

**Raybaw Operating, LLC.
2626 Cole Ave., Suite 300
Dallas, TX 75204
214-800-2301**

November 6, 2023

NMOCD District 1
1625 N French Dr.
Hobbs, NM, 88240

**RE: Remediation Work Plan due to Closure denied
Malachite 22 Federal #002H
API No. 30-025-40389
GPS: Latitude 32.6520462 Longitude -103.6548004
UL "C", Section 22, Township 19S, Range 33E,
Lea County, NM
NMOCD Reference No. NTO1432553976**

Raybaw Operating, LLC (Raybaw) has contracted Pima Environmental Services, LLC (Pima) to prepare this remediation work plan as a countermeasure for the previously denied closure report. An initial C-141 was submitted on November 20, 2014. A C-141 remediation plan page is included as Appendix A. This incident was assigned Incident ID NTO1432553976, by the New Mexico Oil Conservation Division (NMOCD).

Site Information and Site Characterization

Site information and characterization documents can be found in the previously Denied Closure Report located in OCD Online: Permitting – Action Status, under the Application ID: 280826.

| Table 1 NMAC and Closure Criteria 19.15.29 | | | | | |
|--|----------------------|-------------|-------------|----------|----------|
| Depth to Groundwater (Appendix A) | Constituent & Limits | | | | |
| | Chlorides | Total TPH | GRO+DRO | BTEX | Benzene |
| <50' | 600 mg/kg | 100 mg/kg | | 50 mg/kg | 10 mg/kg |
| 51-100' | 10,000 mg/kg | 2,500 mg/kg | 1,000 mg/kg | 50 mg/kg | 10 mg/kg |
| >100' | 20,000 mg/kg | 2,500 mg/kg | 1,000 mg/kg | 50 mg/kg | 10 mg/kg |

Release Information

NTO1432553976: On November 20, 2014, a shaker motor that had quit working allowed a fluid increase to the shaker slide which couldn't accommodate all the drilling fluid causing a 13' X 26', 7-barrel (bbl) spill to be released onto the ground. Also, the discharge line coming off the shakers was compacted off not allowing fluid to pass through to the half round catch bin. Shoveled into half round tank. Area was approximately 338 sq. ft., used shovels for cleanup. Recovered approximately 6 bbls.

Remediation Work Plan due to previously denied closure report

| | |
|------------|--|
| 10/31/2023 | Closure denied. All areas not reasonably needed for production or subsequent drilling operations must be reclaimed to contain a minimum of four feet of non- waste contain earthen material with concentrations less than 600 mg/kg chlorides, 100 mg/kg TPH, 50 mg/kg BTEX, and 10 mg/kg Benzene. Remediation on an active site can be deferred in areas immediately under or around production equipment such as production tanks, wellheads, and pipelines where remediation could cause a major facility deconstruction so long as the contamination is fully delineated and does not cause an imminent risk to human health, the environment, or ground water. The deferral request must specify which sample points are being requested for deferral including an explanation why the contaminants can't be removed. Submit a report via the OCD permitting portal by March 4, 2023. |
|------------|--|

On behalf of Raybaw, Pima proposes the following scope of work as a countermeasure to the previously denied closure report:

1. This is an active pad site that is still needed for drilling, producing, storing, disposing, injecting, transporting, servicing, or processing of crude oil and/or natural gas and their by-products.
2. Collect 5-point composite samples from the blue sample points referenced on the Horizontal Delineation Map found in Figure 1. These samples points will include SW3, SW3-A, SW4-A, SW4, SW4-B, SW5, and SW5-A.
3. The 5-point composites will be comprised of Surface, 1', 2', 3', and 4' samples collected from each sample point.
4. Samples will be field tested for contamination, if any exists the sample points will be recollected from another sample location further away from the spill area. This process will be repeated for each sample point until delineation can be achieved.
5. The final 7 additional composite samples will be delivered to the lab for official testing.
6. Upon final receipt of lab reports showing contamination levels are under the regulatory limits of Table 1 NMAC 19.15.29, and complete delineation horizontally, a new closure report will be drafted and submitted to the NMOCD portal for review and approval.

The data table from the assessment on January 26, 2023, can be found in Figure 2. All other previously gathered data from this incident can be found in the previously Denied Closure Report located in OCD Online: Permitting – Action Status, under the Application ID: 280826. NMOCD Email Correspondence can be found in Appendix A.

Approval Request

After careful review, Pima requests that this Remediation Plan for incident ID# NTO1432553976 be approved. This scope of work can be completed within 30 days of plan approval by the NMOCD.

Should you have any questions or need additional information, please feel free to contact:

Pima Environmental – Tom Bynum at 580-748-1613 or tom@pimaoil.com.

