



November 27, 2023

Brittany Hall
Projects Environmental Specialist
Oil Conservation Division
New Mexico Energy, Minerals and Natural Resources Department
1220 South St. Francis Drive
Santa Fe, NM 87505

**Re: Release Characterization and Remediation Work Plan
ConocoPhillips Company
James A Com #001 Release
Unit Letter O, Section 2, Township 22 South, Range 30 East
Eddy County, New Mexico
Incident ID# NAB1722132401**

Ms. Hall,

Tetra Tech, Inc. (Tetra Tech) was contacted by ConocoPhillips Company (ConocoPhillips) to assess a historic release at the James A Com #001 Release (API No. 30-015-10806). The release footprint is located in Public Land Survey System (PLSS) Unit Letter O, Section 2, Township 22 South, and Range 30 East, in Eddy County, New Mexico (Site). The approximate release point occurred at coordinates 32.4157257°, -103.8494339°, as shown on Figures 1 and 2.

BACKGROUND

According to the State of New Mexico Oil Conservation Division (NMOCD) C-141 Initial Report, the release was discovered on August 3, 2017. The C-141 reports that the release was found originating from a tank overflow event. Approximately 10 barrels (bbls) of produced water were released and 0 bbls of produced water were recovered. The NMOCD approved the initial C-141 on August 8, 2017, and subsequently assigned the release the Incident ID NAB1722132401. The initial C-141 form is included in Appendix A.

This incident is included in an Agreed Compliance Order-Releases (ACO-R) between ConocoPhillips and the NMOCD signed on May 7 and 9, 2019, respectively.

LAND OWNERSHIP

According to the NMOCD Oil and Gas Map, the Site is located on State Trust Lands. A review of the New Mexico State Land Office (NMSLO) Land Status Map was completed, and the Site is located within active oil and gas lease K032710001, which is listed under ConocoPhillips Company. Based on guidance provided by the NMSLO, as the release footprint is located on an active oil and gas lease, and the footprint is wholly located within the boundaries of the active oil and gas lease, no Remediation Right of Entry (ROE) is required at the Site.

CULTURAL PROPERTIES PROTECTION

Tetra Tech, on behalf of ConocoPhillips, contracted SWCA Environmental Consultants (SWCA) to conduct an Archeological Resources Management Section (ARMS) review in the release area to comply with 19.2.24 NMAC. On October 10, 2023, SWCA completed a literature and file search using the State of New

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Mexico's New Mexico Cultural Resources Information System online database which included a review of known historic resources, including the built environment, archaeological sites, and State/National Register listed properties.

In the review, SWCA found the area surrounding the site footprint (radius of 500 meters) has been subject to twenty-six (26) cultural resource surveys, nine (9) of which are qualifying. Three (3) previously recorded sites are located outside of the project area but within the 500-m search buffer. The project area is entirely located on NMSLO-managed lands and is covered by one (1) qualifying survey conducted within the last ten years (NMCRIIS Activity No. 127366) and is located on previously disturbed land from oil and gas construction activities.

All remediation work will remain within the previously qualifying survey area and approved existing disturbance. If cultural materials are identified during ground disturbing activities, work will be stopped and the NMSLO will be contacted. A copy of the ARMS letter is included in Appendix B.

SITE CHARACTERIZATION

A site characterization was performed and no sinkholes, residences, schools, hospitals, institutions, churches, springs, private domestic water wells, playa lakes, stream bodies, wetlands, incorporated municipal boundaries, subsurface mines, or floodplains are located within the distances specified in 19.15.29 New Mexico Administrative Code (NMAC). The Site is in an area of high karst potential.

There are no water wells listed in the New Mexico Office of the State Engineer (NMOSE) database located within approximately ½ mile (800 meters) of the Site. According to data from one (1) water well listed in the NMOSE database within approximately 3.2 miles (5,158 meters) of the Site, the minimum depth to groundwater is 1,054 feet bgs. The site characterization data is presented in Appendix C.

REGULATORY FRAMEWORK

Based upon the release footprint, the depth to water boring, and in accordance with Subsection E of 19.15.29.12 NMAC, per 19.15.29.11 NMAC, the site characterization data was used to determine recommended remedial action levels (RRALs) for benzene, toluene, ethylbenzene, and xylene (collectively referred to as BTEX), total petroleum hydrocarbons (TPH), and chlorides in soil.

Based on the site characterization conducted and in accordance with Table I of 19.15.29.12 NMAC, the RRALs for the Site are as follows:

Constituent	Site RRAL
Chloride	600 mg/kg
TPH (GRO+DRO+MRO)	100 mg/kg
BTEX	50 mg/kg
Benzene	10 mg/kg

2020 VISUAL SITE INSPECTION AND CLOSURE REQUEST

Tetra Tech, on behalf of ConocoPhillips, conducted a records review and a visual inspection of the release in 2020. COP representatives provided general information and an approximate release area footprint. On June 11, 2020, Tetra Tech personnel were onsite to evaluate the release area. No existing evidence of the release footprint on the pad or adjacent lease roads was observed. Based on anecdotal information, some remedial action had been performed at the site. Evidence of earthwork reported by ConocoPhillips at the release area was observed during the inspection. The containment berm appeared recently constructed, and clean soil and gravel piles were observed near the tank on the pad. The approximate release extent is presented in Figure 3.

Tetra Tech completed a Closure Letter Report dated October 15, 2020, and submitted the report to NMOCD as part of the ACO submittals via the online file sharing platform CentreStack. A copy of the Closure Letter Report is available in the NMOCD online incident files.

The Closure Letter Report was rejected by NMOCD on April 18, 2023, with the following comments:

- *"Closure for this incident is not approved.*
- *The OCD requires that this release be Remediated according to 19.15.29.12 NMAC and 19.15.29.13 NMAC as they apply to this release and resubmit a closure report by 07/17/2023."*

An extension request for this incident was submitted to the NMOCD on September 22, 2023. The extension was approved on September 25, 2023, for a due date of December 1, 2023. Regulatory correspondence is included in Appendix D.

ADDITIONAL SITE ASSESSMENT

ConocoPhillips, Tetra Tech, and NMOCD had a Microsoft Teams meeting on September 20, 2023, to discuss the selected ACO incidents. During this call, NMOCD indicated that open incidents without approved work plans need to be assessed in accordance with 19.15.29.11 NMAC.

Thus, Tetra Tech personnel were onsite on October 9, 2023, to conduct assessment activities at the Site. Three (3) hand auger borings were installed within the apparent release extent to 3 feet bgs (AH-1) and 4 feet bgs (AH-2 and AH-3) to achieve vertical delineation. Four (4) hand auger borings (AH-4 through AH-7) were installed to 1-foot bgs around the perimeter to achieve horizontal delineation. Boring locations from the October 2023 sampling event are presented in Figure 4. Photographic documentation of the release area and assessment activities is presented in Appendix E.

A total of twelve (12) soil samples were collected from the seven borings and sent to Cardinal Laboratories in Hobbs, New Mexico to be analyzed for chloride via EPA Method 300.0, TPH via EPA Method 8015M, and BTEX via EPA Method 8261B. A copy of the laboratory analytical report and chain-of-custody documentation are included in Appendix F.

SUMMARY OF RESULTS

The laboratory analytical results from the October 2023 assessment are summarized in Table 1. Analytical results associated with the 0-1 foot and 2-3 foot sample intervals at AH-2 exceeded the Site RRALs for chloride (600 mg/kg). There were no other analytical results which exceeded the Site RRALs for any of the analyzed constituents. Horizontal and vertical delineation of the release was achieved as a result of the October 2023 additional assessment activities.

Tetra Tech re-mobilized to the site on November 6, 2023, to field screen for salinity using an ExStik to determine a more accurate footprint of the release within the area of AH-2. From the field screening results and the October 2023 site assessment sampling event, the revised approximate release extent is presented in Figure 4.

REMEDIATION WORK PLAN

Based on the analytical results and the NMOCD rejection of the 2020 Closure Letter Report, ConocoPhillips proposes to remove the impacted material as shown in Figure 5. The release footprint in the area of AH-2 with soil concentrations above the Site RRALs for chloride will be excavated using heavy equipment (backhoes, hoe rams, and track hoes) to a maximum depth of 3 feet below the surrounding surface or until a representative sample from the walls and bottom of the excavation is below the RRALs. Select areas containing pressurized lines will be hand-dug to a depth of 3 feet or the maximum extent practicable and heavy equipment will come no more than 4 ft from any pressurized lines.

Excavated soils will be transported offsite and disposed of at an NMOCD-approved or permitted facility. In

accordance with subsection D of 19.15.29.12 NMAC, the responsible party will notify the appropriate division district office prior to conducting confirmation sampling. Confirmation bottom and sidewall samples representative of no more than 400 square feet will be collected for verification of remedial activities, and analyzed for TPH, BTEX, and chlorides as shown in Figure 6. Once results are received, the excavation will then be backfilled with clean material to surface grade. The estimated volume of material to be remediated is approximately 197 cubic yards.

