

**From:** Velez, Nelson, EMNRD  
**Sent:** Thursday, July 14, 2022 7:16 AM  
**To:** abyars@mspartners.com  
**Subject:** Tiffany Navajo Lake 14-1 / 102 - Closure Report; Incident #: NAPP2134439976, Application ID: 101001

This email is applicable toward the approved closure for the aforementioned incident and for the intention of any future reportable releases where MorningStar Operating LLC (MorningStar) is the responsible party.

The following are notes of the final closure review;

1. **No data presented for:**
  - a. the shallowest depth to groundwater beneath the area affected by the release
  - b. lateral extents of the release if within 300 feet of a continuously flowing watercourse or any other significant watercourse
  - c. lateral extents of the release if within 200 feet of any lakebed, sinkhole, or playa lake (measured from the ordinary high-water mark)
  - d. lateral extents of the release if within 300 feet of an occupied permanent residence, school, hospital, institution, or church
  - e. lateral extents of the release if within 500 horizontal feet of a spring or a private domestic fresh water well used by less than five households for domestic or stock watering purposes
  - f. the lateral extents of the release if within 1000 feet of any other fresh water well or spring
  - g. lateral extents of the release if within incorporated municipal boundaries or within a defined municipal fresh water well field
  - h. lateral extents of the release if within 300 feet of a wetland
  - i. lateral extents of the release if overlying a subsurface mine
  - j. lateral extents of the release if overlying an unstable area such as karst geology
  - k. lateral extents of the release if within a 100-year floodplain
  - l. Determination of water sources and significant watercourses within ½-mile of the lateral extents of the release
2. **Incorrectly answered NO to:** whether the release impact areas are not on an exploration, development, production, or storage site
3. No data table summary of soil contaminant concentration provided. Although not required by rule, is beneficial in understanding the closure requested
4. **Any field data collected**
5. **Photos deficient; no data presented for:** date/time and/or GIS information for the photographs collected, no informational description(s) for imagery content
6. **All 3 laboratory samples (sample IDs: Start, Middle, & End) exceeded the allowable concentration (100 mg/Kg) for Total Petroleum Hydrocarbons or TPH (132.6, 103.5, & 165.2 mg/Kg respectively)**
7. **All remedial activities (primarily email correspondence) were not included in the report (OCD provided & included within the final closure report).**

Information presented in the final report was satisfactory for closure approval. This determination was based on the surface condition of the release pathway (glacial till combined with bedrock outcropping), the terminal end not entering into any of the setbacks noted above with the exception of the floodplain designation discussed in the "Remediation Efforts" write up (one of the supporting documents not included), and the relatively low TPH values of the confirmation samples collected. A high probability exists that the biodegradation of TPH by means of natural exposure to the physical elements (e.g. sun, rain, wind, snow, etc.), would decrease below the closure standard in place over a relatively short duration of time. OCD has determined that the condition of the final release area does not pose a danger to fresh water, public health, or to the existing ecosystem.

OCD will evaluate future incidents based on site specific details but will hold MorningStar accountable to fulfill its obligation in meeting the applicable requirements within Part 29 or Part 30 if pertinent. Therefore, any future reportable incident must adhere to the required application of 19.15.29.11 NMAC and 19.15.29.12 NMAC for OCD to render final closure. Failure in doing so may result in denial of the closure request.

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7:00–11:00 am & 12:00–4:00 pm Fri.