Raybaw Operating – Nancy Winn at 281-793-5452 or nwinn@sbcglobal.net.

Attachments

Figures:

- 1- Horizontal Delineation Map
- 2- Data Table – 1/26/2023

Appendices:

Appendix A – C-141 Remediation Plan Page & NMOCD Email Correspondence



Pima Environmental Services

Figures:

1 - Horizontal Delineation

Map

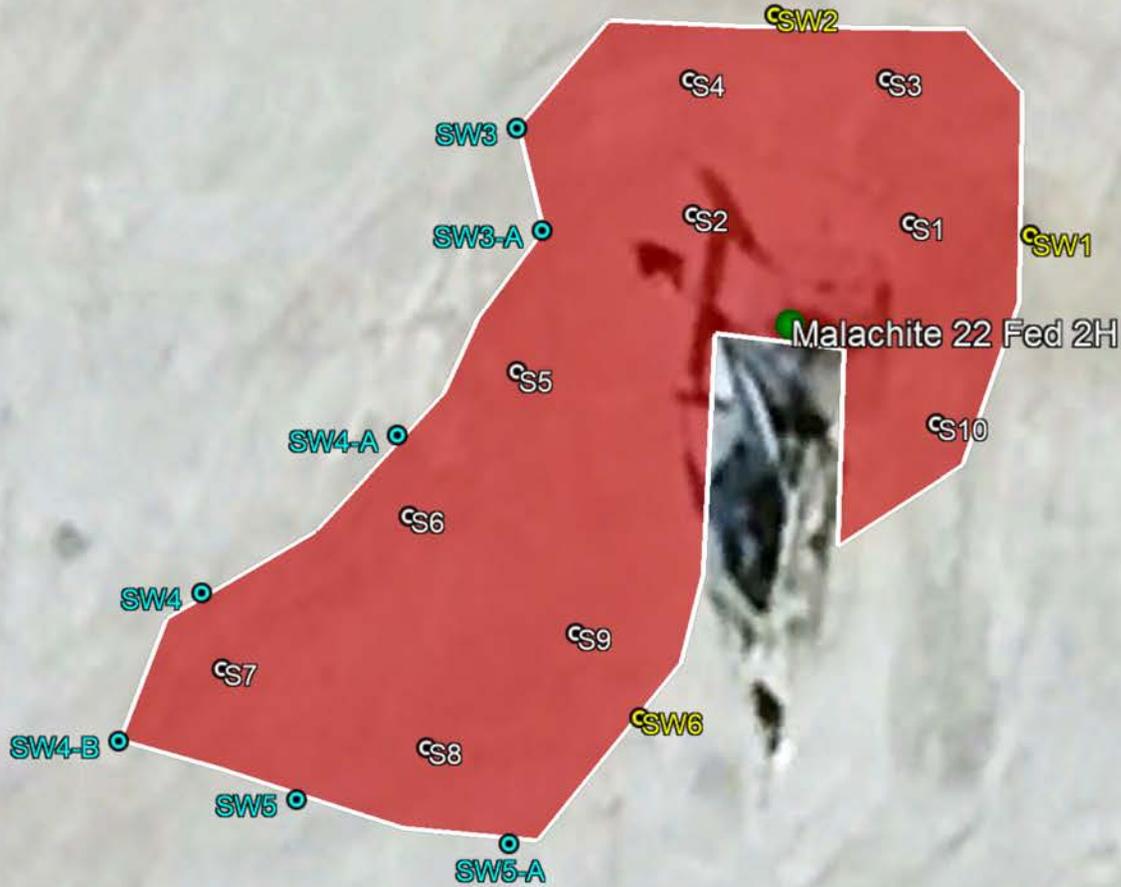
2 - Data Table-1/26/23

Malachite 22 Fed 2H

Raybaw Operating
API #30-025-40389
Lea County, NM
Horizontal Delineation Map

Legend

- Base Samples
- New Samples for Horizontal Delineation
- Original Samples for Horizontal Delineation
- Spill Area - 2 Spills



