

From: [Christian Llull](#)
To: [Rodgers, Scott, EMNRD](#)
Cc: [Laird, Jacob](#)
Subject: [EXTERNAL] Variance Request - DTW Determination Outside 1/2-Mile Radius (nAPP2617825043)
Date: Monday, September 14, 2026 11:38:45 AM
Attachments: [image001.png](#)
[CP-1672 Boring log.pdf](#)
[CP-1672.pdf](#)
[CP-1672 POD 1.pdf](#)
[1672 site BORING LOG.pdf](#)

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Scott:

This variance request is hereby submitted on behalf of ConocoPhillips.

RE: West Pearl 36 State #001 Flex Line Release
Incident ID: (n#) nAPP2617825043

Summary

A Release Characterization and Remediation Work Plan for the West Pearl 36 State #001 Flex Line Release (NAPP2617825043) was submitted via the fee application portal on August 24, 2026. In the report, it is noted that there are no water wells within ½ mile (800 meters) of the Site. However, there is one point of diversion (POD) listed on the NMOSE database within approximately 0.62 miles of the site. POD CP-01672 is a temporary well/groundwater determination boring, and was installed on August 29, 2017, by Jackie Atkins. The boring was drilled to 100.8 below ground surface, and no groundwater was encountered for the entirety of the well. The well was dry and subsequently plugged. A well report, plugging report, and boring log are all attached to this email transmittal. This DTW determination was used for unrelated incident nPAC0727726554 and was acceptable to the NMOCD as a groundwater determination. The OCD has rejected the submitted Application for administrative approval of a release notification and corrective action (C-141), for incident ID (n#) nAPP2617825043, based on the fact that the depth to groundwater has not been adequately determined.

1. Variance Request

ConocoPhillips respectfully requests a variance from the requirements outlined in 19.15.29.11(A)(1) NMAC, which specifies that a water well used to determine depth to groundwater must be located within a 1/2-mile radius of the site. ConocoPhillips proposes to utilize data from a registered New Mexico Office of the State Engineer (NMOSE) point of diversion (POD) well located exactly 0.616 miles northwest of the release footprint to establish the depth to groundwater.

2. Justification

Acceptable, verifiable quality regional data is readily available within a reasonable discretionary limit outside of the ½ mile radius. Using this data establishes an expected groundwater depth of greater than 100 feet bgs, positioning the site securely within the >100 ft closure tier under 19.15.29.12 Table 1 NMAC. The proposed POD provides an accurate representation of regional hydrogeology due to the following site-specific factors:

- The proposed data source is an approved NMOSE POD [CP 01672 POD1], located approximately 992 meters [0.616 miles] from the release footprint.
- The well log indicates the well was dry at a depth of 100.8' below ground surface (bgs), documented in 2017, which complies with the 25-year data standard.
- The surface elevation of the well proposed for DTW determination is 3639.75 ft MSL, topographically lower when compared to the subject site elevation of 3712 ft. This lends credence to the concept that groundwater beneath the current release footprint is greater than 100' bgs.

3. Environmental Protection

Approval of this variance will not diminish the protection of fresh water, public health, or the environment. The proposed closure criteria ensure that any remedial actions taken will remain fully protective of the underlying aquifer based on regional conditions. ConocoPhillips will continue to fulfill remaining obligations mandated under 19.15.29.11 NMAC.

Respectfully,

Christian



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CONDITIONS

Action 624387

CONDITIONS

Operator: COG OPERATING LLC 600 W Illinois Ave Midland, TX 79701	OGRID: 229137
	Action Number: 624387
	Action Type: [IM-SD] Incident File Support Doc (ENV) (IM-BNF)

CONDITIONS

Created By	Condition	Condition Date
scott.rodgers	None	9/14/2026