

## Rose-Coss, Dylan H, EMNRD

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**From:** Rose-Coss, Dylan H, EMNRD  
**Sent:** Tuesday, July 23, 2019 12:43 PM  
**To:** 'Joel Lowry'  
**Cc:** Mann, Ryan  
**Subject:** RE: Legacy's San Simon State Battery (1RP-5475)

Mr. Lowry,

The NMOCD has reviewed the site assessment and proposed remediation plan for the San Simon 6 State Battery release (1RP-5475). The majority of the proposed remediation plan is acceptable to the Division. However, the deferral request within the proposal is denied.

The Division requests that Legacy Reserves Operating, LP, in conjunction with Lowry Environmental & Associates, LLC (LEA), immediately address the impacted soil beneath and adjacent to the above ground storage tanks and associated utilities. A report detailing closure activities at the site, including remediation underneath the storage tanks, will be due to the Division on or before Monday October 21, 2019.

Please update the Division with a modified remediation plan to account for the excavation beneath the tanks. Additionally, please provide a two day notice in advance of any field activities.

Note: This determination by the Oil Conservation Division does not relieve Operator of responsibility should future information indicate a threat to ground water, surface water, human health, or the environment. Furthermore, it does not relieve Operator of responsibility for compliance with any federal, state, or local laws and/or regulations.

Regards,

**Dylan Rose-Coss**

*Environmental Scientist*  
Oil Conservation Division  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505

(505) 476-3488