32.651804, -103.655099

Google Earth



90 ft

| NMOCD Table 1 Closure Criteria 19.15.29 NMAC (Depth to Groundwater is < 50') | | | | | | | | |
|--|-------------|--------------------------------|---------------|-----------|-----------|-----------|-----------------|----------|
| Raybaw Operating - Malachite 22 Fed 2H | | | | | | | | |
| Date: 1/26/23 | | NM Approved Laboratory Results | | | | | | |
| Sample ID | Depth (BGS) | BTEX mg/kg | Benzene mg/kg | GRO mg/kg | DRO mg/kg | MRO mg/kg | Total TPH mg/kg | Cl mg/kg |
| BG | 6" | ND | ND | ND | ND | ND | 0 | ND |
| SW-1 | 1' | ND | ND | ND | ND | ND | 0 | ND |
| SW-2 | 1' | ND | ND | ND | ND | ND | 0 | ND |
| SW-3 | 1' | ND | ND | ND | ND | ND | 0 | ND |
| SW-4 | 1' | ND | ND | ND | ND | ND | 0 | ND |
| SW-5 | 1' | ND | ND | ND | ND | ND | 0 | ND |
| SW-6 | 1' | ND | ND | ND | ND | ND | 0 | ND |
| S-1 | 1' | ND | ND | ND | ND | ND | 0 | 362 |
| | 3' | ND | ND | ND | ND | ND | 0 | ND |
| | 5' | ND | ND | ND | ND | ND | 0 | ND |
| S-2 | 1' | ND | ND | ND | ND | ND | 0 | 1400 |
| | 3' | ND | ND | ND | ND | ND | 0 | 355 |
| | 5' | ND | ND | ND | ND | ND | 0 | ND |
| S-3 | 1' | ND | ND | ND | ND | ND | 0 | 560 |
| | 3' | ND | ND | ND | ND | ND | 0 | 233 |
| | 5' | ND | ND | ND | ND | ND | 0 | ND |
| S-4 | 1' | ND | ND | ND | ND | ND | 0 | 34.7 |
| | 3' | ND | ND | ND | ND | ND | 0 | 88 |
| | 5' | ND | ND | ND | ND | ND | 0 | ND |
| S-5 | 1' | ND | ND | ND | ND | ND | 0 | 656 |
| | 3' | ND | ND | ND | ND | ND | 0 | 257 |
| | 5' | ND | ND | ND | ND | ND | 0 | ND |
| S-6 | 1' | ND | ND | ND | ND | ND | 0 | 868 |
| | 3' | ND | ND | ND | ND | ND | 0 | 283 |
| | 5' | ND | ND | ND | ND | ND | 0 | ND |
| S-7 | 1' | ND | ND | ND | ND | ND | 0 | 141 |
| | 3' | ND | ND | ND | 45.6 | 213 | 258.6 | 47.4 |
| | 5' | ND | ND | ND | ND | ND | 0 | ND |
| S-8 | 1' | ND | ND | ND | ND | ND | 0 | 1550 |
| | 3' | ND | ND | ND | ND | ND | 0 | 753 |
| | 5' | ND | ND | ND | ND | ND | 0 | ND |
| S-9 | 1' | ND | ND | ND | ND | ND | 0 | 355 |
| | 3' | ND | ND | ND | ND | ND | 0 | 38.9 |
| | 5' | ND | ND | ND | ND | ND | 0 | ND |
| S-10 | 1' | ND | ND | ND | ND | ND | 0 | 27.3 |
| | 3' | ND | ND | ND | ND | ND | 0 | 56.7 |
| | 5' | ND | ND | ND | ND | ND | 0 | ND |



Pima Environmental Services

Appendix A

C-141 Remediation Plan Page

NMOCD Email Correspondence

Form C-141

State of New Mexico
Oil Conservation Division

Page 5

| | |
|----------------|---------------|
| Incident ID | nTO1432553976 |
| District RP | |
| Facility ID | |
| Application ID | |

Remediation Plan

Remediation Plan Checklist: Each of the following items must be included in the plan.

- Detailed description of proposed remediation technique
- Scaled sitemap with GPS coordinates showing delineation points
- Estimated volume of material to be remediated
- Closure criteria is to Table 1 specifications subject to 19.15.29.12(C)(4) NMAC
- Proposed schedule for remediation (note if remediation plan timeline is more than 90 days OCD approval is required)

Deferral Requests Only: Each of the following items must be confirmed as part of any request for deferral of remediation.

- Contamination must be in areas immediately under or around production equipment where remediation could cause a major facility deconstruction.
- Extents of contamination must be fully delineated.
- Contamination does not cause an imminent risk to human health, the environment, or groundwater.

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: Nancy Winn Title: Geoscience Aanlyst

Signature:  Date: 11/7/2023

email: nwinn@sbcglobal.net Telephone: 281-793-5452

OCD Only

Received by: Shelly Wells Date: 11/7/2023

- Approved Approved with Attached Conditions of Approval Denied Deferral Approved

Signature:  Date: 11/14/2023

1. A 48 hour sampling notification will need to be submitted.
2. Include photos and GPS locations of samples in final report.