SITE RECLAMATION AND MONITORING PLAN

Based on 19.15.29.13 NMAC, the areas along the pipeline right of way disturbed by the remediation will be reclaimed once confirmation sampling results below the reclamation requirements (or RRALs, respectively, for areas below 4 feet bgs) are received. Once acceptable confirmation sample results are received, the excavation will be backfilled with clean material to pre-release grade. In accordance with 19.15.29.12 NMAC, the reclaimed area will contain a minimum of four feet of non-waste containing, uncontaminated, earthen material with chloride concentrations less than 600 mg/kg as analyzed by EPA Method 300.0 or Method 4500. The soil cover will include a top layer consisting of one foot of suitable material to establish vegetation at the site.

The backfilled areas in the pasture will be seeded following backfilling, to aid in revegetation. Based on the soils of the site (predominantly KU - Kimbrough-Lea complex), the NMSLO Sandy Loam Seed Mixture will be used for seeding and will be planted in the amount specified in the pounds pure live seed (PLS) per acre. The seed mixture will be spread by a drill equip with a depth regulator or a hand-held broadcaster and raked. If a hand-held broadcaster is used for dispersal, the pounds pure live seed per acre will be doubled.

Site inspections will be performed annually to assess the revegetation progress and evaluate the site for the presence of primary or secondary noxious weeds. If noxious weeds are identified, the NMSLO will be contacted to determine an effective method for eradication. If the site does not show revegetation after one growing season, the area will be reseeded as appropriate. The NMSLO seed mixture details in corresponding pounds per live seed per acre are included in Appendix G.

Reclamation activities will be implemented in consultation with the NMSLO in accordance with 19.2.100.67 NMAC for surface reclamations on State Oil and Gas Leases. ConocoPhillips will notify the NMSLO when reclamation and revegetation are complete.

CONCLUSION

Based on the results of the 2023 site assessment and characterization, ConocoPhillips will remediate soils in the release extent impacted with chlorides above Site RRALs. The proposed remediation activities will be conducted within 90 days of acceptance of the proposed plan. If you have any questions concerning the additional assessment activities for the Site or the proposed remediation work plan, please call me at (512) 596-8201 or Christian at (512) 338-2861.

Sincerely,
Tetra Tech, Inc.



Lisbeth Chavira
Staff Geoscientist



Christian M. Llull, P.G.
Program Manager

cc:
Mr. Moises Cantu, PBU – ConocoPhillips

LIST OF ATTACHMENTS

Figures:

- Figure 1 – Overview Map
- Figure 2 – Topographic Map
- Figure 3 – Reported Release Extent (TT 2020)
- Figure 4 – Approximate Release Extent and Site Assessment (TT 2023)
- Figure 5 – Proposed Remediation Extent
- Figure 6 – Alternative Confirmation Plan

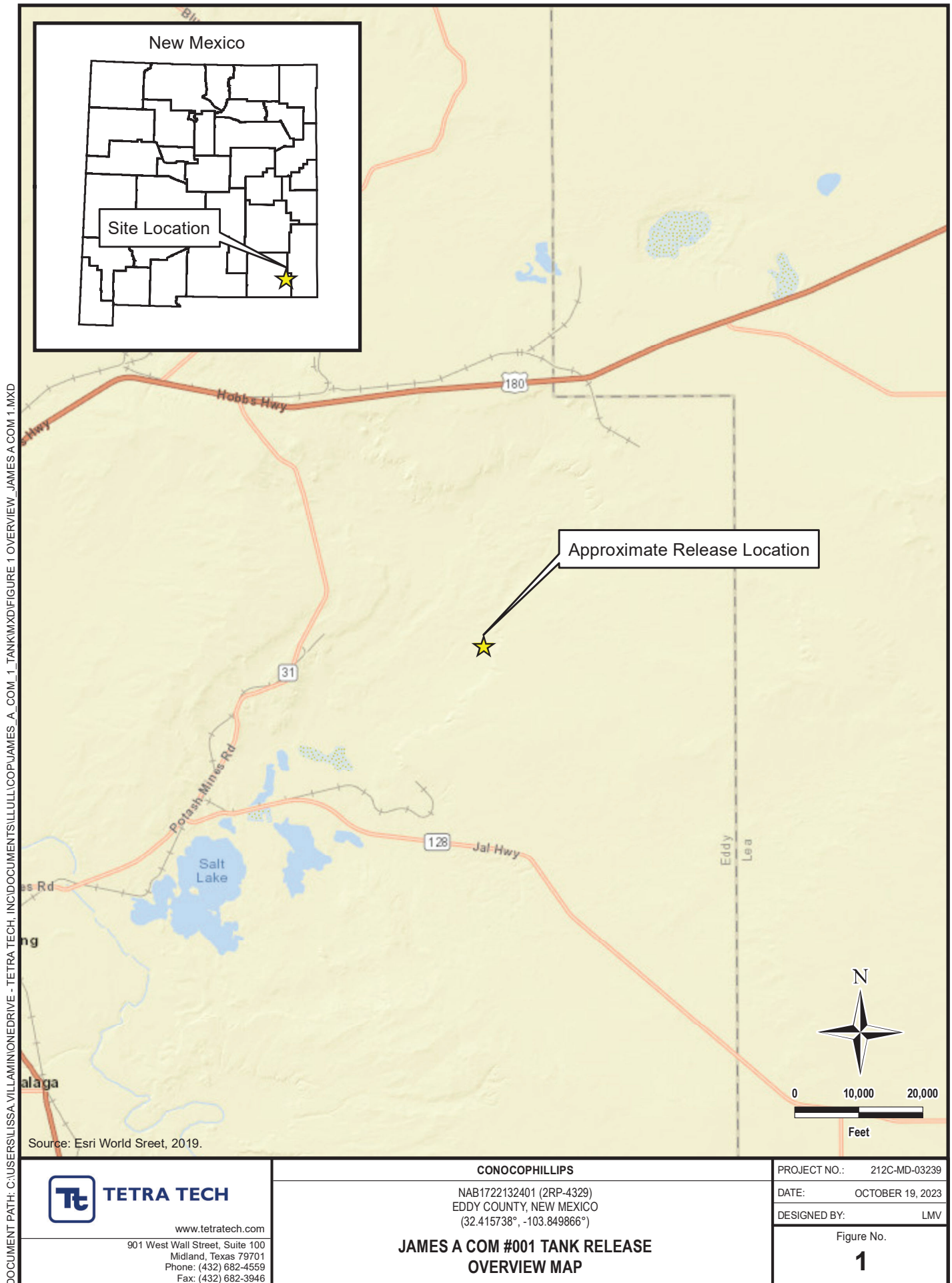
Tables:

- Table 1 – Summary of Analytical Results – 2023 Soil Assessment

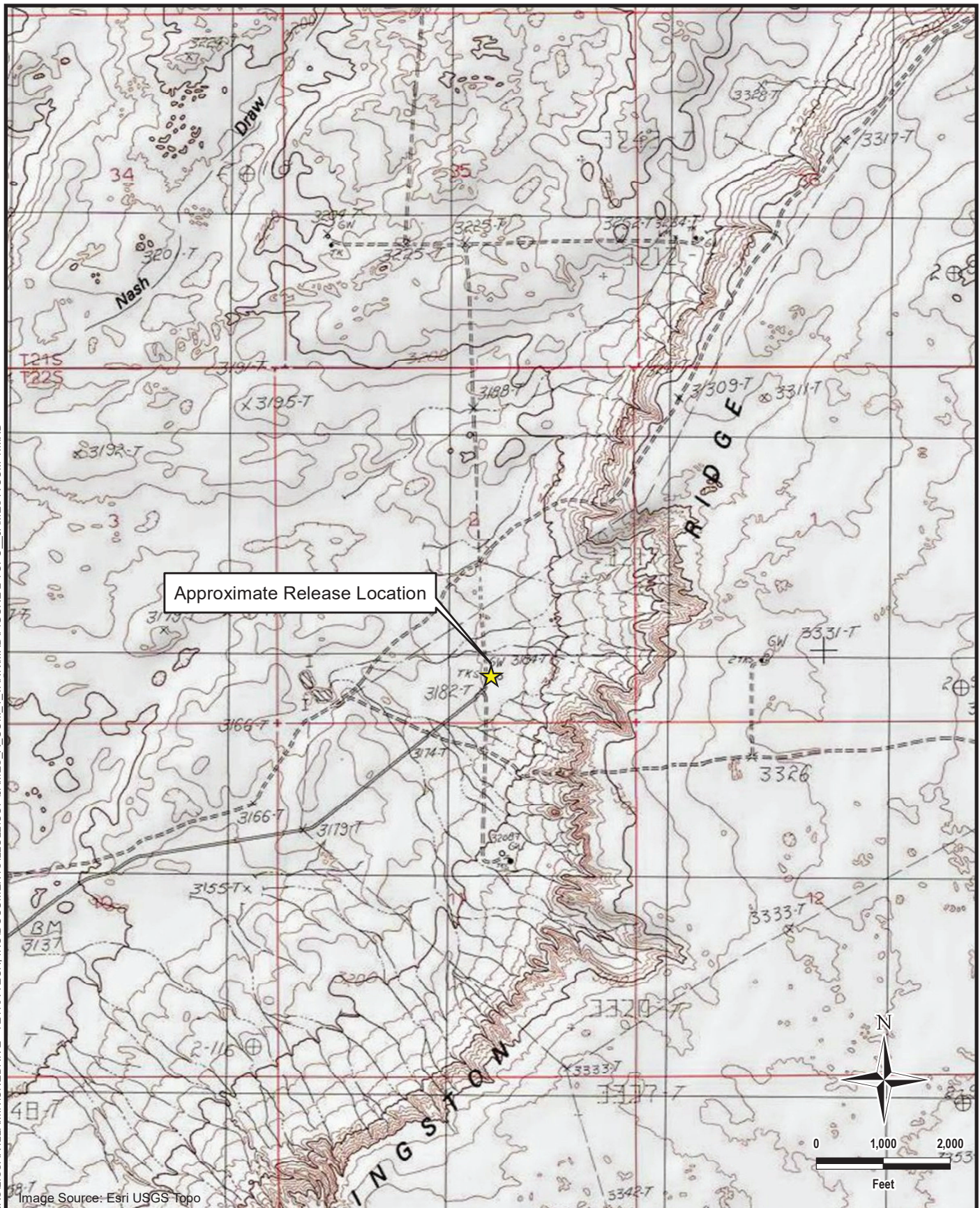
Appendices:

