

Incident ID	nDEV375
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?	<u>56</u> (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 type="checkbox"/> Yes <input checked="" 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.

State of New Mexico
Oil Conservation Division

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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: Jeffery Tew Title: Operations EngineerSignature:  Date: 03/02/2023email: jtew@aecnm.com Telephone: 575-420-7600**OCD Only**Received by: Jocelyn Harimon Date: 03/29/2023

11/30/2022

The attached photographs show that there is no surface staining around the production tanks. The fact that vegetation is growing around the tanks verifies that contamination levels, if any, are at a minimum.

Armstrong Energy Corp. respectfully requests that this incident be closed, we have complied with the attached NMOCD request and believe this incident to have no environmental impact.

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Closure

The responsible party must attach information demonstrating they have complied with all applicable closure requirements and any conditions or directives of the OCD. This demonstration should be in the form of a comprehensive report (electronic submittals in .pdf format are preferred) including a scaled site map, sampling diagrams, relevant field notes, photographs of any excavation prior to backfilling, laboratory data including chain of custody documents of final sampling, and a narrative of the remedial activities. Refer to 19.15.29.12 NMAC.

Closure Report Attachment Checklist: *Each of the following items must be included in the closure report.*

- ☐ A scaled site and sampling diagram as described in 19.15.29.11 NMAC
- ☒ Photographs of the remediated site prior to backfill or photos of the liner integrity if applicable (Note: appropriate OCD District office must be notified 2 days prior to liner inspection)
- ☐ Laboratory analyses of final sampling (Note: appropriate ODC District office must be notified 2 days prior to final sampling)
- ☐ Description of remediation activities

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. The responsible party acknowledges they must substantially restore, reclaim, and re-vegetate the impacted surface area to the conditions that existed prior to the release or their final land use in accordance with 19.15.29.13 NMAC including notification to the OCD when reclamation and re-vegetation are complete.

Printed Name: Jeffery Tew Title: Operations Engineer

Signature: Jeffery Tew Date: 03/02/2023

email: jtew@aecn.com Telephone: 575-420-7600

OCD Only

Received by: Jocelyn Harimon Date: 03/29/2023

Closure approval by the OCD does not relieve the responsible party of liability should their operations have failed to adequately investigate and remediate contamination that poses a threat to groundwater, surface water, human health, or the environment nor does not relieve the responsible party of compliance with any other federal, state, or local laws and/or regulations.

Closure Approved by: Jocelyn Harimon Date: 03/29/2023

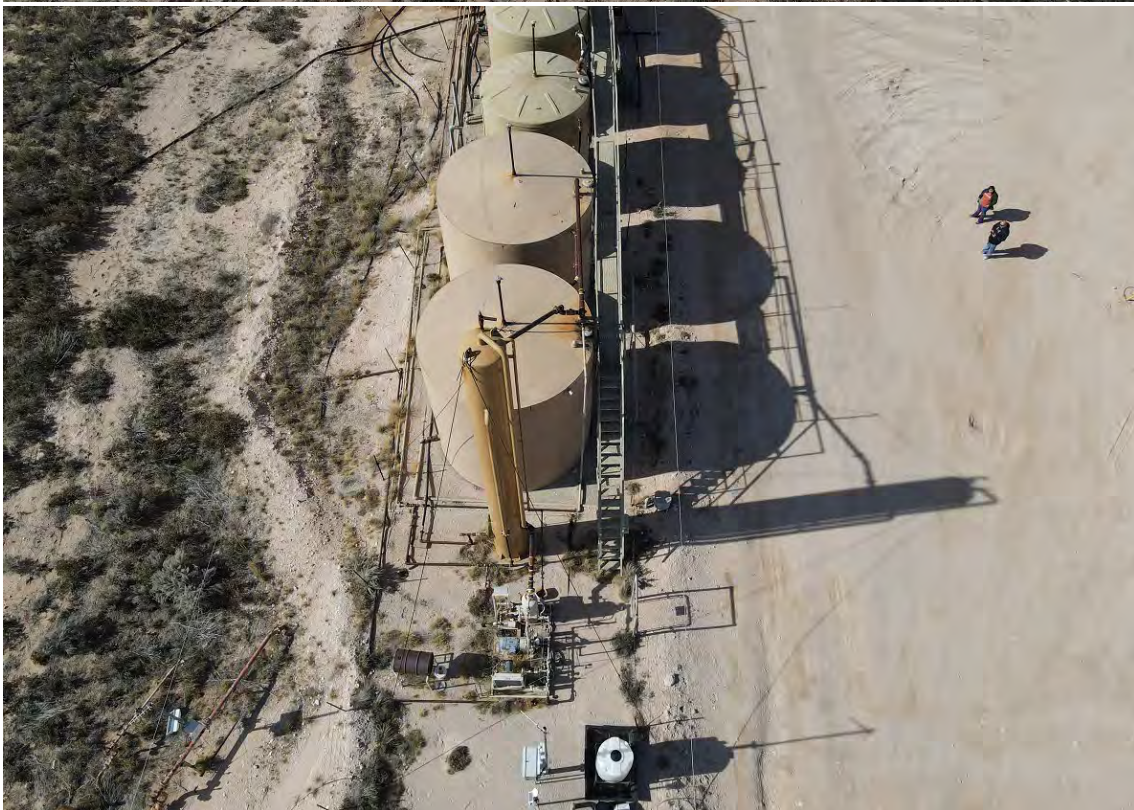
Printed Name: Jocelyn Harimon Title: Environmental Specialist