From: tom@pimaoil.com
To: "Maxwell, Ashley, EMNRD"; "Enviro, OCD, EMNRD"
Cc: "Nancy Winn"; "Tom Campbell"; "Jeff Stevenson"; "TIM HOUGHTALING"; "Sid Campbell"; "Bart Murphy"; "Irma Rodriguez"; "Gio PimaOil"; sebastian@pimaoil.com; "Bratcher, Michael, EMNRD"; "Smith, Cory, EMNRD"
Subject: RE: [EXTERNAL] FW: The Oil Conservation Division (OCD) has rejected the application, Application ID: 280818
Date: Monday, November 6, 2023 1:07:23 PM
Attachments: [image002.png](#)

Okay, thank you.

THANK YOU,

Tom Bynum

Cell – 580-748-1613

Office – 575-964-7740



Pima Environmental Services, LLC.

5614 N Lovington Hwy.

Hobbs, NM, 88240

From: Maxwell, Ashley, EMNRD <Ashley.Maxwell@emnrd.nm.gov>
Sent: Monday, November 6, 2023 9:09 AM
To: tom@pimaoil.com; Enviro, OCD, EMNRD <OCD.Enviro@emnrd.nm.gov>
Cc: 'Nancy Winn' <nwinn@sbcglobal.net>; 'Tom Campbell' <tom@oaknrg.com>; 'Jeff Stevenson' <jeff@oaknrg.com>; 'TIM HOUGHTALING' <timh928@msn.com>; 'Sid Campbell' <sid@oaknrg.com>; 'Bart Murphy' <bart@oaknrg.com>; 'Irma Rodriguez' <irma@oaknrg.com>; 'Gio PimaOil' <gio@pimaoil.com>; sebastian@pimaoil.com; Bratcher, Michael, EMNRD <mike.bratcher@emnrd.nm.gov>; Smith, Cory, EMNRD <cory.smith@emnrd.nm.gov>
Subject: RE: [EXTERNAL] FW: The Oil Conservation Division (OCD) has rejected the application, Application ID: 280818

Good Morning Tom,

Please submit a formal plan via the OCD permitting portal.

Thanks,
Ashley

Ashley Maxwell • Environmental Specialist
Environmental Bureau Projects Group
EMNRD - Oil Conservation Division
1000 Rio Brazos Road | Aztec, NM 87110
505.635.5000 | Ashley.Maxwell@emnrd.nm.gov
<http://www.emnrd.state.nm.us/OCD/>

From: tom@pimaoil.com <tom@pimaoil.com>
Sent: Monday, November 6, 2023 9:05 AM
To: Maxwell, Ashley, EMNRD <Ashley.Maxwell@emnrd.nm.gov>; Enviro, OCD, EMNRD <OCD.Enviro@emnrd.nm.gov>
Cc: 'Nancy Winn' <nwinn@sbcglobal.net>; 'Tom Campbell' <tom@oaknrg.com>; 'Jeff Stevenson' <jeff@oaknrg.com>; 'TIM HOUGHTALING' <timh928@msn.com>; 'Sid Campbell' <sid@oaknrg.com>; 'Bart Murphy' <bart@oaknrg.com>; 'Irma Rodriguez' <irma@oaknrg.com>; 'Gio PimaOil' <gio@pimaoil.com>; sebastian@pimaoil.com; Bratcher, Michael, EMNRD <mike.bratcher@emnrd.nm.gov>; Smith, Cory, EMNRD <cory.smith@emnrd.nm.gov>
Subject: RE: [EXTERNAL] FW: The Oil Conservation Division (OCD) has rejected the application, Application ID: 280818

Good morning Ashley,
Attached is a new map that we came up with for clearly defining the horizontal extents of these areas. The latest data table is also included on page 2. Our plan is to collect 5-point composite samples from the blue sample points referenced on this map (SW3, SW3-A, SW4-A, SW4, SW4-B, SW5, SW5-A). The 5-point composites will be comprised of Surface, 1', 2', 3', and 4' samples collected from each sample point. Samples will be field tested for contamination, if any exists the sample points will be recollected from another sample location further away from the spill area. This process will be repeated for each sample point until delineation can be achieved. The final 7 additional composite samples will be delivered to the lab for official testing.
Will the Division consider approving this plan to achieve full delineation for both NJXK1523052658 and NTO1432553976? Would the Division prefer a formal plan submitted?

