

## Venegas, Victoria, EMNRD

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**From:** Venegas, Victoria, EMNRD  
**Sent:** Tuesday, December 17, 2019 9:10 AM  
**To:** Fields, Jon; Miro, Alena; Bratcher, Mike, EMNRD  
**Cc:** EMNRD-OCD-District1spills; CFO\_Spill, BLM\_NM; 'David J. Adkins'  
**Subject:** Enterprise 1009 Line Strike 1RP-5269  
**Attachments:** (C-141 remediation Plan) Denied 1RP-5269 Lea County Line 1009 12.17.19.pdf

### Enterprise 1009 Line Strike 1RP-5269

Mr. Fields,

OCD has received your Remediation Plan and a Variance Request PO#: 82QY6-190823-C-1410 for Enterprise 1009 Line Strike 1RP-5269, thank you. This proposal is denied for the following:

- As a matter of form, OCD requires Enterprise to address the footprint of the entire affected area. OCD does not accept Enterprise's proposal that "the overspray area was to be addressed by the operator responsible for the pipeline strike". Enterprise is the responsible party for the entire affected area and, as such, the remediation proposal for the overspray area must be included in the Remediation Plan for this site.
- The entire release was in the pasture. By rule 19.15.29.13.D(1): The reclamation must contain a minimum of four feet of non-waste containing, uncontaminated, earthen material. Caliche is not acceptable for this site.
- Also, note that OCD no longer uses the Risk Based Ranking System to determine the degree of remediation required at any given site. Please refer to NMAC19.15.29:  
<http://164.64.110.134/parts/title19/19.015.0029.html>.
- OCD recommends more sample points be taken in areas between S4 and SP-8 (~180 feet) and between SP-8 and S3 (~300 feet). Also, more sample points are required to delineate the overspray area completely.
- In Table 12-11-18 Laboratory Report, Geoprobe Sampling, BTEX and GRO+DRO concentration at sample B1 @16 feet are over limit. More delineation is needed.
- In Table 1-21-19 Laboratory Report, BTEX and GRO+DRO concentration at sample SP-4 @6 feet are over limit. More delineation is needed.
- The venting system proposal seems not to be adequate for this site. Venting boreholes need to be on an approximate 5 feet spacing throughout the affected area.
- The variance request to install a 20-mil liner "to encapsulate the remaining petroleum impacts below 4-feet deep" is not approved. Of particular concern, is the lighter end hydrocarbons that have been determined to exist at significant depths.

For further clarifications regarding the implementation of the spill rule, visit the OCD

website: <http://www.emnrd.state.nm.us/OCD/documents/OCDInternalPolicy-SpillRuleClarifications.pdf>

Regards,

Victoria Venegas  
EMNRD  
OCD-District II  
Artesia NM  
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OCD approval does not relieve the operator of liability should their operations fail to adequately investigate and remediate contamination that may pose a threat to groundwater, surface water, human health or the environment. In addition, OCD approval does not relieve the operator of responsibility for compliance with any other federal, state, or local laws and/or regulations.