- Appendix A – C-141 Forms
- Appendix B – ARMS Letter
- Appendix C – Regulatory Correspondence
- Appendix D – Site Characterization Data
- Appendix E – Photographic Documentation
- Appendix F – Laboratory Analytical Data
- Appendix G – Seed Mix

FIGURES



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CONOCOPHILLIPS

NAB1722132401 (2RP-4329)
EDDY COUNTY, NEW MEXICO
(32.415738°, -103.849866°)

**JAMES A COM #001 TANK RELEASE
TOPOGRAPHIC MAP**

PROJECT NO.: 212C-MD-03239

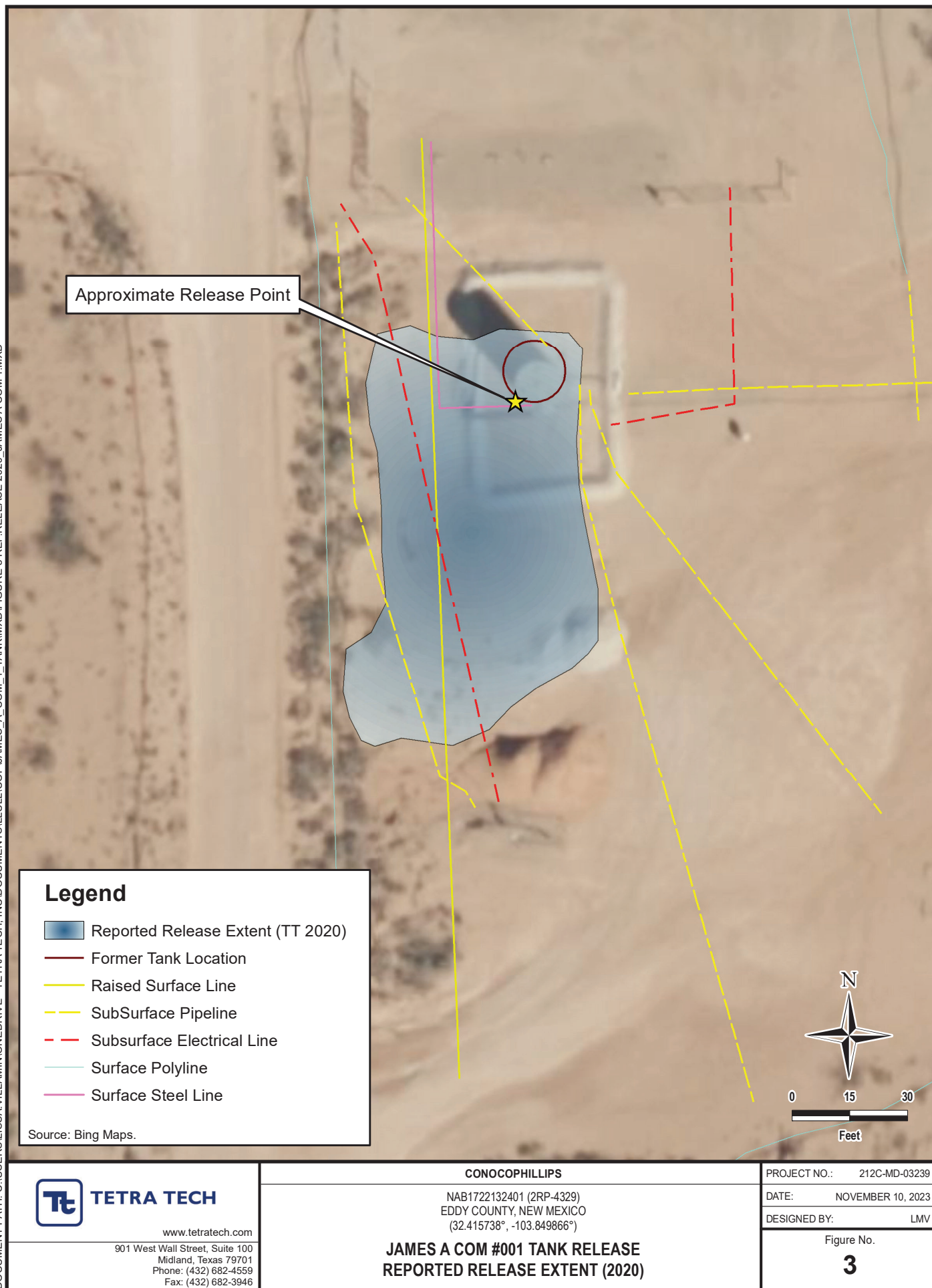
DATE: OCTOBER 19, 2023

DESIGNED BY: LMV

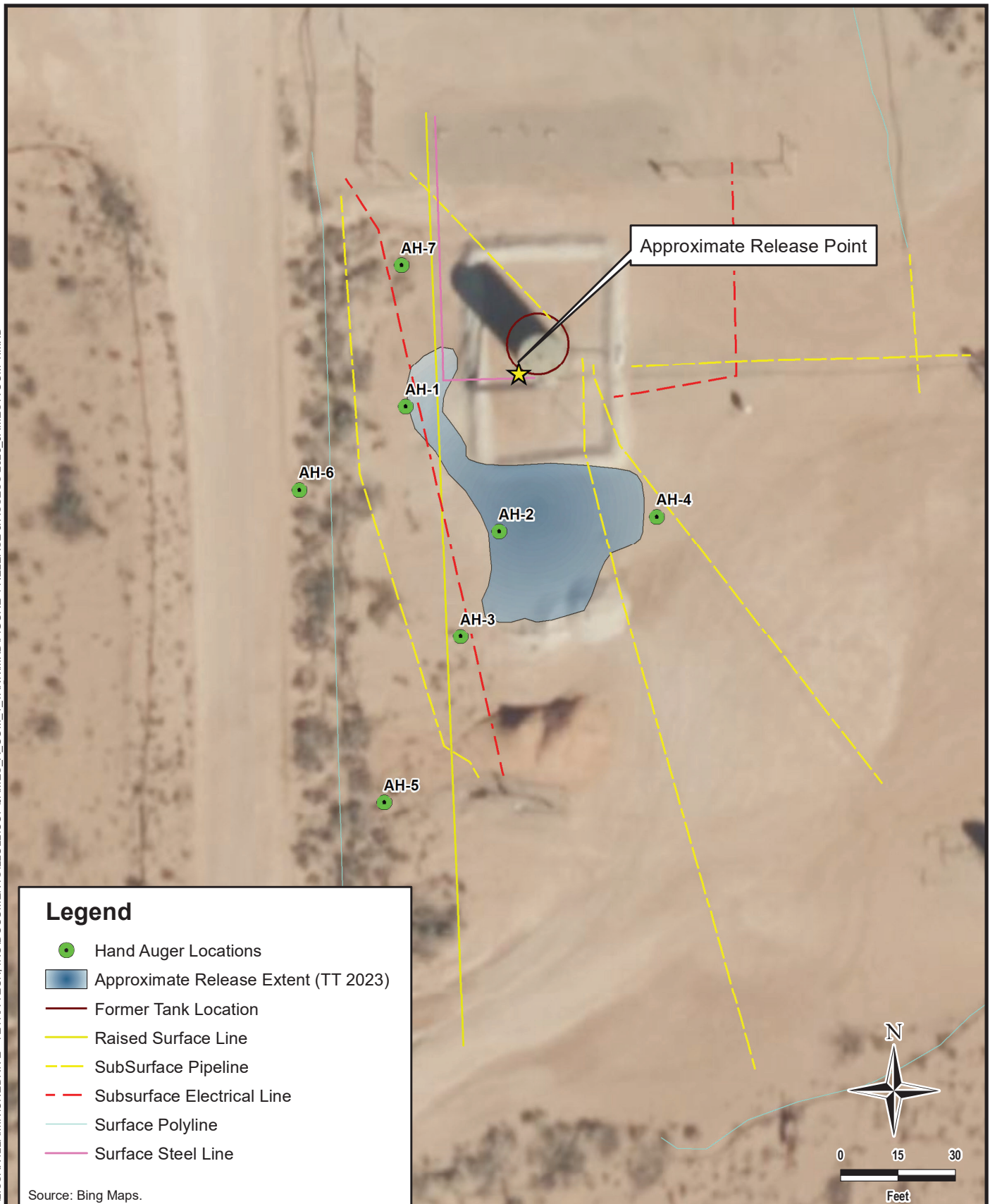
Figure No.