THANK YOU,

Tom Bynum

Cell – 580-748-1613

Office – 575-964-7740



Pima Environmental Services, LLC.
5614 N Lovington Hwy.
Hobbs, NM, 88240

From: Maxwell, Ashley, EMNRD <Ashley.Maxwell@emnrd.nm.gov>
Sent: Thursday, November 2, 2023 9:56 AM
To: tom@pimaoil.com; Enviro, OCD, EMNRD <OCD.Enviro@emnrd.nm.gov>
Cc: 'Nancy Winn' <nwinn@sbcglobal.net>; 'Tom Campbell' <tom@oaknrg.com>; 'Jeff Stevenson' <jeff@oaknrg.com>; 'TIM HOUGHTALING' <timh928@msn.com>; 'Sid Campbell' <sid@oaknrg.com>; 'Bart Murphy' <bart@oaknrg.com>; 'Irma Rodriguez' <irma@oaknrg.com>; 'Gio PimaOil' <gio@pimaoil.com>; sebastian@pimaoil.com; Bratcher, Michael, EMNRD <mike.bratcher@emnrd.nm.gov>; Smith, Cory, EMNRD <cory.smith@emnrd.nm.gov>

Subject: RE: [EXTERNAL] FW: The Oil Conservation Division (OCD) has rejected the application, Application ID: 280818

Good Morning Tom,

In reference to incident NJXK1523052658, application ID 280818, the release area has not been fully delineated and therefore OCD cannot determine if the release traveled to areas not reasonably needed for production or subsequent drilling operations. Horizontal delineation must meet the requirements of the reclamation standards 19.15.29.13 NMAC (600 mg/kg Cl, 100 mg/kg TPH, 50 mg/kg BTEX, 10 mg/kg benzene) or OCD approved "background" values for the upper 4 feet of the impacted area. Samples collected for SW1-SW6 extend to only 1-foot bgs. Sample S7 @3 feet and samples S8 @1 and @2 exceed reclamation standards 19.15.29.13 NMAC (600 mg/kg Cl, 100 mg/kg TPH, 50 mg/kg BTEX, 10 mg/kg benzene) and therefore require additional horizontal delineation.

Once the release has been fully delineated, the OCD can determine if remediation and closure standards have been met per 19.15.29.12 NMAC and if 19.15.29.13 NMAC is applicable at this time. A release can meet the conditions of 19.15.29.12 NMAC and still be subject to 19.15.29.13 NMAC. In incidents such as this, OCD can grant remediation closure of the release but leave the incident open until the standards of 19.15.29.13 NMAC are met.

Also, per 19.15.29.12 D confirmation soil samples must consist of a five-point composite samples from the side wall and base and individual grab samples from any wet or discolored areas, representing a surface area of no more than 200 ft² unless otherwise approved. A sampling notification must be submitted at least two business days prior to conducting final sampling. A variance request for sampling may be submitted to the OCD but must be approved prior to conducting sampling. A review of OCD email and records found that proper notification was not provided to the OCD for any of the samples in the submitted report.

Ashley Maxwell • Environmental Specialist
Environmental Bureau Projects Group
EMNRD - Oil Conservation Division
1000 Rio Brazos Road | Aztec, NM 87110
505.635.5000 | Ashley.Maxwell@emnrd.nm.gov
<http://www.emnrd.state.nm.us/OCD/>

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

Sent: Tuesday, October 31, 2023 3:45 PM

To: Maxwell, Ashley, EMNRD <Ashley.Maxwell@emnrd.nm.gov>; Enviro, OCD, EMNRD <OCD.Enviro@emnrd.nm.gov>

Cc: 'Nancy Winn' <nwinn@sbcglobal.net>; 'Tom Campbell' <tom@oaknrg.com>; 'Jeff Stevenson' <jeff@oaknrg.com>; 'TIM HOUGHTALING' <timh928@msn.com>; 'Sid Campbell' <sid@oaknrg.com>; 'Bart Murphy' <bart@oaknrg.com>; 'Irma Rodriguez' <irma@oaknrg.com>; 'Gio PimaOil' <gio@pimaoil.com>; sebastian@pimaoil.com; Bratcher, Michael, EMNRD <mike.bratcher@emnrd.nm.gov>

Subject: [EXTERNAL] FW: The Oil Conservation Division (OCD) has rejected the application,

Application ID: 280818

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

Good afternoon Ashley,

Is the Division stating that we are to remediate the top 4' of each spill to the reclamation standard no matter where the spill occurs? (i.e. active pad, pasture, right of way, lease road, etc.)

Specifically, is the "Closure Criteria..." outlined in Table 1 no longer accepted for the top 4' of soil for an active pad?

Is Table 1 only applicable now to soil that is deeper than 4'?

