

**From:** [Eads, Cristina, EMNRD](#)  
**To:** ["andrew@rthicksconsult.com"](mailto:andrew@rthicksconsult.com)  
**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:** NRM2011358419 DAGGER STATE UNIT #003 @ 30-025-36595  
**Date:** Thursday, June 18, 2020 2:57:00 PM  
**Attachments:** [nRM2011358419 \(C-141 Deferral Request\).pdf](#)  
[image002.png](#)

---

**NRM2011358419 DAGGER STATE UNIT #003 @ 30-025-36595**

Andrew,

The OCD has denied the submitted Deferral Request C-141 for incident # nRM2011358419 for the following reason:

- Sample points W-01, W-02, and Cellar Base need to be delineated to the most stringent levels in Table 1 before a deferral request will be considered, because depth to groundwater has not been adequately assessed. In lieu of drilling a borehole, when establishing depth to groundwater using nearby water well data, 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.

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.

I noticed there is not an incident # open for the historic release mentioned in this report. If the W-01 sample exceedance is a result of the historic release, this incident will not be closed until the contamination from the historic release is remediated, or until a release notification C-141 is submitted and a new incident number is created.

Thanks,

**Cristina Eads**

*Environmental Bureau*

*EMNRD – Oil Conservation Division*

5200 Oakland Avenue NE, Suite 100

Albuquerque, New Mexico 87113

505.670-5601

email: [Cristina.Eads@state.nm.us](mailto:Cristina.Eads@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.**