

State of New Mexico
Energy, Minerals and Natural Resources Department

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Governor

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Dylan M. Fuge Division Director (Acting)
Oil Conservation Division



BY CERTIFIED ELECTRONIC MAIL

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NOTICE OF VIOLATION

PANTHER #001 (30-045-29573)

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

(1) Alleged Violators: Advanced Wireless Communications, LLC, OGRID 371710 (“Operator”).

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

19.15.29.8 RELEASES:

- A. Prohibition.** *Except as provided in 19.15.27 NMAC or 19.15.28 NMAC, major releases and minor releases are prohibited.*
- B. Requirements.** *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.*

PANTHER #001 (30-045-29573)

1. On January 1, 2024, OCD identified staining around the wellhead and compressor in violation of 19.15.29.8 NMAC.
2. On January 26, 2024, OCD sent an email notification of a field compliance to the Operator, notifying them of the staining and requiring corrective action within 90 days, and to notify the OCD when complete.
3. On June 7, 2024, OCD identified the same staining around the wellhead and compressor during a site inspection.

4. Operator has not corrected the compliance issue or notified OCD that the compliance issue has been successfully corrected.

(3) *Compliance*: No later than five (5) business days after issuance of this NOV, Operator shall:

- Remediate the release in compliance with 19.15.29 NMAC.
- Inspect and correct any other compliance issues that the Operator may have.

(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 Penalties:

OCD proposes a cumulative total of \$1,600 for one violation related to the PANTHER #001 (30-045-29573) as detailed in the civil penalty calculations, attached and incorporated as Exhibit A. The civil penalties were calculated as of June 10, 2024. 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.

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 September 12, 2024. 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 Jesse Tremaine, Attorney Supervisor, at (505) 231-9312 or JesseK.Tremaine@emnrd.nm.gov or Anna Seningen, Legal Intern, at Anna.Seningen@emnrd.nm.gov.

Regards,



Dylan M. Fuge
Director (Acting)

7/3/24

Date

cc: EMNRD-OGC