2

DOCUMENT PATH: C:\USERS\LISSA.VILLAMINIONEDRIVE - TETRA TECH, INC\DOCUMENTS\ILLUSTRATIONS\COM_1_TANK\MXD\FIGURE 3 RELEASE 2020_JAMES A COM 1.MXD



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CONOCOPHILLIPS

NAB1722132401 (2RP-4329)
EDDY COUNTY, NEW MEXICO
(32.415738°, -103.849866°)

**JAMES A COM #001 TANK RELEASE
APPROXIMATE RELEASE EXTENT AND SITE ASSESSMENT (2023)**

PROJECT NO.: 212C-MD-03239

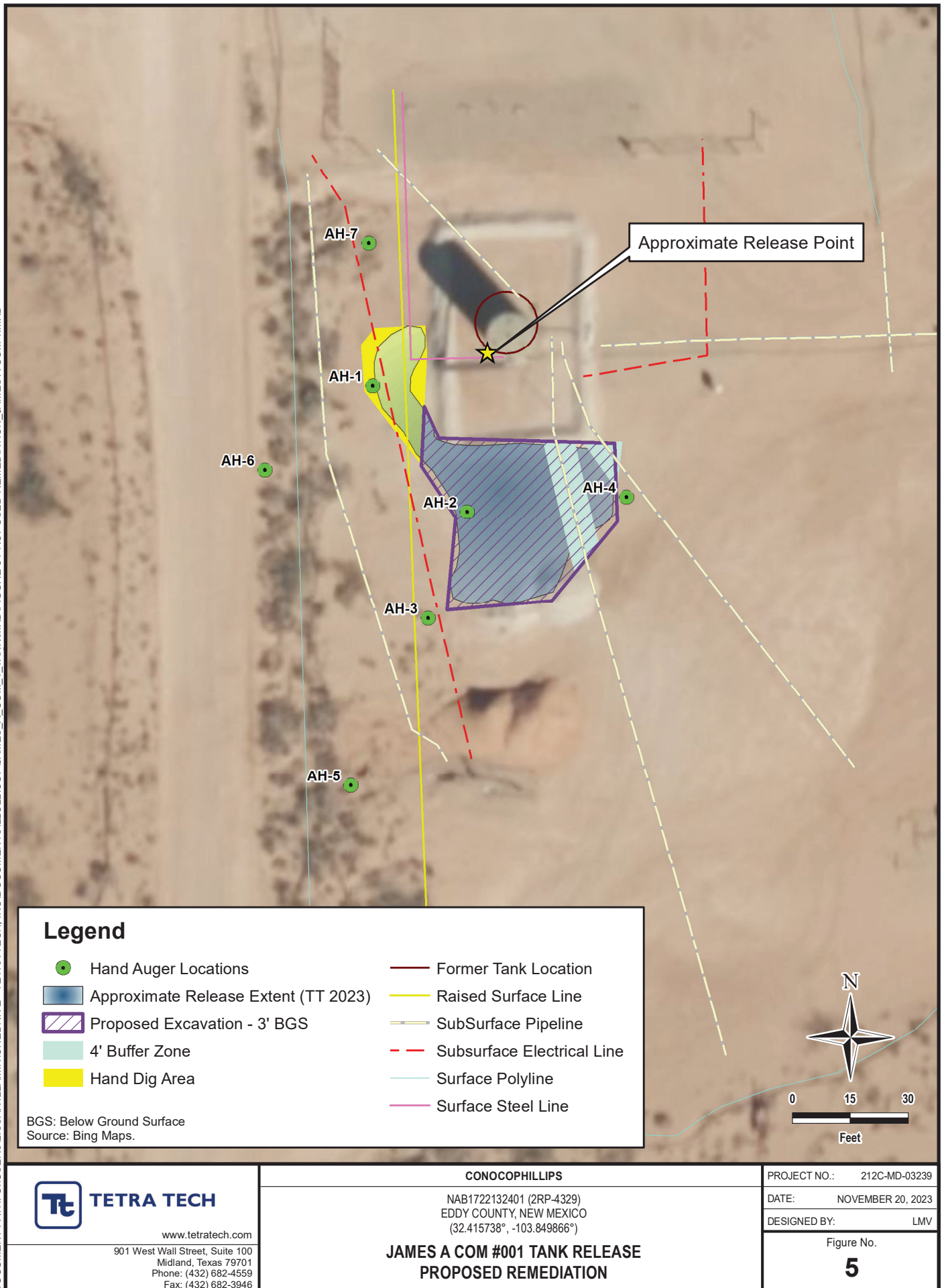
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DESIGNED BY: LMV

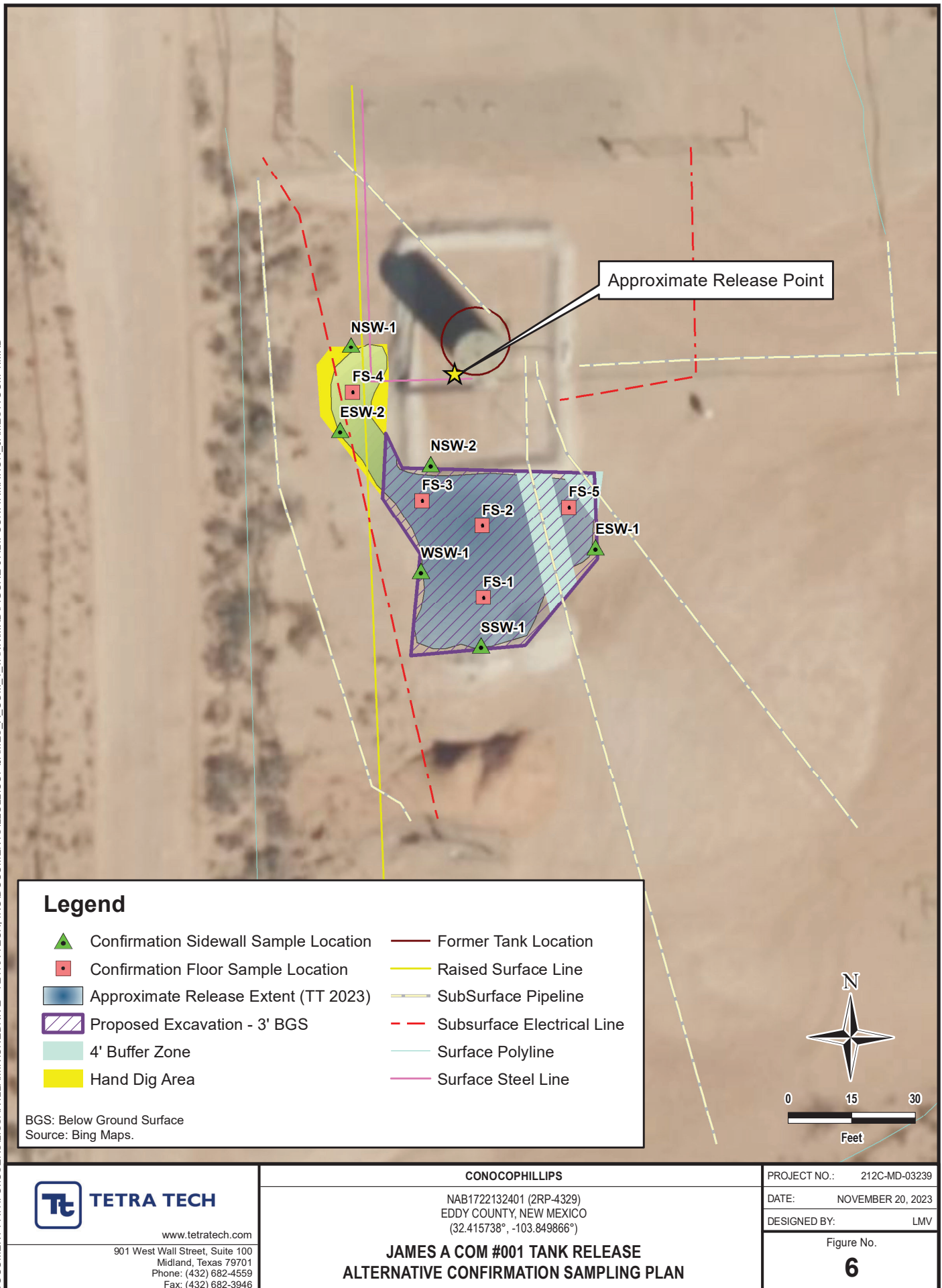
Figure No.