Where exactly in "19.15.29.12 Remediation and Closure:" does it state that operators must show "a minimum of four feet of non-waste containing, uncontaminated, earthen material with chloride concentrations less than 600 mg/kg as analyzed by EPA Method 300.0, or other test methods approved by the division." This is found in **19.15.29.13 RESTORATION, RECLAMATION AND RE-VEGETATION:** which pertains to areas that will be, or are no longer in use. Are we now to treat EVERY area this way, even the areas that are still in use, and still needed for drilling, producing, storing, disposing, injecting, transporting, servicing, or processing?

19.15.29.12 REMEDIATION AND CLOSURE:

A. The responsible party must remediate all releases regardless of volume.

B. Remediation requirements.

(1) Unless remediation is completed, and a final closure report submitted, within 90 days of discovery of the release, the responsible party must complete division-approved remediation for releases either pursuant to a remediation plan approved pursuant to 19.15.29.12 NMAC or pursuant to an abatement plan in accordance with 19.15.30 NMAC. If the director determines that the release has caused water pollution in excess of the standards and requirements of 19.15.30 NMAC, the director may notify the responsible party that an abatement plan may be required pursuant to 19.15.30 NMAC.

(2) Any remediation under 19.15.29 NMAC should be completed as soon as practicable. Any remediation that exceeds 90 days must follow the division-approved timeline in the remediation plan. The responsible party may request an extension of time to remediate upon a showing of good cause as determined by the division.

C. Remediation plan requirements. The responsible party must take the following action for any major or minor release containing liquids.

(1) The responsible party must submit a detailed description of proposed remediation measures in accordance with the findings of the site assessment/characterization plan that includes:

- (a) delineation results, including laboratory analysis;
- (b) a scaled sitemap showing release area with horizontal and vertical delineation points;
- (c) estimated volume of impacted material to be remediated;
- (d) proposed remediation technique; and
- (e) proposed timeline for remediation activities.

(2) The responsible party shall restore the impacted surface area of a release occurring on a developed well pad, central tank battery, drilling site, compressor site or other exploration, development, production or storage sites to meet the standards of Table I of 19.15.29.12 NMAC or other applicable remediation standards and restore and reclaim the area pursuant to 19.15.29.13 NMAC. If contamination is located in areas immediately under or around production equipment such as production tanks, wellheads and pipelines where remediation could cause a major facility deconstruction, the remediation, restoration and reclamation may be deferred with division written approval until the equipment is removed during other operations, or when the well or facility is plugged or abandoned, whichever comes first. The deferral may be granted so long as the contamination is fully delineated and does not cause an imminent risk to human health, the environment, or ground water. Final remediation and

reclamation shall take place in accordance with 19.15.29.12 and 19.15.29.13 NMAC once the site is no longer being used for oil and gas operations.

(3) The responsible party shall remediate the impacted surface area of a release not occurring on a lined, bermed or otherwise contained exploration, development, production or storage site to meet the standards of Table I of 19.15.29.12 NMAC or other applicable remediation standards and restore and reclaim the area pursuant to 19.15.29.13 NMAC.

(4) If a release occurs within the following areas, the responsible party must treat the release as if it occurred less than 50 feet to ground water in Table I of 19.15.29.12 NMAC:

(a) within

(i) 300 feet

significant watercourse, or

(H) 200 feet

from the ordinary high-water mark);

19.15.29 NMAC

4

(b) within 300 feet from an occupied permanent residence, school, hospital, institution or church;

(c) within

(i) 500 feet of a spring or a private, domestic fresh water well

used by less than five households for domestic or stock watering purposes, or

(ii) 1000 feet of any fresh water well or spring;

(d) within incorporated municipal boundaries or within a defined

municipal fresh water well field covered under a municipal ordinance adopted pursuant to Section 3-27-3 NMSA 1978 as amended, unless the municipality specifically approves;

(e) within 300 feet of a wetland;

(f) within the area overlying a subsurface mine;

(g) within an unstable area; or

(h) within a 100-year floodplain.

(5) The division has 60 days from receipt of the proposed remediation plan to review and approve, approve with conditions or deny the remediation plan. If 60 days have lapsed without response from the division, then the plan is deemed denied. If the plan is approved with conditions or affirmatively denied, the division shall provide a written summary of deficiencies on which the decision is based. If the responsible party disagrees with any conditions of approval or denial of the plan, it shall consult with the division or file an application for hearing pursuant to 19.15.4 NMAC within 30 days of the denial or issuance of the conditions.

D. Closure requirements. The responsible party must take the following action for any major or minor release containing liquids.

(1) The responsible party must test the remediated areas for contamination with representative five-point composite samples from the walls and base, and individual grab samples from any wet or discolored areas. The samples must be analyzed for the constituents listed in Table I of 19.15.29.12 NMAC or constituents from other applicable remediation standards.

