

State of New Mexico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Sarah Cottrell Propst
Cabinet Secretary

Todd E. Leahy, JD, PhD
Deputy Secretary

Dylan Fuge, Division Director
Oil Conservation Division



BY CERTIFIED AND ELECTRONIC MAIL

Jeff Harvard
President and Manager
Harvard Petroleum Company, LLC
P.O. Box 936
Roswell, NM 88202
jharvard@hpcnm.com

NOTICE OF VIOLATION

Apache 25 Federal #009 (30-015-32797)

The Director of the Oil Conservation Division (“OCD”) issues this Notice of Violation (“NOV”) pursuant to 19.15.5.10 NMAC.

(1) Alleged Violators: Harvard Petroleum Company, LLC, OGRID 10155 (“Operator”).

(2) Citation, Nature, and Factual and Legal Basis for Alleged Violation(s):

19.15.29.8 RELEASES:

B. For all releases regardless of volume, the responsible party shall comply with 19.15.29.8 NMAC and shall remediate the release. For major and minor releases, the responsible party shall also comply with 19.15.29.9, 19.15.29.10, 19.15.29.11, 19.15.29.12 and 19.15.29.13 NMAC.

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1. On September 21, 2022, location was inspected. OCD identified an un-remediated release of hydrocarbons, produced water, or other oil field waste.
2. On September 21, 2022, an email notification of a field compliance was sent to Operator, notifying Operator of the release and requiring corrective action to remediate the incident within 90 days, and to notify the Oil Conservation Division when remediation is completed.
3. Operator has not remediated the release or notified OCD that the release has been successfully remediated.

(3) *Compliance*: No later than Thirty (30) days after issuance of this NOV, Operator shall:

4. Remediate the release in conformity with 19.15.29 NMAC.
5. Inspect and correct any other compliance issues at the referenced site.
6. Assess and ensure compliance with any other LOVs at the referenced site or at any other sites controlled or operated by Operator.

(4) *Sanction(s)*: OCD may impose one or more of the following sanctions:

- civil penalty
- modification, suspension, cancellation, or termination of a permit or authorization
- shutting in a well or wells
- plugging and abandonment of a well
- remediation and restoration of a well location and associated facilities, including the removal of surface and subsurface equipment and other materials
- remediation and restoration of a location affected by a spill or release
- forfeiture of financial assurance
- any other remedy authorized by law

For the alleged violations described above and consistent with applicable law, OCD proposes the following sanctions (one or more of which may ultimately be selected):

- Remediation and restoration of a location affected by a spill or release:
- Civil penalty:

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19.15.29.8	\$2,500.00

The civil penalty calculations are attached. OCD may recalculate the civil penalties for ongoing violations occurring on or after the date of issuance of this NOV and will take into consideration Operator's good faith effort to comply with the applicable requirements.

(5) *Informal Review and Resolution*: A process is available for the informal review and resolution of the alleged violations in the NOV. To initiate the informal review process, contact the OCD employee identified at the end of this letter. If OCD and the alleged violator agree to resolve the alleged violations in the NOV, the agreement will be incorporated into a stipulated final order signed by both parties and stating that the alleged violator admits OCD's jurisdiction to file the NOV, consents to the specified relief, including the civil penalty, if any, and waives the right of review by the Oil Conservation Commission.

(6) *Hearing*: If this Notice of Violation is not resolved within thirty (30) days of receipt of service, OCD will hold a hearing on August 17, 2023. Please see 19.15.5.10 NMAC for more information regarding the hearing. However, please note that the hearing does not prohibit OCD from negotiating with the alleged violator at any time to settle the NOV.

For more information regarding this NOV, contact Sheila Apodaca, OCD Law Clerk, (505) 699-8358 or Sheila.Apodaca@emnrd.nm.gov.

Regards,



Dylan M. Fuge
Director

6/15/2023

Date

cc: EMNRD-OGC



Harvard Petroleum Company, LLC 10155	Alleged Violator Aggregated Violator OGRID
History of Non-Compliance	No history
Economic Impact	0
Total Penalties	0.4

API or Facility ID	Violation Citation	Type of Violation	Description	Outstanding Conditions			Comments	
				Days in Violation	Days Penalized	Penalty Subtotal	Effort to Comply	Further Subtotal
30-015-32799	29.8	fail to comply with an initial response requirement	Failed to remediate incident within 90 days and/or to notify the Division	\$ 1,000	\$ 1,000	\$ 1,000	Probable or Actual Willfulness	0.6
							No Cooperation or Non-Compliance	0.6
								2.500
								\$ 2,500
								Failed to comply with State of Virginia