4

DOCUMENT PATH: C:\USERS\LISSA.VILLAMINIONEDRIVE - TETRA TECH\INC\DOCUMENTS\ILLULLICOP\JAMES_A_COM_1_TANK\MXD\FIGURE 5 PROPOSED REMEDIATION_JAMES A COM 1.MXD



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TABLES

TABLE 1
SUMMARY OF ANALYTICAL RESULTS
2023 SOIL ASSESSMENT- nAB1722132401
CONOCOPHILLIPS
JAMES A COM #001 TANK
EDDY COUNTY, NM

Sample ID	Sample Date	Sample Depth	Chloride		BTEX ²										TPH ³							
					Benzene		Toluene		Ethylbenzene		Total Xylenes		Total BTEX		GRO		DRO		EXT DRO		Total TPH (GRO+DRO+EXT DRO)	
		ft. bgs	mg/kg	Q	mg/kg	Q	mg/kg	Q	mg/kg	Q	mg/kg	Q	mg/kg	Q	mg/kg	Q	mg/kg	Q	mg/kg	Q		
AH-1	10/9/2023	0-1	32.0		<0.050		<0.050		<0.050		<0.150		<0.300		<10.0		<10.0		<10.0		<10.0	
		2-3	32.0		<0.050		<0.050		<0.050		<0.150		<0.300		<10.0		<10.0		<10.0		<10.0	
AH-2	10/9/2023	0-1	656		<0.050		<0.050		<0.050		<0.150		<0.300		<10.0		<10.0		<10.0		<10.0	
		2-3	1,420		<0.050		<0.050		<0.050		<0.150		<0.300		<10.0		27.1		<10.0		27.1	
		3-4	48.0		<0.050		<0.050		<0.050		<0.150		<0.300		<10.0		<10.0		<10.0		<10.0	
AH-3	10/9/2023	0-1	80.0		<0.050		<0.050		<0.050		<0.150		<0.300		<10.0		<10.0		<10.0		<10.0	
		2-3	32.0		<0.050		<0.050		<0.050		<0.150		<0.300		<10.0		<10.0		<10.0		<10.0	
		3-4	592		<0.050		<0.050		<0.050		<0.150		<0.300		<10.0		<10.0		<10.0		<10.0	
AH-4	10/9/2023	0-1	80.0		<0.050		<0.050		<0.050		<0.150		<0.300		<10.0		<10.0		<10.0		<10.0	
AH-5	10/9/2023	0-1	16.0		<0.050		<0.050		<0.050		<0.150		<0.300		<10.0		<10.0		<10.0		<10.0	
AH-6	10/9/2023	0-1	16.0		<0.050		<0.050		<0.050		<0.150		<0.300		<10.0		<10.0		<10.0		<10.0	
AH-7	10/9/2023	0-1	<16.0		<0.050		<0.050		<0.050		<0.150		<0.300		<10.0		<10.0		<10.0		<10.0	

NOTES:

ft. Feet

bgs Below ground surface

mg/kg Milligrams per kilogram

TPH Total Petroleum Hydrocarbons

GRO Gasoline range organics

DRO Diesel range organics

1 Method SM4500Cl-B

2 Method 8021B

3 Method 8015M

Bold and italicized values indicate exceedance of proposed RRALs and Reclamation Requirements.

Shaded rows indicate intervals proposed for excavation.

APPENDIX A C-141 Forms

NM OIL CONSERVATION State of New Mexico **NM OIL CONSERVATION**
 District I 1625 N. French Dr., Hobbs, NM 88240 ARTESIA DISTRICT Energy Minerals and Natural Resources ARTESIA DISTRICT
 District II 811 S. First St., Artesia, NM 88210
 District III 1000 Rio Brazos Road, Aztec, NM 87410
 District IV 1220 S. St. Francis Dr., Santa Fe, NM 87505
RECEIVED **RECEIVED**

Form C-141
Revised August 8, 2011

AUG 08 2017

AUG 08 2017

Oil Conservation Division
1220 South St. Francis Dr.
Santa Fe, NM 87505Copy to appropriate District Office in
accordance with 19.15.29 NMAC.

Release Notification and Corrective Action

NAB1722132401

OPERATOR

☒ Initial Report ☐ Final Report

Name of Company: ConocoPhillips	Contact: Jose A Zepeda
Address: 1410 N West County Rd	Telephone No. 575-391-3165
Facility Name: James A Com #001	Facility Type: Tank Ran Over

Surface Owner: Federal	Mineral Owner: State	API No. 30-015-10806
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LOCATION OF RELEASE

Unit Letter O	Section 02	Township 22S	Range 30E	Feet from the 665	North/South Line 665	Feet from the 665	East/West Line 2006	County EDDY
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Latitude 32.4157257 Longitude -103.8494339

NATURE OF RELEASE

Type of Release: Produce Water	Volume of Release: 10	Volume Recovered: 0
Source of Release: Tank Ran Over	Date and Hour of Occurrence 08/03/2017 0800	Date and Hour of Discovery SAME
Was Immediate Notice Given? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Required	If YES, To Whom? Olivia Yu, & Shelly Tucker	
By Whom? Jose A Zepeda	Date and Hour: 08/03/2017 1000 Via Email	
Was a Watercourse Reached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If YES, Volume Impacting the Watercourse.	

If a Watercourse was Impacted, Describe Fully. *

N/A

Describe Cause of Problem and Remedial Action Taken. *

On August 3, 2017 at 0800 hrs. at James A Com #001, a release was found originating from a tank overflow event. Incident resulted in a release of 10 bbl. of produced water with 0 bbl. recovered. Immediate action was to isolate the inlet to the tank stopping the release. Spill site will be remediated per COPC and NMOCD guidelines.

Describe Area Affected and Cleanup Action Taken. *

I hereby certify that the information given above is true and complete to the best of my knowledge and understand that pursuant to NMOCD rules and regulations all operators are required to report and/or file certain release notifications and perform corrective actions for releases which may endanger public health or the environment. The acceptance of a C-141 report by the NMOCD marked as "Final Report" does not relieve the operator of liability should their operations have failed to adequately investigate and remediate contamination that pose a threat to ground water, surface water, human health or the environment. In addition, NMOCD acceptance of a C-141 report does not relieve the operator of responsibility for compliance with any other federal, state, or local laws and/or regulations.

Signature: JOSE A ZEPEDA	OIL CONSERVATION DIVISION	
Printed Name: Jose A Zepeda	Approved by Environmental Specialist 	
Title: LEAD HSE	Approval Date: 8/8/17	Expiration Date: N/A
E-mail Address: Jose. A. Zepeda@conocophillips.com	Conditions of Approval: see attached	Attached <input checked="" type="checkbox"/>
Date: 08/03/2017	Phone: 575-391-3165	

* Attach Additional Sheets If Necessary

2RP-4329

Operator/Responsible Party,

The OCD has received the form C-141 you provided on **8/8/17** regarding an unauthorized release. The information contained on that form has been entered into our incident database and remediation case number **ARP-4329** has been assigned. **Please refer to this case number in all future correspondence.**

It is the Division's obligation under both the Oil & Gas Act and Water Quality Act to provide for the protection of public health and the environment. Our regulations (19.15.29.11 NMAC) state the following,

The responsible person shall complete division-approved corrective action for releases that endanger public health or the environment. The responsible person shall address releases in accordance with a remediation plan submitted to and approved by the division or with an abatement plan submitted in accordance with 19.15.30 NMAC. [emphasis added]

Release characterization is the first phase of corrective action unless the release is ongoing or is of limited volume and all impacts can be immediately addressed. Proper and cost-effective remediation typically cannot occur without adequate characterization of the impacts of any release. Furthermore, the Division has the ability to impose reasonable conditions upon the efforts it oversees. **As such, the Division is requiring a workplan for the characterization of impacts associated with this release be submitted to the OCD District II office in Artesia on or before 9/8/17. If and when the release characterization workplan is approved, there will be an associated deadline for submittal of the resultant investigation report. Modest extensions of time to these deadlines may be granted, but only with acceptable justification.**

