

**From:** [Eads, Cristina, EMNRD](#)  
**To:** [Mathews, Wesley](#)  
**Cc:** [Mike EMNRD Bratcher \(mike.bratcher@state.nm.us\)](#); [Victoria EMNRD Venegas \(Victoria.Venegas@state.nm.us\)](#); [Robert EMNRD Hamlet \(Robert.Hamlet@state.nm.us\)](#)  
**Subject:** NRM2003158355 TOMCAT 16 STATE 2 BATTERY @ M-16-23S-32E ON OE  
**Date:** Tuesday, June 30, 2020 4:46:00 PM  
**Attachments:** [\(C-141 Closure\) NRM2003158355 .pdf](#)  
[image002.png](#)

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Mr. Mathews,

The OCD has denied the submitted Closure C-141 for incident # NRM2003158355 for the following reason:

- The depth to groundwater has not been adequately determined. 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. The responsible party may choose to remediate to the most stringent levels listed in Table 1 in lieu of drilling to determine the depth to groundwater.
- Horizontal delineation has not been completed. The values for determination of horizontal impact are derived by either “background” value as determined appropriate to Rule 29, or, for chloride, 600 mg/Kg in soils. This is especially important for “on-pad” releases to ensure the release did not extend to the “off-pad”/pasture area. A visual footprint on the surface is not sufficient to assess the horizontal extent of the release. Lab data must be provided as evidence of delineation efforts.
- The lease road is considered “off-pad” and must meet the 4 foot reclamation standard.

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.

Thank you,

**Cristina Eads**

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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.**