

## Rose-Coss, Dylan H, EMNRD

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**From:** zach.robbs@rxsoil.solutions  
**Sent:** Friday, February 15, 2019 10:22 AM  
**To:** Fields, Vanessa, EMNRD  
**Cc:** EMNRD-OCD-District1spills; jace.caraway@rxsoil.solutions  
**Subject:** RE: [EXT] RE: Variance Request - 1RP-5268  
**Attachments:** Pipeline & Rock Shelf.jpg; 1RP-5268 Pipeline Sampling Map.pdf

Hi Vanessa,

As discussed, RXSoil is requesting a variance to defer contaminated soil near a 6" crude poly pipeline. The request is in regards to a fragmenting rock shelf that is adjacent to the buried pipeline. The foreman has expressed concern that if we continue excavating closer than 3'-4' off of the pipeline and disturb the rock shelf along with the soils surrounding it, the rock will shift into the lower pressure area (due to backfill) where the pipeline is, potentially puncturing it and causing a release of crude oil. To protect the environment, the marginal benefit of excavating the rest of the material may not be worth the risk of an additional release.

I have attached an image of the pipeline and rock shelf. Also attached is a pdf map of the excavation area and sample points near the pipeline. "EX" samples represent **Excavation Samples** while "PL" represent **Pipeline samples**. The pipeline samples were taken at a depth of 1' bgs to demonstrate no contamination had crossed over the surface of the pipeline. The contamination represented in the sidewall samples are presumably from leaching horizontally at a lower depth, potentially because the rock layer prevented vertical migration.

RXSoil is proposing to leave approximately 163 cubic yards (275' long \* 4' width \* 4' max depth) in ground between the pipeline and the sidewall represented by sample points EX6, 8, 10, 12, 14. No surface damage occurred as evident by PL-W, C, and E testing below the detection limit. RXSoil would install a 20-mil HDPE poly liner on this sidewall before backfill.

Let me know if there is any other information I can get for you.

Please advise.

Thank you,  
Zach

**Zach Robbins | Technical and Engineering Analyst | RXSoil, Inc.**  
**Cell: 210-400-7645 | zach.robbs@rxsoil.solutions**

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**From:** Fields, Vanessa, EMNRD <Vanessa.Fields@state.nm.us>  
**Sent:** Friday, February 15, 2019 8:23 AM  
**To:** zach.robbs@rxsoil.solutions  
**Cc:** EMNRD-OCD-District1spills <EMNRD-OCD-District1spills@state.nm.us>  
**Subject:** RE: [EXT] RE: Variance Request - 1RP-5268

Good morning Zach,

Please see 19.15.29.14. As well, please ensure your variance request complies with all below.

**19.15.29.14 VARIANCES:**

**A. A responsible party may file a written request for a variance from any requirement of 19.15.29 NMAC with the appropriate division district office. The variance request must include:**

(1) a detailed statement explaining the need for a variance; and  
(2) a detailed written demonstration that the variance will provide equal or better protection of fresh water, public health and the environment.

B. The division district office must approve or deny the variance in writing within 60 days of receipt.

If the division district office denies the variance, it must provide the responsible party with the reasons for denial.

C. If the division district office does not approve or deny a request for variance from the requirements of 19.15.29 NMAC within 60 days of the date the request for variance is received by the division district office, then the request for variance is deemed denied and the responsible party may file an application for a hearing pursuant to 19.15.4 NMAC within 30 days of the denial.

D. If the responsible party requests a hearing pursuant to 19.15.4 NMAC within 30 days after receipt of notice, the division must set the matter for hearing with notice to the responsible party and appropriate division district office.

E. In addition to the notice provisions in 19.15.4 NMAC, the responsible party must provide notice of the hearing on the request for variance to the surface owner of the site by certified mail, return receipt requested, at least 20 days prior to the date of the hearing.

F. Variances must receive division approval prior to implementation.

[19.15.29.14 NMAC • N, 8/14/2018]

Thank you,

Vanessa Fields  
Environmental Specialist  
Oil Conservation Division  
Energy, Minerals, & Natural Resources  
1000 Rio Brazos, Aztec, NM 87410  
(505)334-6178 ext 119  
Cell: (505) 419-0463  
[vanessa.fields@state.nm.us](mailto:vanessa.fields@state.nm.us)

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**From:** [zach.robbs@rxsoil.solutions](mailto:zach.robbs@rxsoil.solutions) <[zach.robbs@rxsoil.solutions](mailto:zach.robbs@rxsoil.solutions)>

**Sent:** Thursday, February 14, 2019 4:11 PM

**To:** Fields, Vanessa, EMNRD <[Vanessa.Fields@state.nm.us](mailto:Vanessa.Fields@state.nm.us)>

**Subject:** RE: [EXT] RE: Variance Request - 1RP-5268

Good afternoon Vanessa,

Have you had a chance to finalize a decision here? We are at a standstill until we hear back.

We went ahead and sampled directly above the pipeline at 1' bgs depth. All three samples came back non-detectable.

Please advise.

