

Bratcher, Mike, EMNRD

From: Bratcher, Mike, EMNRD
Sent: Thursday, May 12, 2016 10:48 AM
To: 'Kerry Egan'
Cc: Patterson, Heather, EMNRD
Subject: RE: Closure Request for 2RP-2632-0

RE: Agave Energy Co. * Dagger Draw Gas System * **2RP-2632** * Historic

Kerry,

Based on information and data presented, your request for closure of 2RP-2632 is approved.

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 ground water, 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, local laws and/or regulations.

If you have any questions or concerns, please contact me.

Mike Bratcher
NMOCD District 2
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From: Kerry Egan [mailto:kegan@agaveenergy.com]
Sent: Monday, March 28, 2016 10:19 AM
To: Bratcher, Mike, EMNRD
Subject: Closure Request for 2RP-2632-0

Mike,

I've attached documentation regarding 2RP-2632-0, which was opened in November of 2014. Just to remind you of the circumstances of this RP, the Howell ranch notified myself of a potential gas release from a pipeline that runs through their land. Their basis for suspecting a release was an area adjacent to Agave's and Yates Petroleum Corporation's pipeline right-of-way. Upon investigating the location I did find an area approximately 45 yards by 25 yards with a noticeable decrease in vegetation density, as compared to what is normally seen in this area. The sparse vegetation density was the only indicator of a pipeline release, there were no free standing liquids, no gross soil staining, no chloride crusting, and not detectable odor of hydrocarbons. A portion of the apparently affected area fell within the flood zone of an ephemeral tributary to Four Mile Draw, itself an ephemeral waterway which only collects standing water during significant precipitation events. Due to the fact that the Army Corps of Engineers (ACE) can assert jurisdiction over ephemeral water courses, Agave felt it prudent to notify the ACE office in Las Cruces, NM of a potential release and the possibility of conducting remediation work within the confines of the flood zone. Notification to the NMOCD of the potential contamination and remediation work was completed as standard practice.

Soil sampling at the site has shown there to be insignificant levels, if any at all, of soil contamination. Of the samples that detected any hydrocarbons, the levels were well below the Recommended Remediation Action Levels found in *Guidelines for Remediation of Leaks, Spills and Releases* (August 13, 1993).

I have monitored this area for over a year to determine if there was an increase in vegetative growth, or if the problem seemed to be worsening. Throughout this time there has been no noticeable increase in the affected area, or vegetative death/withering. Additionally I attempted to reseed the area in May of 2015, in an attempt to encourage vegetation growth in the area. Since last May there has been an increase in plant growth on the periphery of the area.

Because the PVC pipelines in this area have been taken out of service, Agave will not attempt to remove them, opting to leave them buried in place which is our standard practice. Indeed, in order to access the lines to remove them would require the use of heavy equipment, while the location parallels a private road it is inaccessible by vehicles or heavy equipment. To access the area with such equipment would result in greater damage to the area than leaving the lines in place.

Given what we know and have observed at the site, Agave is requesting the closure of 2RP-2632-0.

Please review the attached closure packet containing the pertinent documentation. Once you have reviewed the packet let me know if you have any questions or concerns, I would be more than happy to stop by the office and discuss this one.

Thanks,
Kerry Egan
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