

July 28, 2022

Nelson Velez
Environmental Specialist - Advanced
New Mexico Oil Conservation Division
1000 Rio Brazos Road
Aztec, New Mexico 87410

Via electronic mail with delivery confirmation to:

Nelson.Velez@state.nm.us

**RE: Request for Variance per Subsection D of Section 9 of 19.15.30 NMAC
O-9 Pipeline Release
NMOCD Order Number: AP-31, NMOCD Incident Number: NAUTOFWCO00437
Rio Arriba County, New Mexico**

Dear Mr. Velez:

On behalf of Benson-Montin-Greer Drilling Corporation (BMG), Animas Environmental Services LLC (AES) submitted the *Q4 2021 and Final Groundwater Monitoring Report* (dated March 5, 2022) to the New Mexico Environment Department's (NMED) Oil Conservation Division (NMOCD) for the O-9 Pipeline Release (NMOCD Order Number AP-31, Incident Number NAUTOFWCO00427). In this report, AES concluded that monitor wells MW-1 through MW-3 and MW-5 through MW-8 have complied with New Mexico Administrative Code (NMAC) 19.15.30.9.D, as they have recorded eight (8) or more consecutive quarters of sampling results for volatile organic compounds (VOCs) and total petroleum hydrocarbons (TPH) that meet the constituent of concerns within the abatement standards in Subsections A, B, and C of 19.15.30.9 NMAC. The three (3) remaining monitor wells at the site, MW-4, MW-9, and MW-10, do not meet this standard:

- MW-4 was sampled four (4) times between 2000 and 2019, and had no analytical detections in any of the sampling events. Due to dropping groundwater elevations, AES has not been able to collect a verifiable sample from MW-4 since April 3, 2019;
- MW-9 was sampled for five (5) consecutive quarterly events from November 2020 to December 2021, with analytical results that meet the abatement standards in Subsections A, B, and C of 19.15.30.9 NMAC; and,
- MW-10 was sampled for four (4) consecutive quarterly events from February 2021 to December 2021, and had no analytical detections in any of the sampling events.

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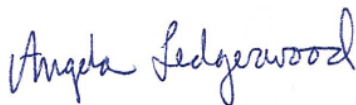
As stated in the March 2022 report, soil concentrations from samples collected in November 2020 and site lithology indicate, together with dissolved phase concentrations, that the soil-to-groundwater pathway will likely continue to have stable to decreasing VOC and TPH groundwater concentrations, with VOC and TPH soil concentrations remaining below NMED action levels (Subsection B of 19.15.29.12 NMAC) and soil contaminant concentrations remaining below NMED screening levels (*Volume I – Soil Screening Guidance for Human Health Risk Assessment, February 2019; Revision 2 June 2019*).

No sensitive receptors (schools, nursing homes, etc.) or registered domestic water wells are located in close proximity to the site. The site is on rural U.S. Forest Service land approximately 15 miles north of the nearest settlement of Lindrith, New Mexico, and no potentially complete exposure pathways have been identified.

Based on this information, AES requested that NMOCD grant a variance under 20.6.2.1210 NMAC to allow monitor wells MW-4, MW-9, and MW-10 to be plugged and abandoned. However, NMOCD cannot grant variances under this regulation, which refers to actions to be taken by the WQCC. Therefore, AES requests that NMOCD grant the variance under Subsection D of 19.15.30.9 NMAC.

If you have any questions about this request or site conditions, please contact Angela Ledgerwood at 720-537-6650.

Respectfully Submitted,



Angela Ledgerwood
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