

**From:** [Eads, Cristina, EMNRD](#)  
**To:** ["Littrell, Kyle"](#)  
**Cc:** [Bratcher, Mike, EMNRD](#); [Hamlet, Robert, EMNRD](#); [Venegas, Victoria, EMNRD](#); [Bradford EMNRD Billings \(Bradford.Billings@state.nm.us\)](#)  
**Subject:** RE: NAB1907955404 REMUDA 25 OBSERVATION WELL #001 @ 30-015-45751  
**Date:** Friday, April 10, 2020 2:54:00 PM  
**Attachments:** [image001.png](#)

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Kyle,

My takeaway from discussions I have had with other OCD staff is the OCD generally does not accept the averaging of water levels, whether from the same well, or multiple.

I have reviewed the approved closures shown on the map you attached (all but one are closures). These were all reviewed and approved by people other than myself, so I can't speak for them. But in every one of these closures, confirmation samples met Table I closure criteria for ground water at a depth of 50 feet or less. So, regardless of what the site characterization said about depth to water, the sites would have been approved for closure as they met OCD's most stringent closure criteria.

For the deferral I approved (2RP-5589), in the site characterization, XTO input that groundwater was at a depth of less than 50 feet, thus requiring the use of OCD's most stringent closure criteria.

Due to the nature of this release and the data XTO has provided, either a boring will need to be installed at the site, or data no older than 25 years from a well within a ½ mile radius will need to be supplied to prove depth to water is 51 feet below ground surface or greater in order to overturn my decision.

Let me know if you have anymore questions or comments. I am happy to discuss further if needed.

Thanks,

*Cristina Eads | 505-670-5601*

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**From:** Littrell, Kyle <Kyle\_Littrell@xtoenergy.com>  
**Sent:** Thursday, April 9, 2020 2:29 PM  
**To:** Eads, Cristina, EMNRD <Cristina.Eads@state.nm.us>  
**Cc:** Bratcher, Mike, EMNRD <mike.bratcher@state.nm.us>; Hamlet, Robert, EMNRD <Robert.Hamlet@state.nm.us>; Venegas, Victoria, EMNRD <Victoria.Venegas@state.nm.us>  
**Subject:** [EXT] RE: NAB1907955404 REMUDA 25 OBSERVATION WELL #001 @ 30-015-45751

Afternoon Cristina,

We do not have a closer water well than USGS well 321717103561001 to reference depth to groundwater; however, NMOCD's Spill Rule Procedures (Guidelines) indicate if the operator has applicable information, it can be reviewed to determine if it is acceptable. Can you please review the following and attached information to determine if it can be accepted as additional backup for determining depth to water at this location?

1. XTO used an average of the historical data at USGS well 321717103561001, which was previously

confirmed via phone and in-person conversations with NMOCD as an acceptable method if practical for a site. No depth to water measurements collected in the last 40 years were less than 50 feet bgs. The average is 51.77 feet bgs.

2. Please see the attached map showing six (6) nearby sites with RP#s that have been approved by NMOCD over the last 12 months by applying the average depth to water from the USGS well data.

3. Regional depth to water information is provided on the attached map and shows a clear trend of increasing depth to water with distance from Salt Lake. This particular site is situated in an area where regional data suggest depth to groundwater is just over 50 feet to groundwater.

I appreciate your consideration of additional information and please reach out if you have additional questions or concerns. Thanks. --Kyle

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**From:** Eads, Cristina, EMNRD [<mailto:Cristina.Eads@state.nm.us>]

**Sent:** Thursday, April 2, 2020 6:03 PM

**To:** Littrell, Kyle <[Kyle\\_Littrell@xtoenergy.com](mailto:Kyle_Littrell@xtoenergy.com)>

**Cc:** Bratcher, Mike, EMNRD <[mike.bratcher@state.nm.us](mailto:mike.bratcher@state.nm.us)>; Hamlet, Robert, EMNRD <[Robert.Hamlet@state.nm.us](mailto:Robert.Hamlet@state.nm.us)>; Venegas, Victoria, EMNRD <[Victoria.Venegas@state.nm.us](mailto:Victoria.Venegas@state.nm.us)>

**Subject:** NAB1907955404 REMUDA 25 OBSERVATION WELL #001 @ 30-015-45751

### External Email - Think Before You Click

Kyle,

The OCD has denied the submitted Deferral Request C-141 for incident # nAB1907955404 for the following reasons:

- United States Geological Survey (USGS) well 321717103561001 is over ½ mile away from the site, and the most recent data from this well is from 2003 and indicates the groundwater level was at 50.24' below ground surface. This data would indicate the measured groundwater level was at less than the minimum required depth to use Table I Closure Criteria for groundwater at a depth of 51' to 100'. If evidence of ground water at a depth of = 51' in a nearer location to the site cannot be provided, impacted soils will need to meet Table 1 Closure Criteria for groundwater at a depth of 50 feet or less.

Given XTO meets the condition above and provides XTO's safety policy for working near pipelines and active wells, the deferral request will be approved.

The Denied C-141 can be found in the online image file. Please review and make the required correction prior to resubmitting through the fee portal. If you have any questions or believe this denial is in error, please contact me prior to submitting an additional C-141.

**Cristina Eads**

*Environmental Bureau*

*EMNRD – Oil Conservation Division*

5200 Oakland Avenue NE, Suite 100

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505.670-5601

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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.**