

## Venegas, Victoria, EMNRD

**From:** Venegas, Victoria, EMNRD  
**Sent:** Thursday, March 19, 2020 8:15 PM  
**To:** 'Beaux Jennings'; Fields, Jon; Spore, Christopher; Hamlet, Robert, EMNRD; Eads, Cristina, EMNRD; Bratcher, Mike, EMNRD  
**Cc:** Mann, Ryan; Liz Scaggs  
**Subject:** RE: NRM1928237767 THISTLE 44 STATION @ FRM1928236955

**RE: NRM1928237767 THISTLE 44 STATION @ FRM1928236955**

Hi Mr. Jennings,

Thank you for the clarification on the remediation process on this site. As far as I understand, CS samples were taken from the bottom of the excavation @2feet after the impacted soil was removed with a hydrovac, but still, some samples are over the limit. For example, the TPH concentration at sample point CS-11 is 42200 mg/kg (see table below). The allowed concentration values for this site, with DWG 20 feet, are TPH 100 mg/kg, BTEX 50 mg/kg, and Benzene 10 mg/kg. Additional remediation efforts are required for this site. All samples must be under the closure criteria to approve this closure.

CS-10	10/7/2019	2	17.7Benzene	108	39.7	139	304BTEX	4,950	12,500	1,250	18,700TPH	NS
Re-CS-10	10/15/2019	2	<0.000384	<0.000455	<0.000564	0.00184 J	0.00184 J	<15.0	<15.0	<15.0	<15.0	6.31
CS-11	10/7/2019	2	67.5	310	90.5	287	755	13,600	26,200	2,380	42,200	NS
CS-12	10/7/2019	2	6.73	46.4	22.6	73.0	149	3,500	13,400	1,310	18,200	NS
CS-13	10/7/2019	2	<0.00201	<0.00201	<0.00201	<0.00201	<0.00201	<49.9	388	157	545	NS
CS-14	10/7/2019	2	15.1	139	59.1	187	400	6,830	13,300	1,230	21,400	28.6

Thank you,

Victoria Venegas  
State of New Mexico  
Energy, Minerals, and Natural Resources  
Oil Conservation Division  
811 S. First St., Artesia NM 88210  
(575) 748-1283  
[Victoria.Venegas@state.nm.us](mailto: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.

you,

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**From:** Beaux Jennings <bjennings@ensolum.com>  
**Sent:** Thursday, March 19, 2020 9:35 AM  
**To:** Venegas, Victoria, EMNRD <Victoria.Venegas@state.nm.us>; Fields, Jon <JEFIELD@eprod.com>; Spore, Christopher <caspo@eprod.com>; Hamlet, Robert, EMNRD <Robert.Hamlet@state.nm.us>; Eads, Cristina, EMNRD

<Cristina.Eads@state.nm.us>; Bratcher, Mike, EMNRD <mike.bratcher@state.nm.us>

Cc: Mann, Ryan <rmann@slo.state.nm.us>; Liz Scaggs <lscaggs@ensolum.com>

Subject: [EXT] RE: NRM1928237767 THISTLE 44 STATION @ FRM1928236955

Ms. Venegas,

Please see the response to your comments below in red. If you have any questions, please let us know.

Thank you,

-Beaux

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From: Venegas, Victoria, EMNRD <[Victoria.Venegas@state.nm.us](mailto:Victoria.Venegas@state.nm.us)>

Sent: Thursday, March 12, 2020 12:54 PM

To: Fields, Jon <[JEFFIELDS@eprod.com](mailto:JEFFIELDS@eprod.com)>; Spore, Christopher <[caspo@eprod.com](mailto:caspo@eprod.com)>; Hamlet, Robert, EMNRD <[Robert.Hamlet@state.nm.us](mailto:Robert.Hamlet@state.nm.us)>; Eads, Cristina, EMNRD <[Cristina.Eads@state.nm.us](mailto:Cristina.Eads@state.nm.us)>; Bratcher, Mike, EMNRD <[mike.bratcher@state.nm.us](mailto:mike.bratcher@state.nm.us)>

Cc: Mann, Ryan <[rmann@slo.state.nm.us](mailto:rmann@slo.state.nm.us)>; Beaux Jennings <[bjennings@ensolum.com](mailto:bjennings@ensolum.com)>; Liz Scaggs <[lscaggs@ensolum.com](mailto:lscaggs@ensolum.com)>

Subject: NRM1928237767 THISTLE 44 STATION @ FRM1928236955

**NRM1928237767 THISTLE 44 STATION @ FRM1928236955**

Mr. Fields,

The OCD has denied the submitted Closure Report C-141 for incident # **NRM1928237767 THISTLE 44 STATION @ FRM1928236955** for the following reasons:

- Sample CS-11 is over limit for TPH, BTEX and Benzene.  
During initial excavation activities, five (5) confirmation soil samples (CS-9 through CS-14) were taken near the release point from the bottom of the excavation area inside the pipeline trench at approximately two (2) feet below ground surface (bgs). Due to the exceedances observed at the five (5) confirmation soil samples (CS-9 through CS-14), these impacted areas were removed with a hydrovac to expose the limestone layer at two (2) feet bgs. The limestone underneath and surrounding the pipelines was immovable. In addition to the vertical removal of the original excavation (where CS-9 through CS-14 were collected), the boundary of the original excavation area was removed horizontally, as depicted on Figure 4, Site Map B. Therefore, additional samples were taken on the bottom of the side walls of the expanded excavation at approximately two (2) feet bgs and on top of the limestone layer (Re-CS-10, Re-CS-14 and CS-15 through CS-18). Please see the attached photos, Figure 4 and Table 1 (attached).
- Sample CS-12 is over limit for TPH and BTEX.  
See previous response.
- Sample CS-13 is over limit for TPH. A closure report cannot be approved if contaminated soil is still in place. TPH concentration for samples CS-11 and CS-12 is extremely high. If rock refusal interferes with the remediation process, use a back-hoe/track-hoe to remove the rock. If the rock is immovable and target depth cannot be reached, use a hydrovac to clean the contaminated soil off of the rock surface and outline specific locations and steps taken on the Closure Report. Provide photos of the excavation.  
See previous response.
- Per Rule [19.15.29.12. D. \(1\)](#) *The responsible party must test the remediated areas for contamination with representative five-point composite samples from the walls and base, and individual grab samples from any wet*

*or discolored areas.* Additional remediation efforts are required for this site. All samples must be under the closure criteria for this site.

Based on the above mentioned Rule [19.15.29.12. D. \(1\)](#), grab samples were taken from wet and discolored areas on the walls and base where applicable throughout the excavation and flow path areas. Areas that were sampled and came back above the closure criteria in the original excavation area were over excavated and resampled, as indicated on Figure 4 and Table 1 (attached).

The Denied C-141 can be found in the online image file. Please review and make the required correction prior to resubmitting through the fee portal.

Thank you,

Victoria Venegas  
State of New Mexico  
Energy, Minerals, and Natural Resources  
Oil Conservation Division  
811 S. First St., Artesia NM 88210  
(575) 748-1283  
[Victoria.Venegas@state.nm.us](mailto:Victoria.Venegas@state.nm.us)

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