Thank you,  
Zach

**Zach Robbins I Technical and Engineering Analyst I RXSoil, Inc.**

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**From:** Fields, Vanessa, EMNRD <[Vanessa.Fields@state.nm.us](mailto:Vanessa.Fields@state.nm.us)>

**Sent:** Tuesday, February 12, 2019 11:33 AM

**To:** [zach.robbins@rxsoil.solutions](mailto:zach.robbins@rxsoil.solutions)

**Subject:** RE: [EXT] RE: Variance Request - 1RP-5268

Could you please call me?

Thank you,

Vanessa Fields  
Environmental Specialist  
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1000 Rio Brazos, Aztec, NM 87410  
(505)334-6178 ext 119  
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**From:** [zach.robbins@rxsoil.solutions](mailto:zach.robbins@rxsoil.solutions) <[zach.robbins@rxsoil.solutions](mailto:zach.robbins@rxsoil.solutions)>

**Sent:** Tuesday, February 12, 2019 10:30 AM

**To:** Fields, Vanessa, EMNRD <[Vanessa.Fields@state.nm.us](mailto:Vanessa.Fields@state.nm.us)>; EMNRD-OCD-District1spills <[EMNRD-OCD-District1spills@state.nm.us](mailto:EMNRD-OCD-District1spills@state.nm.us)>

**Cc:** 'Mann, Ryan' <[rmann@slo.state.nm.us](mailto:rmann@slo.state.nm.us)>; 'Jace Caraway' <[jace.caraway@rxsoil.solutions](mailto:jace.caraway@rxsoil.solutions)>

**Subject:** RE: [EXT] RE: Variance Request - 1RP-5268

Good morning Vanessa,

I have attached our preliminary delineation results. We have excavated where sample points B and C are (to 4' due to dirty bottom samples at 1' and 3') and are approaching the pipeline from the north. Our first two sidewall samples on that wall have field-tested around 1500 mg/kg chloride and 2200 mg/kg chloride.

Our variance request is to leave 3'-4' of the contaminated soil in-ground on each side of the pipeline to prevent the rock layer from shifting and potentially puncturing the 6" crude poly line that is buried. If necessary, we would install a 20-mil polyliner to prevent migration of contaminants.

Let me know if you need any more information or images.

Thanks,  
Zach

**Zach Robbins I Technical and Engineering Analyst I RXSoil, Inc.**

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**From:** Fields, Vanessa, EMNRD <[Vanessa.Fields@state.nm.us](mailto:Vanessa.Fields@state.nm.us)>  
**Sent:** Tuesday, February 12, 2019 9:44 AM  
**To:** [zach.robbs@rxsoil.solutions](mailto:zach.robbs@rxsoil.solutions); EMNRD-OCD-District1spills <[EMNRD-OCD-District1spills@state.nm.us](mailto:EMNRD-OCD-District1spills@state.nm.us)>  
**Cc:** 'Mann, Ryan' <[rmann@slo.state.nm.us](mailto:rmann@slo.state.nm.us)>; 'Jace Caraway' <[jace.caraway@rxsoil.solutions](mailto:jace.caraway@rxsoil.solutions)>  
**Subject:** RE: [EXT] RE: Variance Request - 1RP-5268

What are your analytical numbers? Have you fully delineated?

Vanessa Fields  
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**Sent:** Tuesday, February 12, 2019 9:39 AM  
**To:** EMNRD-OCD-District1spills <[EMNRD-OCD-District1spills@state.nm.us](mailto:EMNRD-OCD-District1spills@state.nm.us)>  
**Cc:** 'Mann, Ryan' <[rmann@slo.state.nm.us](mailto:rmann@slo.state.nm.us)>; 'Jace Caraway' <[jace.caraway@rxsoil.solutions](mailto:jace.caraway@rxsoil.solutions)>  
**Subject:** [EXT] RE: Variance Request - 1RP-5268

Attachments included.

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**Sent:** Tuesday, February 12, 2019 10:34 AM  
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**Cc:** 'Mann, Ryan' <[rmann@slo.state.nm.us](mailto:rmann@slo.state.nm.us)>; 'Jace Caraway' <[jace.caraway@rxsoil.solutions](mailto:jace.caraway@rxsoil.solutions)>  
**Subject:** Variance Request - 1RP-5268

To Whom It May Concern:

We are currently excavating contaminated material for 1RP-5268. We have hydro-excavated the area where the release crossed the pipeline and potholed a few areas to confirm where the **6" crude poly pipe** is throughout the site (seen on the Release Map).

During excavation we encountered a rock shelf at 2' to 4' throughout the spill area. Our construction crew has gotten between 3' and 4' away from the poly pipe but does not want to get closer as they fear the rock shelf will crumble and collapse into the trench the pipeline is buried, potentially puncturing it and causing a large crude release. For this reason, RXSoil is requesting a deferral of this for safety reasons. RXSoil will continue to test the sidewalls and use a 20 mil polyliner to prevent cross contamination between the two areas.

Please advise.

Thanks,  
Zach

**Zach Robbins | Technical and Engineering Analyst | RXSoil, Inc.**

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