The goals of a characterization effort are: 1) determination of the lateral and vertical extents along with the magnitude of soil contamination. 2) determine if groundwater or surface waters have been impacted. 3) If groundwater or surface waters have been impacted, what are the extents and magnitude of that impact. 4) The characterization of any other adverse impacts that may have occurred (examples: impacts on vegetation, impacts on wildlife, air quality, loss of use of property, etc.). To meet these goals as quickly as possible, the following items must, at a minimum, be addressed in the release characterization workplan and subsequent reporting:

- Horizontal delineation of soil impacts in each of the four cardinal compass directions. Adsorbed soil contamination must be characterized for the following constituents using the associated laboratory methods: benzene, toluene, ethylbenzene, and total xylenes by either Method 8260 or 8021, total petroleum hydrocarbons by Method 8015 extended range (GRO+DRO+MRO; C₆ thru C₃₆), and for chloride by Method 300. This is not an exclusive list of potential contaminants. Analyzed parameters should be modified based on the nature of the released substance(s). Soil sampling must be both within the impacted area and beyond.
- Vertical delineation of soil impacts. Adsorbed soil contamination must be characterized for the following constituents using the associated laboratory methods: benzene, toluene, ethylbenzene, and total xylenes by either Method 8260 or 8021, total petroleum hydrocarbons by Method 8015 extended range (GRO+DRO+MRO; C₆ thru C₃₆), and for chloride by Method 300. As above, this is not an exclusive list of potential contaminants and can be modified. Vertical characterization samples should be taken at depth intervals no greater than five feet apart. Lithologic description of encountered soils must also be provided. At least ten vertical feet of soils with contaminant concentrations at or below these values must be demonstrated as existing above the water table.
- Nominal detection limits for field and laboratory analyses must be provided.
- Composite sampling is not generally allowed.
- Field screening and assessment techniques are acceptable (headspace, titration, EC [include algorithm for validation purposes], EM, etc.), but the sampling and assay procedures must be clearly defined. Copies of field notes are highly desirable. A statistically significant set of split samples must be submitted for confirmatory laboratory analysis, including the laterally farthest and vertically deepest sets of soil samples. Make sure there are at least two soil samples submitted

for laboratory analysis from each borehole or test pit (highest observed contamination and deepest depth investigated). Copies of the actual laboratory results must be provided including chain of custody documentation.

- Probable depth to shallowest protectable groundwater and lateral distance to nearest surface water. If there is an estimate of groundwater depth, the information used to arrive at that estimate must be provided. If there is a reasonable assumption that the depth to protectable water is 50 feet or less, the responsible party should anticipate the need for at least one groundwater monitoring well to be installed in the area of likely maximum contamination.

- If groundwater contamination is encountered, an additional investigation workplan may be required to determine the extents of that contamination. Groundwater and/or surface water samples, if any, must be analyzed by a competent laboratory for volatile organic hydrocarbons (typically Method 8260 full list), total dissolved solids, pH, major anions and cations including chloride and sulfate, dissolved iron, and dissolved manganese. The investigation workplan must provide the groundwater sampling method(s) and sample handling protocols. To the fullest extent possible, aqueous analyses must be undertaken using nominal method detection limits. As with the soil analyses, copies of the actual laboratory results must be provided including chain of custody documentation.

- Accurately scaled and well-drafted site maps must be provided providing the location of borings, test pits, monitoring wells, potentially impacted areas, and significant surface features including roads and site infrastructure that might limit either the release characterization or remedial efforts. Field sketches may be included in subsequent reporting, but should not be considered stand-alone documentation of the site's layout. Digital photographic documentation of the location and fieldwork is recommended, especially if unusual circumstances are encountered.

Nothing herein should be interpreted to preclude emergency response actions or to imply immediate remediation by removal cannot proceed as warranted. Nonetheless, characterization of impacts and confirmation of the effectiveness of remedial efforts must still be provided to the OCD before any release incident will be closed.

Jim Griswold

OCD Environmental Bureau Chief
1220 South St. Francis Drive
Santa Fe, New Mexico 87505
505-476-3465
jim.griswold@state.nm.us

Weaver, Crystal, EMNRD

From: Yu, Olivia, EMNRD
Sent: Tuesday, August 8, 2017 10:18 AM
To: Zepeda, Jose A; Wright, Justin K
Cc: Bratcher, Mike, EMNRD; Weaver, Crystal, EMNRD; Tucker, Shelly
Subject: FW: C-141 080317.doc
Attachments: C-141 080317.doc

Mr. Zepeda:

This release occurred in District II. Mike Bratcher and Crystal Weaver are cc'd.

Olivia

From: Zepeda, Jose A [mailto:Jose.A.Zepeda@conocophillips.com]
Sent: Thursday, August 3, 2017 10:02 AM
To: Tucker, Shelly <stucker@blm.gov>; Yu, Olivia, EMNRD <Olivia.Yu@state.nm.us>
Cc: Wright, Justin K <Justin.Wright@conocophillips.com>
Subject: C-141 080317.doc

Incident ID	nAB1722132401
District RP	
Facility ID	
Application ID	

Site Assessment/Characterization

This information must be provided to the appropriate district office no later than 90 days after the release discovery date.

What is the shallowest depth to groundwater beneath the area affected by the release?	>50 _____ (ft bgs)
Did this release impact groundwater or surface water?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are the lateral extents of the release within 300 feet of a continuously flowing watercourse or any other significant watercourse?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are the lateral extents of the release within 200 feet of any lakebed, sinkhole, or playa lake (measured from the ordinary high-water mark)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are the lateral extents of the release within 300 feet of an occupied permanent residence, school, hospital, institution, or church?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are the lateral extents of the release within 500 horizontal feet of a spring or a private domestic fresh water well used by less than five households for domestic or stock watering purposes?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are the lateral extents of the release within 1000 feet of any other fresh water well or spring?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are the lateral extents of the release within incorporated municipal boundaries or within a defined municipal fresh water well field?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are the lateral extents of the release within 300 feet of a wetland?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are the lateral extents of the release overlying a subsurface mine?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are the lateral extents of the release overlying an unstable area such as karst geology?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are the lateral extents of the release within a 100-year floodplain?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Did the release impact areas not on an exploration, development, production, or storage site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Attach a comprehensive report (electronic submittals in .pdf format are preferred) demonstrating the lateral and vertical extents of soil contamination associated with the release have been determined. Refer to 19.15.29.11 NMAC for specifics.

Characterization Report Checklist: *Each of the following items must be included in the report.*

- ☒ Scaled site map showing impacted area, surface features, subsurface features, delineation points, and monitoring wells.
- ☒ Field data
- ☒ Data table of soil contaminant concentration data
- ☒ Depth to water determination
- ☒ Determination of water sources and significant watercourses within ½-mile of the lateral extents of the release
- ☐ Boring or excavation logs
- ☒ Photographs including date and GIS information
- ☒ Topographic/Aerial maps
- ☒ Laboratory data including chain of custody

If the site characterization report does not include completed efforts at remediation of the release, the report must include a proposed remediation plan. That plan must include the estimated volume of material to be remediated, the proposed remediation technique, proposed sampling plan and methods, anticipated timelines for beginning and completing the remediation. The closure criteria for a release are contained in Table 1 of 19.15.29.12 NMAC, however, use of the table is modified by site- and release-specific parameters.

Oil Conservation Division

Incident ID	nAB1722132401
District RP	
Facility ID	
Application ID	

I hereby certify that the information given above is true and complete to the best of my knowledge and understand that pursuant to OCD rules and regulations all operators are required to report and/or file certain release notifications and perform corrective actions for releases which may endanger public health or the environment. The acceptance of a C-141 report by the OCD does not relieve the operator of liability should their operations have failed to adequately investigate and remediate contamination that pose a threat to groundwater, surface water, human health or the environment. In addition, OCD acceptance of a C-141 report does not relieve the operator of responsibility for compliance with any other federal, state, or local laws and/or regulations.

Printed Name: Moises H. Cantu Garcia Title: Sr. Environmental Engineer

Signature: Moises H Cantu Garcia Date: 11/22/2023

email: Moises.H.CantuGarcia@conocophillips.com Telephone: 432-688-6090

OCD Only

Received by: Shelly Wells Date: 11/27/2023

Incident ID	nAB1722132401
District RP	
Facility ID	
Application ID	

Remediation Plan

Remediation Plan Checklist: *Each of the following items must be included in the plan.*

- ☒ Detailed description of proposed remediation technique
- ☒ Scaled sitemap with GPS coordinates showing delineation points
- ☒ Estimated volume of material to be remediated
- ☒ Closure criteria is to Table 1 specifications subject to 19.15.29.12(C)(4) NMAC
- ☒ Proposed schedule for remediation (note if remediation plan timeline is more than 90 days OCD approval is required)

Deferral Requests Only: *Each of the following items must be confirmed as part of any request for deferral of remediation.*

- ☐ Contamination must be in areas immediately under or around production equipment where remediation could cause a major facility deconstruction.
- ☐ Extents of contamination must be fully delineated.
- ☐ Contamination does not cause an imminent risk to human health, the environment, or groundwater.