SITE PHOTOGRAPHS
PIMA ENVIRONMENTAL
Mobile Lea State Tank Battery









From: [Harimon, Jocelyn, EMNRD](#)
To: tom@pimaoil.com; [Billings, Bradford, EMNRD](#)
Cc: sebastian@pimaoil.com; "jtew"; kalpers@aecnm.com; [Bratcher, Michael, EMNRD](#)
Subject: RE: [EXTERNAL] nDEV375
Date: Thursday, November 17, 2022 4:00:28 PM

Good afternoon,

I can understand your confusion and concern. Please know that we have discussed and reviewed this incident throughout the incidents group and have collectively decided that it is impossible at this time to determine that this incident is not an actual occurrence as it includes a location, date, material, and quantity.

To confirm that no further remediation is required it would suffice to take several photographs of the site showing that there is no surface staining.

Please submit these photographs through the OCD permitting page.

Once the OCD has reviewed the submission it will be determined whether further data collection is required.

Thank you for your time and cooperation. Please feel free to contact me with any further questions.

Jocelyn Harimon • Environmental Specialist
Environmental Bureau
EMNRD - Oil Conservation Division
1220 South St. Francis Drive | Santa Fe, NM 87505
(505)469-2821 | Jocelyn.Harimon@emnrd.nm.gov
<http://www.emnrd.nm.gov>



From: tom@pimaoil.com <tom@pimaoil.com>
Sent: Thursday, November 17, 2022 3:03 PM
To: Harimon, Jocelyn, EMNRD <Jocelyn.Harimon@emnrd.nm.gov>; Billings, Bradford, EMNRD <Bradford.Billings@emnrd.nm.gov>
Cc: sebastian@pimaoil.com; 'jtew' <jtew@aecnm.com>; kalpers@aecnm.com; Bratcher, Michael, EMNRD <mike.bratcher@emnrd.nm.gov>
Subject: RE: [EXTERNAL] nDEV375

Good afternoon Jocelyn,

I appreciate your quick response on this inquiry.

It seems wrong, in my opinion, to require an operator to perform work on an artificial incident that was created for the purpose of training the Division's personnel on using a new electronic system.

In 2020 we discovered the facts surrounding these “nDEV” incidents and in a matter of days over 30 of these incidents were cancelled for Devon. Why is it that this one incident for Armstrong requires further proof that it was not an actual incident?

On behalf of Armstrong Energy, I respectfully request that the Division reconsiders this decision and cancels this incident.

THANK YOU,

Tom Bynum

Cell – 580-748-1613

Office – 575-964-7740



Pima Environmental Services, LLC.

5614 N Lovington Hwy.

Hobbs, NM, 88240

From: Harimon, Jocelyn, EMNRD <Jocelyn.Harimon@emnrd.nm.gov>

Sent: Thursday, November 17, 2022 2:31 PM

To: Billings, Bradford, EMNRD <Bradford.Billings@emnrd.nm.gov>

Cc: tom@pimaoil.com

Subject: RE: [EXTERNAL] nDEV375

Good afternoon,

Regarding incident # nDEV375. Thank you for your inquiry about how to proceed towards closure for this incident. The OCD requires the following to further assess this incident.

- Sampling of the release area as mentioned in the incident file
- Photos of the release area as mentioned in the incident file

Once completed please submit these documents through the permitting portal.

If you have any further questions, please feel free to contact me.

JH

Jocelyn Harimon • Environmental Specialist

Environmental Bureau

EMNRD - Oil Conservation Division

1220 South St. Francis Drive | Santa Fe, NM 87505

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From: tom@pimaoil.com <tom@pimaoil.com>

Sent: Wednesday, November 16, 2022 9:55 AM

To: Billings, Bradford, EMNRD <Bradford.Billings@emnrd.nm.gov>

Cc: ocdonline, emnrd, EMNRD <emnrd.ocdonline@emnrd.nm.gov>; Hamlet, Robert, EMNRD <Robert.Hamlet@emnrd.nm.gov>; sebastian@pimaoil.com

Subject: [EXTERNAL] nDEV375

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

Good morning Brad, hope you are doing well!

I remember a conversation we had about several Devon incidents starting with "nDEV.." where you had explained to me that these were created by the Development department back when the new system was created. These were artificial and for the purpose of training and resolving any issues they may find with the implementation of the system.

The attached incident was one that was charged to Armstrong Energy and I wonder if you might review this for us and agree that this incident can be closed or cancelled? The main giveaway on this particular one is the fact that it was marked as a Santa Fe district site, but the site is actually in Lea county. Many thanks for your time sir, have a great day!

THANK YOU,

Tom Bynum

Cell – 580-748-1613

Office – 575-964-7740



Pima Environmental Services, LLC.

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Hobbs, NM, 88240

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Phone:(575) 393-6161 Fax:(575) 393-0720

District II
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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 192598

CONDITIONS

Operator: ARMSTRONG ENERGY CORP P.O. Box 1973 Roswell, NM 88202	OGRID: 1092
	Action Number: 192598
	Action Type: [C-141] Release Corrective Action (C-141)

CONDITIONS

Created By	Condition	Condition Date
jharimon	None	3/29/2023