

From: [Eads, Cristina, EMNRD](#)
To: ["Littrell, Kyle"](#)
Cc: [Mike EMNRD Bratcher \(mike.bratcher@state.nm.us\)](#); [Robert EMNRD Hamlet \(Robert.Hamlet@state.nm.us\)](#); [Victoria EMNRD Venegas \(Victoria.Venegas@state.nm.us\)](#)
Subject: RE: NRM2001040198 WEST BRUSHY DRAW 33 1 BATTERY @ 30-015-36971
Date: Monday, April 27, 2020 3:40:00 PM
Attachments: [image001.png](#)

I included the wrong incident number in the original email. I have changed it below.
Sorry about that.

Thanks,

Cristina Eads | 505-670-5601

From: Eads, Cristina, EMNRD
Sent: Monday, April 27, 2020 3:32 PM
To: 'Littrell, Kyle' <Kyle_Littrell@xtoenergy.com>
Cc: Mike EMNRD Bratcher (mike.bratcher@state.nm.us) <mike.bratcher@state.nm.us>; Robert EMNRD Hamlet (Robert.Hamlet@state.nm.us) <Robert.Hamlet@state.nm.us>; Victoria EMNRD Venegas (Victoria.Venegas@state.nm.us) <Victoria.Venegas@state.nm.us>
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Kyle,

The OCD has denied the submitted Remediation Plan C-141 for incident # **NRM2001040198** for the following reasons:

- The Depth to groundwater has been incorrectly assessed. When nearby wells are used to determine depth to groundwater, the wells should be no further than ½ mile away from the site, and data should be no more than 25 years old, and well construction information should be provided. If XTO believes that groundwater is > 50', a borehole will need to be drilled onsite and a copy of the driller's log must be provided.
- If XTO chooses not to drill a borehole to confirm the depth to groundwater, the site must be remediated to meet the Closure Criteria in Table 1 for groundwater at a depth of 50 feet or less.

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. If you have any questions or believe this denial is in error, please contact me prior to submitting an additional C-141.

Cristina Eads
Environmental Bureau

EMNRD – Oil Conservation Division
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Albuquerque, New Mexico 87113
505.670-5601
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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.