I hereby certify that the information given above is true and complete to the best of my knowledge and understand that pursuant to OCD rules and regulations all operators are required to report and/or file certain release notifications and perform corrective actions for releases which may endanger public health or the environment. The acceptance of a C-141 report by the OCD does not relieve the operator of liability should their operations have failed to adequately investigate and remediate contamination that pose a threat to groundwater, surface water, human health or the environment. In addition, OCD acceptance of a C-141 report does not relieve the operator of responsibility for compliance with any other federal, state, or local laws and/or regulations.

Printed Name: Moises H. Cantu Garcia Title: Sr. Environmental Engineer
Signature: Moises H Cantu Garcia Date: 11/22/2023
email: Moises.H.CantuGarcia@conocophillips.com Telephone: 432-688-6090

OCD Only

Received by: Shelly Wells Date: 11/27/2023

☐ Approved ☒ Approved with Attached Conditions of Approval ☐ Denied ☐ Deferral Approved

Signature: Bryan Hall Date: 11/28/2023

APPENDIX B

ARMS Letter



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7770 Jefferson Street NE, Suite 410
Albuquerque, New Mexico 87109
Tel 505.254.1115 Fax 505.254.1116
www.swca.com

October 12, 2023

TO: Ethan Ortega, Division Director & Archaeologist, New Mexico State Land Office, Santa Fe, New Mexico

FROM: SWCA Environmental Consultants

SUBJECT: Completion of an Archaeological Records Management Section (ARMS) Review for the James A Com #001 Tank Release (2RP-4329) Remediation Project on New Mexico State Land Office (NMSLO) lands in Lea County, NM

Company Ref No: None-Provided

PROJECT DESCRIPTION:

Tetra Tech, Inc. has requested that SWCA Environmental Consultants (SWCA) conduct an Archaeological Resources Management Section (ARMS) review for an inadvertent release in Lea County, New Mexico. The proposed project is on lands managed by the New Mexico State Land Office (NMSLO) approximately 34.5 kilometers (22.0 miles) east of Carlsbad, NM in T22S R30E, Section 2.

A literature and file search were conducted on October 10, 2023, using the New Mexico Cultural Resources Information System (NMCRIS) online database which included a review of known cultural resources, such as the built environment, archaeological sites, and State/National Register listed properties. Other sources reviewed include the BLM GLO Records web site, <http://www.glorerecords.blm.gov>, which include land patent and general land office survey data. As this area was not settled by Spain, land grant records were not reviewed. The review was conducted for the Area of Potential Effect (APE), consisting of the inadvertent release area and a 50-foot buffer, and 500 meters (m) (0.31 mile) surrounding the APE. The land the proposed project is located on is part of the March 2, 1899: Exchange-Natl Forest (lieu) (30 Stat. 993) patented on October 22, 1903, and the June 21, 1934: State Grant-School Sec Patent (48 Stat. 1185) patented on January 22, 1960.

Recommendation:

The project area and surrounding 500 m (0.31 mile) have been subject to twenty-six (26) cultural resource surveys, nine (9) of which are qualifying. Three (3) previously recorded sites are located outside of the project area but within the 500-m search buffer. The project area is entirely located on NMSLO-managed lands and is covered by one (1) qualifying survey conducted within the last ten years (NMCRIS Activity No. 127366) and is located on previously disturbed land from oil and gas construction activities. SWCA recommends the completion of an ARMS letter to satisfy the requirements of release remediation. All remediation work will remain within the previously qualifying survey area and the approved existing disturbance. If cultural materials are identified during ground disturbing activities, work must stop and the NMSLO must be contacted.

Information regarding the findings can be found in Tables 1-2 and Figure 1.

A handwritten signature in dark ink, appearing to read "Paisley DeFreese".

Archaeologist
Paisley DeFreese
Attached: (1) Review Results, (1) ARMS Map



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Archaeological Resources Management Section (ARMS) Review Results

Table 1. Cultural surveys within 500 meters (0.32 mile) of proposed project.

NMCRIS No.	Performing Organization	Date of Investigation	Acres Surveyed	Sites Visited
13338	Archaeological Survey Consultants	6/19/1986	3.7	0
18413	New Mexico Archaeological Services, Inc	4/16/1987	6.57	1
18683	New Mexico Archaeological Services, Inc	5/25/1987	14.81	0
19181	New Mexico Archaeological Services, Inc	6/14/1987	4.44	0
24251	Pecos Archaeological Consultants	10/13/1988	51.92	3
24252	Pecos Archaeological Consultants	10/13/1988	43.24	2
27457	New Mexico Archaeological Services, Inc	10/25/1989	4.44	0
35634	New Mexico Archaeological Services, Inc	1/23/1991	8.16	0
39072	New Mexico Archaeological Services, Inc	10/22/1991	62.99	2
40445	New Mexico Archaeological Services, Inc	5/25/1992	54.77	0
40494	Pecos Archaeological Consultants	7/14/1992	37.21	0
43723	Pecos Archaeological Consultants	7/16/1993	56.79	0
46818	Pecos Archaeological Consultants	3/12/1993	1027.26	18
49036	TRC, Inc.	4/26/1995	285.9	5
55762	Pecos Archaeological Consultants	2/14/1997	26.39	0
117091	Boone Archaeological Services, LLC	4/8/2010	10.31	2
117934	Boone Archaeological Services, LLC	6/18/2010	4.54	0
127366	Boone Arch Svcs of NM	4/18/2013	50.3	5
129858	Boone Arch Svcs of NM	2/4/2014	151.3	1
130622	Boone Arch Svcs of NM	5/14/2014	18.41	0



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NMCRIS No.	Performing Organization	Date of Investigation	Acres Surveyed	Sites Visited
137350	Lone Mountain Archaeological Services	12/27/2016	39453.25	324
137620	SWCA Environmental Consultants	1/17/2017	458.77	6
147134	Lone Mountain Archaeological Services	12/2/2020	275.21	3
149590	Lone Mountain Archaeological Services	1/29/2022	10.79	0
150077	Black River Consulting, LLC	4/26/2022	4.17	0
152808	Goshawk Environmental Consulting	4/17/2023	7.08	0

Table 2. Cultural resources within 500 meters (0.31 mile) of the proposed project area.

*Redacted

*Redacted

Figure 1. NMCRIS screenshot showing location of the proposed James A Com #001 Tank Release (2RP-4329) Remediation Project area (blue polygon) with 500 m (0.31 mile) buffer area (blue circle). Previously conducted investigations are brown and yellow polygons, and previously recorded sites are orange polygons.

APPENDIX C

Regulatory Correspondence

Chavira, Lisbeth

From: Hall, Brittany, EMNRD <Brittany.Hall@emnrd.nm.gov>
Sent: Monday, September 25, 2023 8:35 AM
To: Abbott, Sam; Enviro, OCD, EMNRD
Cc: Llull, Christian; Chavira, Lisbeth; Maxwell, Ashley, EMNRD; Llull, Christian; Chavira, Lisbeth; Smith, Cory, EMNRD; Bratcher, Michael, EMNRD
Subject: RE: [EXTERNAL] Extension Request - Application ID 207656 (nAB1722132401)

⚠ CAUTION: This email originated from an external sender. Verify the source before opening links or attachments. **⚠**

Sam,
The extension request for nAB1722132401 is approved. The new due date is December 1, 2023.

If an approved workplan is found, it will need to have an email, stamps, etc. from the OCD that shows it was received and approved by the OCD prior to the rule change and will need to be submitted to the OCD ASAP. If the approved workplans are already uploaded into the files available on the OCD Permitting website the workplan will not need to be resubmitted.

Please let me know if you have any questions or require any additional information. Include a copy of this and all notifications in the remedial and/or closure reports to ensure the notifications are documented in the project file.