(a) The responsible party must verbally notify the appropriate division

district office two business days prior to conducting final sampling. If the division district office does not respond to the notice within the two business days, the responsible party may proceed with final sampling. The responsible party may request a variance from this requirement upon a showing of good cause as determined by the division.

(b) The responsible party may submit a composite and grab sample plan for the division's review and approval separately or with the remediation plan.

(c) Alternately, without division approval, the responsible party may elect to perform a composite and grab sample plan of the remediated area where each composite sample is not representative of more than 200 ft².

(2) If all composite and grab sample concentrations are less than or equal to the parameters listed in Table I of 19.15.29.12 NMAC or any conditions of approval, then the responsible party may proceed to backfill any excavated areas.

E. Closure reporting. The responsible party must take the following action for any major or minor release containing liquids.

(1) The responsible party must submit to the division a closure report on form C-

141, including required attachments, to document all closure activities including sampling results and the details on any backfilling, capping or covering, where applicable. The responsible party must certify that all information in the closure report and attachments is correct and that the responsible party has complied with all applicable closure requirements and conditions specified in division rules or directives. The responsible party must submit closure report along with form C-141 to the division within 90 days of the remediation plan approval. The responsible party may apply for additional time to submit the final closure report upon a showing of good cause as determined by the division. The final report must include:

- (a) a scaled site and sampling diagram;
- (b) photographs of the remediated site prior to backfill;
- (c) laboratory analyses of final sampling; and
- (d) a description of all remedial activities.

(2) The division district office has 60 days to review and approve or deny the closure report. If 60 days have lapsed without response from the division, then the report is deemed denied. If the report is affirmatively denied, the division shall provide a written summary of deficiencies on which the decision is based. If the responsible party disagrees with denial of the closure report, it may consult with the division or file an application for hearing pursuant to 19.15.4 NMAC within 30 days of the denial.

| Minimum depth below any point within the horizontal boundary of the release to ground water less than 10,000 mg/l TDS | Constituent | Method* | Limit** |
|---|-------------------|----------------------------------|--------------|
| ≤ 50 feet | Chloride*** | EPA 300.0 or SM4500 CI B | 600 mg/kg |
| | TPH (GRO+DRO+MRO) | EPA SW-846 Method 8015M | 100 mg/kg |
| | BTEX | EPA SW-846 Method 8021B or 8260B | 50 mg/kg |
| | Benzene | EPA SW-846 Method 8021B or 8260B | 10 mg/kg |
| 51 feet-100 feet | Chloride*** | EPA 300.0 or SM4500 CI B | 10,000 mg/kg |
| | TPH (GRO+DRO+MRO) | EPA SW-846 Method 8015M | 2,500 mg/kg |
| | GRO+DRO | EPA SW-846 Method 8015M | 1,000 mg/kg |
| | BTEX | EPA SW-846 Method 8021B or 8260B | 50 mg/kg |
| | Benzene | EPA SW-846 Method 8021B or 8260B | 10 mg/kg |
| >100 feet | Chloride*** | EPA 300.0 or SM4500 CI B | 20,000 mg/kg |
| | TPH (GRO+DRO+MRO) | EPA SW-846 Method 8015M | 2,500 mg/kg |
| | GRO+DRO | EPA SW-846 Method 8015M | 1,000 mg/kg |
| | BTEX | EPA SW-846 Method 8021B or 8260B | 50 mg/kg |
| | Benzene | EPA SW-846 Method 8021B or 8260B | 10 mg/kg |

*Or other test methods approved by the division.

**Numerical limits or natural background level, whichever is greater.

***This applies to releases of produced water or other fluids, which may contain chloride.

[19.15.29.12 NMAC - N, XX/XX/201?]

My apologies if I do not have the most current, updated version of this rule. I was not aware of any

changes to the rule or to how the Division was enforcing the rule. Any and all clarification you could give would be most helpful, thank you much for your time.

THANK YOU,

Tom Bynum

Cell – 580-748-1613

Office – 575-964-7740



Pima Environmental Services, LLC.

5614 N Lovington Hwy.

Hobbs, NM, 88240

----- Forwarded Message -----

From: OCDOnline@state.nm.us <ocdonline@state.nm.us>

To: "nwinn@sbcglobal.net" <nwinn@sbcglobal.net>

Sent: Tuesday, October 31, 2023 at 11:01:29 AM CDT

Subject: The Oil Conservation Division (OCD) has rejected the application, Application ID: 280818

To whom it may concern (c/o Nancy Winn for RAYBAW Operating, LLC),

The OCD has rejected the submitted *Application for administrative approval of a release notification and corrective action* (C-141), for incident ID (n#) nJXK1523052658, for the following reasons:

