

Venegas, Victoria, EMNRD

From: Venegas, Victoria, EMNRD
Sent: Friday, April 24, 2020 10:35 AM
To: 'Littrell, Kyle'; Hamlet, Robert, EMNRD; Bratcher, Mike, EMNRD; Eads, Cristina, EMNRD
Cc: Ashley Ager; Baker, Adrian; Mann, Ryan
Subject: RE: NCE2002450037 ROSS DRAW CDP @ A-32-26S-30E

Mr. Littrell,
Please see the answer below (in blue).

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: Littrell, Kyle <Kyle_Littrell@xtoenergy.com>
Sent: Thursday, April 23, 2020 11:58 AM
To: Venegas, Victoria, EMNRD <Victoria.Venegas@state.nm.us>; Hamlet, Robert, EMNRD <Robert.Hamlet@state.nm.us>; Bratcher, Mike, EMNRD <mike.bratcher@state.nm.us>; Eads, Cristina, EMNRD <Cristina.Eads@state.nm.us>
Cc: Ashley Ager <aager@ltenv.com>; Baker, Adrian <Adrian_Baker@xtoenergy.com>; Mann, Ryan <rmann@slo.state.nm.us>
Subject: [EXT] RE: NCE2002450037 ROSS DRAW CDP @ A-32-26S-30E

Victoria,

Can you please review the following clarifications and reconsider your denial:

The chloride impacts in the Kinder Morgan Ford Lateral CO₂ pipeline ROW has not been fully delineated.

- Figure 4 presents failing excavation samples (FS43, FS46, FS66, FS67, FS68, FS69, FS70, FS71, and FS72) collected from 0.5 feet bgs in the pipeline ROW. The failing excavation samples are surrounded by 17 delineation boreholes from which two soil samples were collected. All of the delineation borehole soil samples, which range in depth from 1 foot to 2 feet bgs, meet the reclamation standard. The chloride impacts remaining in the pipeline ROW and requested for deferral are delineated to less than 600 mg/kg at 1 foot bgs.
- *The report says: "In the 138 confirmation samples, chloride concentrations were compliant with the Closure Criteria, with the exception of FS15, FS16, FS41, FS41A, FS42, FS43, FS46, FS66 through FS81, FS103 through FS106, FS108 through FS112, FS114 through FS117"* Please note that is the 23% of all samples and not an exception.
- It is not clear in the report, Page 4 EXCAVATION ANALYTICAL RESULTS, if the contaminated soil was removed @ on-pad sample points FSA15-A, FS16-A, FS41-A-B, FS42-A, FS43 and FS46.

Background samples from a road is not acceptable. Background needs to come from completely undisturbed area. A grab, not composite, sample(s) should be gathered in areas undisturbed by oil and gas activities, nominally uphill from the release area, and no closer than 50 feet but no farther than 100 feet from the lateral and horizontal extents of a release's impact.

- Please note that the background chloride argument applies to the road only and not the pipeline ROW. We are requesting deferral of impacts in the pipeline ROW with delineation of those impacts to the reclamation standard. A separate consideration is that elevated chloride in confirmation samples collected from the road are comparable to samples collected from the same road base material outside the release extent. Those elevated concentrations are not native and we do not want to compare them to native soil samples. The argument we tried to make is that the material previously used to construct the road already contains elevated chloride, as documented by samples BG01 and BG02. BG01 and BG02 are discrete samples collected outside, but within 50 to 100 feet, of the release extent, in the road base material. Results from confirmation samples collected from the road base material that exceed 600 mg/kg chloride (samples FS73-FS84, FS103-FS106, FS108-FS112, and FS114-FS117) are consistent with chloride concentrations detected in the road base material that have not been affected by the release (BG01 and BG02). XTO has removed soil in the road impacted by the release and any remaining elevated chloride concentrations in the road are the result of the material used to construct the road containing high chloride.
- We cannot accept the background samples be taken from a road. No one can guarantee that the high chloride concentration on the road is due to the road base material. Water and Oil haul trucks run up and down those roads leaking fluids all over. Could be illegal dumping or just about anything. As the Spill Rule clarification says, background needs to come from completely undisturbed area. OCD disagree with the argument that "*any remaining elevated chloride concentrations are the result of the material used to construct the road containing high chloride*"
- The lease road is considered off-pad and is subject to the 4 feet reclamation standard. The lease road cannot be deferred.
- OCD agrees that the pipeline ROW area could be deferred until final pipeline abandonment as long as the lease road meets the remediation standard for this site.
- Finally, I want to apologize because I did not include the background explanation in my previous email.

If you have additional questions or require more clarification, please let me know. Thank you. –Kyle

Kyle Littrell

Safety, Health & Environmental Supervisor
Permian Business Unit

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

Sent: Wednesday, April 22, 2020 3:21 PM

To: Littrell, Kyle <Kyle.Littrell@xtoenergy.com>; Hamlet, Robert, EMNRD <Robert.Hamlet@state.nm.us>; Bratcher, Mike, EMNRD <mike.bratcher@state.nm.us>; Eads, Cristina, EMNRD <Cristina.Eads@state.nm.us>

Cc: Ashley Ager <aager@ltenv.com>; Baker, Adrian <Adrian.Baker@xtoenergy.com>; Mann, Ryan <rmann@slo.state.nm.us>

Subject: NCE2002450037 ROSS DRAW CDP @ A-32-26S-30E

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Mr. Littrell,

The OCD has denied the Deferral request for incident # NCE2002450037 ROSS DRAW CDP @ A-32-26S-30E for the following reasons:

- The chloride impacts in the Kinder Morgan Ford Lateral CO₂ pipeline ROW has not been fully delineated. Background samples from a road is not acceptable. Background needs to come from completely undisturbed area. A grab, not composite, sample(s) should be gathered in areas undisturbed by oil and gas activities, nominally uphill from the release area, and no closer than 50 feet but no farther than 100 feet from the lateral and horizontal extents of a release's impact.

The signed C-141 can be found in the online image data base under the incident #

Thank you,

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