

Venegas, Victoria, EMNRD

From: Venegas, Victoria, EMNRD
Sent: Monday, January 6, 2020 7:36 AM
To: 'David Cain'
Subject: RE: State 20B Battery Longfellow Energy LP 2RP-5158
Attachments: 31. (C-141 Remediation Plan) Deferral Approved Longfellow Energy -State 20B Battery 2RP-5158.pdf

State 20B Battery Longfellow Energy LP 2RP-5158

Mr. Cain,

I apologize for my mistake. This site has been fully delineated according to the closure standards in Table I of NMAC 19.15.29 for depth to groundwater to 51'-100'. This deferral request is approved.

Again, I apologize for any confusion this may have cause.

Regards,

Victoria Venegas
EMNRD
OCD-District II
Artesia NM
Victoria.Venegas@state.nm.us

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.

From: David Cain <david.cain@longfellowenergy.com>
Sent: Friday, January 3, 2020 4:44 PM
To: Venegas, Victoria, EMNRD <Victoria.Venegas@state.nm.us>
Subject: [EXT] RE: State 20B Battery Longfellow Energy LP 2RP-5158

Hi Victoria,

Could you help me understand why this request was denied?

On the attached chart which is page 77 table 1 on my submittal. It is showing the SB-LS20-04. 3-4 sample as being over the limit and then the next three deeper samples (5-6 , 6-7, and 7-8) all being under the limit. Does this not constitute delineation?

I am assuming you agree with the groundwater depth being 76' and the closure criteria being within the 51'-100' closure category on table 1 of [19.15.29.12](#).

Thank you,

David Cain
Engineering Technologist & Regulatory Specialist

O. 214.265.4715 | Ext. 1715
16803 Dallas Pkwy | Addison, TX 75001



From: Venegas, Victoria, EMNRD <Victoria.Venegas@state.nm.us>

Sent: Friday, January 3, 2020 4:57 PM

To: David Cain <david.cain@longfellowenergy.com>; Bratcher, Mike, EMNRD <mike.bratcher@state.nm.us>; Hamlet, Robert, EMNRD <Robert.Hamlet@state.nm.us>; Eads, Cristina, EMNRD <Cristina.Eads@state.nm.us>

Cc: Mann, Ryan <rmann@slo.state.nm.us>; Monte Bell <Monte.Bell@riatacg.com>

Subject: [EXTERNAL] State 20B Battery Longfellow Energy LP 2RP-5158

State 20B Battery Longfellow Energy LP 2RP-5158

Mr. Cain,

OCD has received your Deferral Request for State 20B Battery Longfellow Energy LP 2RP-5158, thank you. This deferral is DENIED for the following:

- The release has not been fully delineated. On page 77, Table 1, concentration values for TPH and GRO+DRO are over limit @Sample point SB-LS20-04, 5-6. By Rule NMAC [19.15.29.12](#): "The DEFERRAL may be granted so long as the contamination is fully delineated and does not cause an imminent risk to human health, the environment or ground water"
- OCD requests this site be fully delineated to closure standards in Table I of 19.15.29. All samples must be under the limit to verify the spill has been vertically delineated before we can approve a deferral. Lab data needs to be provided as evidence of delineation efforts.

Regards,

Victoria Venegas
EMNRD
OCD-District II
Artesia NM
Victoria.Venegas@state.nm.us

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