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Subject: (C-141 Remediation Denied) Lea Unit #10 1RP-5321
Date: Thursday, December 12, 2019 3:15:00 PM
Attachments: [3. \(C-141 Remediation Denied\) Lea Unit #10 1RP-5321.pdf](#)

Mr. Cunningham,

The OCD has received your Delineation Report and Remediation Plan for **1RP-5321 Lea Unit #10**, thank you. This remediation plan is denied for the following:

- The depth to ground water 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, no more than 25 years old, and well construction information should be provided.

As the analytical data shows the site has been delineated to meet Closure Criteria for Soils Impacted by a Release for ground water at 51-100 feet bgs, Legacy will need to drill a borehole on site to 55' bgs and leave it open for at least 72 hours. If there is no evidence of ground water after 72 hours, the OCD will approve Legacy's remediation plan with a copy of the driller's log.

If Legacy chooses not to drill a borehole to confirm depth to groundwater, the impacted area will need to be further delineated to closure criteria for water at a depth of >50'.

For further clarifications regarding the implementation of the spill rule, visit the OCD website: <http://www.emnrd.state.nm.us/OCD/documents/OCDInternalPolicy-SpillRuleClarifications.pdf>

Please let me know if you have any questions.

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.