- **All areas not reasonably needed for production or subsequent drilling operations must be reclaimed to contain a minimum of four feet of non-waste earthen material with concentrations less than 600 mg/kg chlorides, 100 mg/kg TPH, 50 mg/kg BTEX, and 10 mg/kg Benzene.**
- **Remediation on an active site can be deferred in areas immediately under or around production equipment such as production tanks, wellheads, and pipelines where remediation could cause a major facility deconstruction so long as the contamination is fully delineated and does not cause an imminent risk to human health, the environment, or ground water. The deferral request must specify which sample points are being requested for deferral including an explanation why the contaminants can't be removed.**
- **Submit a report via the OCD permitting portal by March 4, 2024.**

The rejected C-141 can be found in the OCD Online: Permitting - Action Status, under the Application ID: 280818.

Please review and make the required correction(s) prior to resubmitting.

If you have any questions why this application was rejected or believe it was rejected in error, please contact me prior to submitting an additional C-141.

Thank you,
Ashley Maxwell

Projects Environmental Specialist - A

505-635-5000

Ashley.Maxwell@emnrd.nm.gov

New Mexico Energy, Minerals and Natural Resources Department

1220 South St. Francis Drive

Santa Fe, NM 87505

From: [Nancy Winn](#)
To: [Tom Campbell](#); [Tom Pima Oil](#); [Jeff Stevenson](#); [TIM HOUGHTALING](#); [Sid Campbell](#); [Bart Murphy](#); [Irma Rodriguez](#)
Subject: Fw: The Oil Conservation Division (OCD) has rejected the application, Application ID: 280826
Date: Tuesday, October 31, 2023 10:32:01 AM

We filed both closure reports yesterday, and both got rejected. See below. This one is for Incident ID #nTO1432553976. I will forward the other rejection email shortly.

Thanks,

Nancy

*Nancy J. Winn
Geoscience Analyst
1601 Belmont Blvd.
Abilene, Texas 79602
281-793-5452 (cell)*

----- Forwarded Message -----

From: OCDOnline@state.nm.us <ocdonline@state.nm.us>
To: "nwinn@sbcglobal.net" <nwinn@sbcglobal.net>
Sent: Tuesday, October 31, 2023 at 11:08:14 AM CDT
Subject: The Oil Conservation Division (OCD) has rejected the application, Application ID: 280826

To whom it may concern (c/o Nancy Winn for RAYBAW Operating, LLC),

The OCD has rejected the submitted *Application for administrative approval of a release notification and corrective action (C-141)*, for incident ID (n#) nTO1432553976, for the following reasons:

- **All areas not reasonably needed for production or subsequent drilling operations must be reclaimed to contain a minimum of four feet of non-waste earthen material with concentrations less than 600 mg/kg chlorides, 100 mg/kg TPH, 50 mg/kg BTEX, and 10 mg/kg Benzene.**
- **Remediation on an active site can be deferred in areas immediately under or around production equipment such as production tanks, wellheads, and pipelines where remediation could cause a major facility deconstruction so long as the contamination is fully delineated and does not cause an imminent risk to human health, the environment, or ground water. The deferral request must specify which sample points are being requested for deferral including an explanation why the contaminants can't be removed.**
- **Submit a report via the OCD permitting portal by March 4, 2023.**

The rejected C-141 can be found in the OCD Online: Permitting - Action Status, under the Application ID: 280826.

Please review and make the required correction(s) prior to resubmitting.

If you have any questions why this application was rejected or believe it was rejected in error, please contact me prior to submitting an additional C-141.

Thank you,
Ashley Maxwell
Projects Environmental Specialist - A
505-635-5000
Ashley.Maxwell@emnrd.nm.gov

New Mexico Energy, Minerals and Natural Resources Department

1220 South St. Francis Drive
Santa Fe, NM 87505

District I
 1625 N. French Dr., Hobbs, NM 88240
 Phone:(575) 393-6161 Fax:(575) 393-0720
District II
 811 S. First St., Artesia, NM 88210
 Phone:(575) 748-1283 Fax:(575) 748-9720
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 283266

CONDITIONS

| | |
|--|---|
| Operator: RAYBAW Operating, LLC 2626 Cole Avenue Dallas, TX 75204 | OGRID: 330220 |
| | Action Number: 283266 |
| | Action Type: [C-141] Release Corrective Action (C-141) |

CONDITIONS

| Created By | Condition | Condition Date |
|------------|---|----------------|
| amaxwell | Work plan approved with the following conditions: 1) A 48 hour sampling notification will need to be submitted. 2) Include photos and GPS locations of samples in the final report. | 11/14/2023 |
| amaxwell | Submit final report by December 29, 2023. | 11/14/2023 |