From:	Eads, Cristina, EMNRD
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Subject:	2RP-5155 - Molly State, Delineation Report and Remediation Plan
Date:	Wednesday, November 27, 2019 12:08:00 PM

Mr. Cunningham,

We have received your Site Assessment and Remediation Plan for Molly State Battery (2RP-5155), thank you. The remediation plan utilizes the closure criteria for depth to ground water at >100 feet, however depth to groundwater has not been adequately identified in the site assessment. Per 19.15.29.11 (A)(2) NMAC, "*The responsible party must determine the depth to ground water where the release occurred*." Please refer to the September 6, 2019 clarification for the Spill Rule, posted on the Announcements and Notifications page of the OCD website (http://www.emnrd.state.nm.us/OCD/announcements.html).

In order to provide a determination for the above referenced remediation plan, depth to ground water must be identified within a ½-mile radius of the release.

Please let me know if you have any questions.

Thanks,

Cristina Eads
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OCD approval does not relieve the operator of liability should their operations fail to adequately investigate and remediate contamination that may pose a threat to groundwater, surface water, human health or the environment. In addition, OCD approval does not relieve the operator of responsibility for compliance with any other federal, state, or local laws and/or regulations.