

Venegas, Victoria, EMNRD

From: Venegas, Victoria, EMNRD
Sent: Monday, March 23, 2020 5:14 PM
To: 'Beaux Jennings'; Hamlet, Robert, EMNRD; Bratcher, Mike, EMNRD; Eads, Cristina, EMNRD
Subject: RE: NRM1928237767 THISTLE 44 STATION @ FRM1928236955

RE: NRM1928237767 THISTLE 44 STATION @ FRM1928236955

Mr. Jennings,

I think we have a misunderstanding in this regard, or maybe I was not clear enough. You were asked to use a hydrovac to clean the contaminated soil. It is clear that contamination must be removed by any possible method. There is no way we can approve a closure where the depth to water is approximately 20 feet and the TPH concentration is 42200 mg/kg @CS-11. That is the rule. If you disagree with my decision, or want a second opinion, you can ask for another reviewer to review this report.

I'm copying my supervisor Bratcher, Mike, EMNRD mike.bratcher@state.nm.us in this email.

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

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: Beaux Jennings <bjennings@ensolum.com>
Sent: Monday, March 23, 2020 12:43 PM
To: Venegas, Victoria, EMNRD <Victoria.Venegas@state.nm.us>
Subject: [EXT] RE: NRM1928237767 THISTLE 44 STATION @ FRM1928236955

Ms. Venegas,

The initial area can't be resampled because there's a limestone layer beneath where the initial samples were taken. As you previously stated below, *"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."* That's exactly what we did during the response action activities. I hope this helps to clarify things a bit better.

Thank you,

-Beaux

From: Venegas, Victoria, EMNRD <Victoria.Venegas@state.nm.us>
Sent: Monday, March 23, 2020 12:00 PM
To: Beaux Jennings <bjennings@ensolum.com>
Subject: RE: NRM1928237767 THISTLE 44 STATION @ FRM1928236955

Good morning Mr. Jennings,

Here is the conundrum that I have with this:

On Sep 27, the area marked in figure 4 was excavated to 2 feet and samples CS-9 through CS-14 were taken from the bottom of the excavations. Am I right?

When you say: "we removed all of the impacted soil and took additional CS samples (Re-CS-10, Re-CS-14 and CS-15 through CS-18) on October 15, 2019 (Figure 5)" the question that I have is: If you removed the soil, did you resample the area marked in figure 4 to make sure that sample points CS-9 through CS-14 were clean?

In Figure 5, additional samples (Re-CS-10, Re-CS-14, and CS-15 through CS-18) were taken more than 10 feet from the initials (CS-9 through CS-14). So again, can you clarify if the area in Figure 4 is below the limit? If so, I can close this incident, but if the area was not resampled, I'm afraid I can't. Please clarify

I am sorry for this misunderstanding.

You have a good day,

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From: Beaux Jennings <bjennings@ensolum.com>
Sent: Monday, March 23, 2020 9:48 AM
To: Venegas, Victoria, EMNRD <Victoria.Venegas@state.nm.us>; Fields, Jon <JEFIELDS@eprod.com>; Spore, Christopher <caspore@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 attached figures and table for Thistle 44 Station. I just wanted to clarify our remediation process of the spill area. The initial CS samples (CS-9 through CS-14) were taken from the bottom of the spill area on October 7, 2019 (Figure 4). Once we received the analytical back from the lab showing the initial CS samples (CS-9 through CS-14) were over the limits, we removed all of the impacted soil and took additional CS samples (Re-CS-10, Re-CS-14 and CS-15 through CS-18) on October 15, 2019 (Figure 5). In short, all of the impacted soil represented by the initial CS samples (CS-9 through CS-14) has been removed from the area. I hope this helps to clarify our remediation process and removal of all impacted soil at the Thistle 44 Station. Please let us know if you have any questions.

Thank you,

-Beaux

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

Sent: Thursday, March 19, 2020 9:15 PM

To: Beaux Jennings <bjennings@ensolum.com>; Fields, Jon <JEFIELDS@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: 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,

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you,

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 <JEFIELDS@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

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

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

To: Fields, Jon <JEFFIELDS@eprod.com>; Spore, Christopher <caspore@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>; Beaux Jennings <bjennings@ensolum.com>; Liz Scaggs <lscaggs@ensolum.com>

Subject: NRM1928237767 THISTLE 44 STATION @ FRM1928236955

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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,

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