Thank you,
Brittany Hall • Environmental Specialist
Environmental Bureau Projects Group
EMNRD - Oil Conservation Division
1000 Rio Brazos Road | Aztec, NM 87110
505.517.5333 | Brittany.Hall@emnrd.nm.gov
<http://www.emnrd.nm.gov/ocd/>

From: Abbott, Sam <Sam.Abbott@tetrattech.com>
Sent: Friday, September 22, 2023 3:27 PM
To: Hall, Brittany, EMNRD <Brittany.Hall@emnrd.nm.gov>; Enviro, OCD, EMNRD <OCD.Enviro@emnrd.nm.gov>
Cc: Llull, Christian <Christian.Llull@tetrattech.com>; Chavira, Lisbeth <LISBETH.CHAVIRA@tetrattech.com>; Maxwell, Ashley, EMNRD <Ashley.Maxwell@emnrd.nm.gov>; Llull, Christian <Christian.Llull@tetrattech.com>; Chavira, Lisbeth <LISBETH.CHAVIRA@tetrattech.com>; Smith, Cory, EMNRD <cory.smith@emnrd.nm.gov>; Bratcher, Michael, EMNRD <mike.bratcher@emnrd.nm.gov>
Subject: [EXTERNAL] Extension Request - Application ID 207656 (nAB1722132401)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Ms. Hall,

On behalf of ConocoPhillips, Tetra Tech is requesting an extension to December 1, 2023 to complete any necessary additional assessment activities and associated reporting for the James A Com #001 Release site (**nAB1722132401**).

A Closure Letter Report dated October 15, 2020 was rejected by the OCD on 4/18/2023 with the following comments: "Closure for this incident is not approved. The OCD requires that this release be Remediated according to 19.15.29.12 NMAC and 19.15.29.13 NMAC as they apply to this release and resubmit a closure report by 07/17/2023.

The OCD, ConocoPhillips, and Tetra Tech had a meeting on September 20, 2023 to discuss the OCD rejections of a select number of submitted closure reports associated with the Agreed Compliance Order (ACO) for open release incidents between ConocoPhillips and OCD. In this meeting, ConocoPhillips and Tetra Tech received clarification from the OCD on the closure requirements for the historical releases. Based on this meeting, ConocoPhillips will assess each remaining open release incident associated with the ACO to determine if there is an approved remediation work plan associated with the incident. If so, ConocoPhillips will proceed to perform the approved scope of work contained in the work plan. If there is not an approved work plan associated with the release incident, then ConocoPhillips will proceed with any necessary assessment and/or remediation activities in compliance with 19.15.29 NMAC.

ConocoPhillips is committed to addressing this open release incident in compliance with OCD regulations. Additional time is required to review incident records, perform additional assessment sampling if necessary, and prepare a revised report for OCD review. A complete report will be submitted to the OCD within the requested timeframe.

Thank you,
Sam

Samantha Abbott, PG | Project Manager

Direct Mobile +1 (512) 739-7874 | Business +1 (512) 338-1667 | Sam.Abbott@tetrattech.com

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8911 N Capital of Texas Hwy #2310 | Austin, TX 78759 | tetrattech.com

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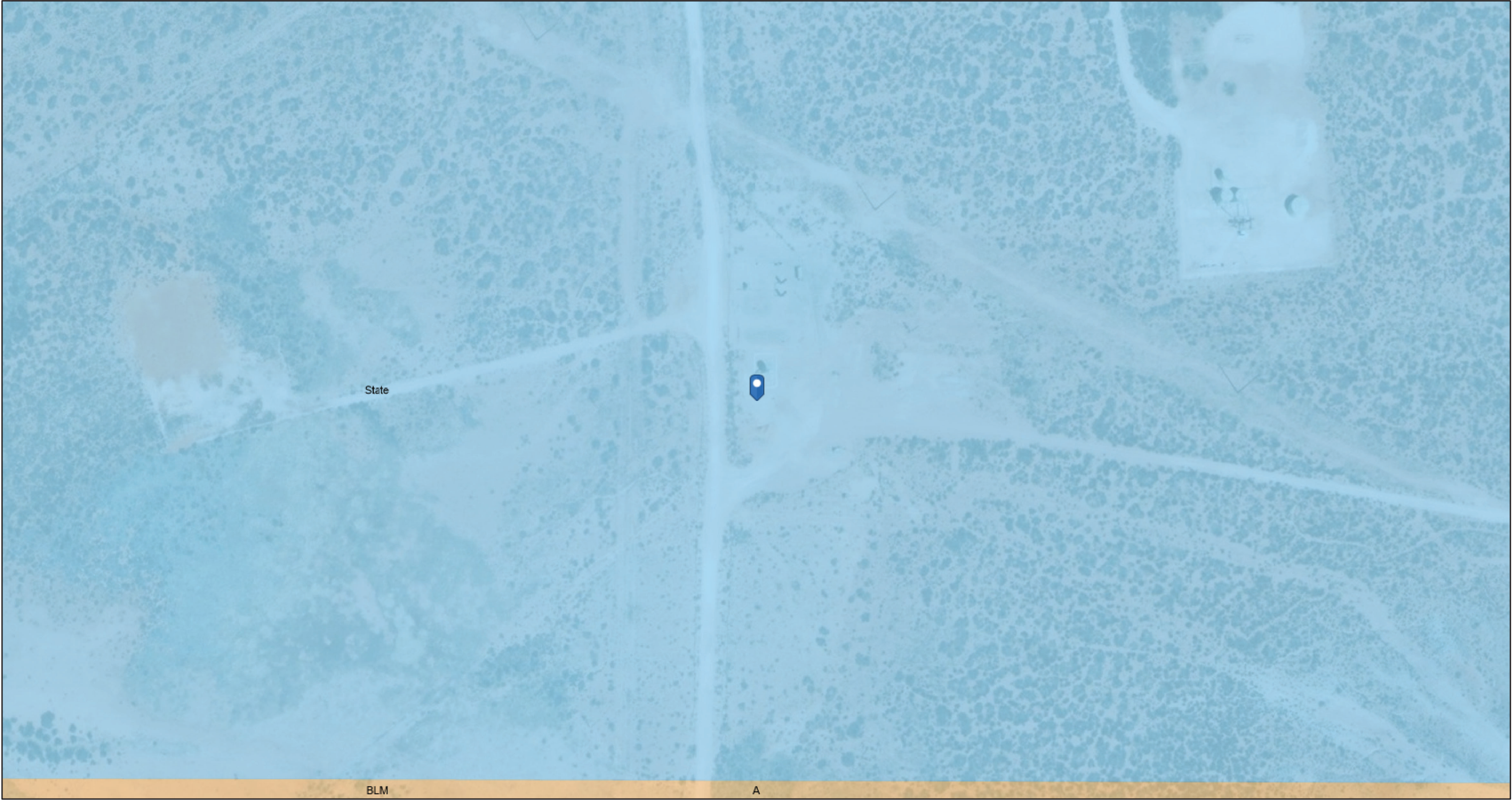


TETRA TECH

APPENDIX D

Site Characterization Data

OCD - Mineral & Surface Ownership



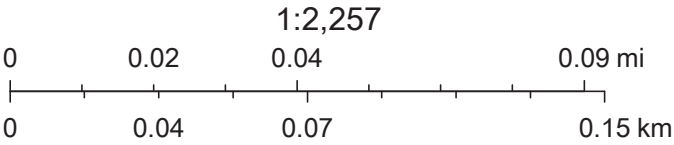
10/5/2023, 1:51:32 PM

Mineral Ownership

- A-All minerals are owned by U.S.
- N-No minerals are owned by the U.S.

Land Ownership

- BLM
- S



U.S. BLM, Maxar, Microsoft, Esri, HERE, Garmin, iPC

National Flood Hazard Layer FIRMette



103°51'18"W 32°25'12"N



1:6,000

103°50'41"W 32°24'41"N

Basemap Imagery Source: USGS National Map 2023

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone X
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 10/27/2023 at 1:37 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Released to Imaging: 11/28/2023 8:41:19 AM

Received by OCD: 11/28/2023 1:08:46 PM

Page 32 of 33

District I
1625 N. French Dr., Hobbs, NM 88240
Phone:(575) 393-6161 Fax:(575) 393-0720
District II
811 S. First St., Artesia, NM 88210
Phone:(575) 748-1283 Fax:(575) 748-9720
District III
1000 Rio Brazos Rd., Aztec, NM 87410
Phone:(505) 334-6178 Fax:(505) 334-6170
District IV
1220 S. St Francis Dr., Santa Fe, NM 87505
Phone:(505) 476-3470 Fax:(505) 476-3462

State of New Mexico
Energy, Minerals and Natural Resources
Oil Conservation Division
1220 S. St Francis Dr.
Santa Fe, NM 87505

CONDITIONS

Action 288468

CONDITIONS

Operator: CONOCOPHILLIPS COMPANY 600 W. Illinois Avenue Midland, TX 79701	OGRID: 217817
	Action Number: 288468
	Action Type: [C-141] Release Corrective Action (C-141)

CONDITIONS

Created By	Condition	Condition Date
bhall	Remediation plan approved. Wall confirmation/final samples from the areas near the 4 foot buffer zone of any pressurized lines will need to be collected.	11/28/2023
bhall	Submit a complete report through the OCD Permitting website by 2/28/2024.	11/28/2023