

## Venegas, Victoria, EMNRD

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**From:** Venegas, Victoria, EMNRD  
**Sent:** Thursday, August 20, 2020 3:11 PM  
**To:** Fields, Jon; Bratcher, Mike, EMNRD; Hamlet, Robert, EMNRD; Eads, Cristina, EMNRD  
**Cc:** Ashley Maxwell  
**Subject:** NRM2006951654 58481 WQU PIPELINE @ H-20-22S-26E 0N 0E

### **NRM2006951654 58481 WQU PIPELINE @ H-20-22S-26E 0N 0E**

Mr. Fields,

The OCD has denied the submitted Variance Request for incident # NRM2006951654 58481 WQU PIPELINE @ H-20-22S-26E 0N 0E for the following reasons:

- SMA/Enterprise requests a variance of 19.15.29.12(D)(1)(c) NMAC to collect 19 closure samples in the overspray area that encompasses approximately 36,800 square feet, i.e. one sample every 2000 square feet. SMA/Enterprise proposes to use the Visual Sample Plan (VSP) software tool, which was created by the Department of Energy. Considering that the release occurred in a tributary that flows directly to a significant watercourse, and is located within a 100-year floodplain in a critical karst occurrence potential area, the OCD believes that the proposed variance does not provide equal or better protection of freshwater, public health and the environment -19.15.29.14.A.(1) & (2) NMAC-.

Thank you,

Victoria Venegas  
State of New Mexico  
Energy, Minerals, and Natural Resources  
Oil Conservation Division  
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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.