifying this permit condition; J&L must meet the requirements for treatment zone monitoring as established in 19.15.36.15.D NMAC.

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#### TREATMENT ZONE MONITORING

- 2. A treatment zone not to exceed three (3) feet beneath the landfarm native ground surface will be monitored. 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. The OCD is modifying this permit condition to require that vadose zone samples be collected from soils between three and four feet below the cell's original ground service. The samples collected and analyzed must be a minimum of four randomly selected, independent samples from the vadose zone. Instead of quarterly sampling, J&L must conduct the semi-annual and five year monitoring as specified in 19.15.36.15.E NMAC.
- 3. The soil samples will be analyzed using EPA-approved methods for total petroleum hydrocarbons (TPH) and volatile aromatic organics (BTEX) quarterly and for major cations/anions and eight (8) RCRA heavy metals annually. The OCD is modifying this permit condition to require semi-annual testing for TPH, BTEX, and chlorides. In addition, the five year monitoring program requires sampling for the constituents listed in Subsections A and B of 20.6.2.3103 NMAC. J&L must use the test methods specified in 19.15.36.15.F NMAC for the sampling events.

#### **CLOSURE**

2.f Closure will be pursuant to all OCD requirements in effect at the time of closure, and any other applicable local, state and/or federal regulations. The OCD is modifying this section to require that closure and post-closure be conducted in accordance with the applicable parts of 19.15.36.15 NMAC and 19.15.36.18 NMAC.

Note, all other permit conditions of NM1-23 remain in effect and J&L must continue to comply with the applicable transitional provisions of 19.15.36.20 NMAC. Furthermore, the above approved permit modifications does not relieve J&L of any deficiencies identified in the Notice of Violation (NOV) issued on March 28, 2025. As a reminder, the OCD is still waiting to receive the NOV required operational and maintenance plan, sampling and monitoring plan, waste acceptance plan, and a closure/post-closure plan to determine the adequacy of financial assurance. J&L must provide a status update on when these plans will be submitted to the OCD.

If there are any questions regarding this matter, please do not hesitate to contact me at (505) 549-5583 or <u>Joseph.Kennedy@emnrd.nm.gov</u>.

Respectfully,

Joe Kennedy • Environmental Scientist Specialist - Advanced

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

CONDITIONS

Action 485294

#### **CONDITIONS**

Operator:	OGRID:
J&L LANDFARM INC	195303
PO Box 356	Action Number:
Hobbs, NM 88241	485294
	Action Type:
	[C-137] SWMF Minor Modification (C-137A)

#### CONDITIONS

С	reated By	Condition	Condition Date
j	oseph.kennedy	Please see email sent to Michelle Kuhn at jlrob9697@aol.com on July 30, 2025, for conditions of approval.	7/30/2025