

From: [Weaver, Crystal, EMNRD](#)
To: ["Christine Alderman"](#); ["Michael Martin"](#)
Cc: [Bratcher, Mike, EMNRD](#); [Naranjo, Mark](#)
Subject: RE: Darner 9 St #1
Date: Thursday, March 1, 2018 1:13:00 PM

RE: Cimarex now owned by Percussion Petroleum * Darner 9 State #1 battery * 30-015-37633 * 2RP-4196

Greetings:

This request for closure is **denied**.

No closure will be granted for this release case until a proper effort of investigation, delineation and remediation is achieved/proposed.

- First of all the bore holes are both almost all the way on the edge of the containment or actually on the bermed area of the containment according to the photos attached and the site map provided in the report that was provided to OCD on 11/28/17.
- There is still no mention or indication that any further removal of all of the rest of the fill material that was impacted by the contamination around the area where the point of release actually occurred from the tank leaking or anywhere else within the battery since original efforts were made by Cimarex some time around 5/18/17. Which at that time Cimarex only removed a small portion of the fill material.
- This battery has been repeatedly released in according to observations by OCD when onsite and also based on photos taken by both OCD and Cimarex it appears that the fill material was not removed during any of those previous releases that must have occurred before this one.
- Furthermore, only after closure is requested is an offer provided to actually fully inspect the liner (stated in the report provided on 11/28/17)??? How would that be possible to get closure before a FULL liner inspection was ever even done?
- How do we know there are not any additional holes in this liner additional to the ones that OCD has already found.
- Multiple holes were found by OCD and documented by photos OCD took 6/19/17 of the liner yet delineation of those areas are not represented in this report.

Here is what is going to be done if closure is actually expected to be achieved for this release.

- FULL removal of fill material will be required.
- FULL liner inspection will be required.
- FULL delineation will be required at any point where a breach in the liner exists no matter whether it be even as small as a pinhole. Lab data needs to be provided as evidence of delineation efforts.
- Statement that whole liner was properly inspected and that FULL delineation/remediation on any breached areas of the liner were completed. Confirmation samples will be required if remediation excavation is conducted.
- Following, remediation efforts at locations where liner was breached, said areas of the liner will then need to be repaired and statements made regarding verification that the liner was repaired will be required.

FULL replacement of fill material with new fresh fill material will be required.

- Photo documentation of all of these efforts would be preferential.

If the requested process that I have mentioned above is not agreeable then OCD will alternatively require that this battery be completely removed and liner be completely lifted and full delineation sampling be conducted for the entire area of where the entire lined containment of the battery sat.

Any additional requirements the State Land Office (SLO) may have for this location will need to be discussed with them. I have included Mark Naranjo from SLO on this submission.

If any confusion regarding the discussions or determinations regarding this site remain I encourage that the OCD website be reviewed because all history regarding this case either already has been uploaded or will be uploaded onto the website including up to this submission sent today.

Since Percussion Petroleum owns this location now, according to OCD, they are the point of contact going forward on getting this spill release case closed out. If Percussion needs to discuss with Cimarex or has any agreements with Cimarex regarding this site please advise otherwise OCD will be communicating with Percussion Petroleum exclusively as the responsible operator for the remediation of this release.

Please provide a plan to move this project forward by no later than 3/16/18.

Thank you,

Crystal Weaver

Environmental Specialist

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From: Christine Alderman [mailto:calderman@cimarex.com]

Sent: Tuesday, November 28, 2017 2:00 PM

To: Groves, Amber <agroves@slo.state.nm.us>; Weaver, Crystal, EMNRD <Crystal.Weaver@state.nm.us>; Bratcher, Mike, EMNRD <mike.bratcher@state.nm.us>

Subject: Darner 9 St #1

Amber/Crystal/Mike,

Here is the information requested on the spill at the Darner #1.

Also,

I spoke with the production foreman on the spill in question from 2014 (RP2-2391). This was a lightning strike and it was reported that 150 bbls of produced water were released and 149 bbls were recovered from the lined berm. The foreman said he recalled very little if any fluids leaving the containment except perhaps a mist. We believe, due to the recovery of 149 bbls, that the 5 bbls was an error and it was meant to read 1 bbl. This area was also scraped when the spill occurred, and the top layer of caliche was disposed of.

Please let me know if you have any questions.

Respectfully,

Christine Alderman

Cimarex Energy Co.



ESH Supervisor – Permian Basin

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