

NM2 - _____4_____

**OCD CLOSURE
NOTICE
RESPONSE**

April 29, 2024

From: [Jones, Brad, EMNRD](#)
To: [Angela Todd; bmg@bmgdrilling.com](#)
Cc: [Zach Stradling - Benson Montin Greer \(zstradling@bmgdrilling.com\); Barr, Leigh, EMNRD](#)
Subject: OCD's Response to Closure Notice
Date: Monday, April 29, 2024 8:38:00 AM
Attachments: [2024 0429 NM2-4 Benson-Montin-Greer Drilling Corp - OCD's response to closure notice.pdf](#)
Importance: High

Matt, Zach, and Angela,

Please see the attached. It is OCD's response to the April 23, 2024, closure notice email below. If you have any questions, Please contact me.

Sincerely,

Brad Jones

Brad A. Jones Environmental Scientist Specialist - Advanced
Environmental Bureau
EMNRD - Oil Conservation Division
1220 S. Saint Francis Drive | Santa Fe, New Mexico 87505
(505) 469-7486 | brad.a.jones@emnrn.nm.gov
www.emnrn.nm.gov

From: Angela Todd <atodd@animasenvironmental.com>
Sent: Tuesday, April 23, 2024 4:10 PM
To: Jones, Brad, EMNRD <brad.a.jones@emnrn.nm.gov>
Cc: Zach Stradling - Benson Montin Greer (zstradling@bmgdrilling.com) <zstradling@bmgdrilling.com>
Subject: [EXTERNAL] BMG Landfarm: Post-Closure field activity notification.

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Good afternoon Brad:

In accordance with the January 2024 Closure/Post-Closure Plan, BMG plans to begin reclamation of landfarm cells 1 through 4 on Tuesday, April 30, 2024.

If you have any questions, please let me know.

Thank you,

Angela Todd
Senior Project Manager
Animas Environmental Services, LLC

animasenvironmental.com
atodd@animasenvironmental.com
720-537-6650 mobile

State of New Mexico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Dylan M. Fuge
Deputy Secretary

Dylan Fuge, Division Director (Acting)
Oil Conservation Division



By Electronic Mail Only

Mr. Matt Dimond
Benson-Montin-Greer Drilling Corp.
4900 College Boulevard
Farmington, New Mexico 87402
bmg@bmgdrilling.com

**RE: OCD's Response to Closure Notice
 Benson-Montin-Greer Drilling Corp. (OGRID 2096), Permit NM2-004**

Dear Mr. Dimond:

On April 23, 2023, the Oil Conservation Division (OCD) received a closure notice for Permit NM2-004 via email from Animas Environmental Services, LLC (AES). This notice informed the OCD of the following: "In accordance with the January 2024 Closure/Post-Closure Plan, BMG plans to begin reclamation of landfarm cells 1 through 4 on Tuesday, April 30, 2024."

The OCD is informing Benson-Montin-Greer Drilling Corp (BMG) that closure activities cannot be conducted on April 30, 2024. This proposed date does not meet regulatory guidelines. 19.15.36.18.A(1) NMAC states, "The operator shall notify the division's environmental bureau at least 60 days prior to cessation of operations at the surface waste management facility and provide a proposed schedule for closure. Upon receipt of such notice and proposed schedule, the division shall review the current closure and post closure plan (post closure is not required for oil treating plants) for adequacy and inspect the surface waste management facility."

In Section 1 of the January 2024 Closure/Post-Closure Plan, BMG provides the following response: "Submittal of this Closure Plan and Landfarm Exception Request is also intended to serve as notification to NMOCD that BMG intends to close the landfarm cells on March 25, 2024, which is in accordance with the closure notification requirement in New Mexico Administrative Code (NMAC) 19.15.36.18.A.1."

Pursuant to 19.15.36.18.A(2) NMAC, "*The division shall notify the operator within 60 days after the date of cessation of operations specified in the operator's closure notice* of modifications of

Benson-Montin-Greer Drilling Corp.
NM2-004
Page 2 of 2

the closure and post closure plan and proposed schedule or additional requirements that it determines are necessary for the protection of fresh water, public health or the environment.” Based upon BMG’s response to 19.15.36.18.A(1) NMAC, OCD’s 60-day review period began on March 25, 2024, which means OCD has until May 24, 2024, to complete the review.

Upon OCD’s initial review of the January 2024 Closure/Post-Closure Plan, the OCD identified multiple exception requests that were not formally requested in the proposed plan. For example, some of the exception requests identified that were not specifically requested by BMG are as follows:

- BMG proposes to use historical sampling data rather than performing the treatment zone closure sampling as required by 19.15.36.15.F NMAC and 19.15.36.18.C(4)(a-d) NMAC; and
- BMG proposed to use Form C-137 EZ which is only applicable for an OCD small registered landfarm pursuant to 19.15.36.16 NMAC.

For good cause, 19.15.36.18.A(3) NMAC allows the director to extend OCD’s review of the current closure and post closure plan for an additional period not to exceed 60-days. Due to multiple exception requests identified in the January 2024 Closure/Post-Closure Plan, I hereby approve an additional 60 days to complete OCD’s review and as such the OCD has until July 23, 2024, to complete their review of the January 2024 Closure/Post-Closure Plan.

Should you have any questions regarding this matter, please contact Brad Jones of my staff at (505) 469-7486 or brad.a.jones@emnrd.nm.gov.

Respectfully,



DYLAN M. FUGE
Director (Acting)

4/29/24

DATE

cc: Zach Stradling, BMG, zstradling@bmgdrilling.com
Angela Todd, AES, atodd@animasenvironmental.com

State of New Mexico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Dylan M. Fuge
Deputy Secretary

Dylan Fuge, Division Director (Acting)
Oil Conservation Division



By Electronic Mail Only

Mr. Matt Dimond
Benson-Montin-Greer Drilling Corp.
4900 College Boulevard
Farmington, New Mexico 87402
bmg@bmgdrilling.com

**RE: OCD's Response to Closure Notice
 Benson-Montin-Greer Drilling Corp. (OGRID 2096), Permit NM2-004**

Dear Mr. Dimond:

On April 23, 2023, the Oil Conservation Division (OCD) received a closure notice for Permit NM2-004 via email from Animas Environmental Services, LLC (AES). This notice informed the OCD of the following: "In accordance with the January 2024 Closure/Post-Closure Plan, BMG plans to begin reclamation of landfarm cells 1 through 4 on Tuesday, April 30, 2024."

The OCD is informing Benson-Montin-Greer Drilling Corp (BMG) that closure activities cannot be conducted on April 30, 2024. This proposed date does not meet regulatory guidelines. 19.15.36.18.A(1) NMAC states, "The operator shall notify the division's environmental bureau at least 60 days prior to cessation of operations at the surface waste management facility and provide a proposed schedule for closure. Upon receipt of such notice and proposed schedule, the division shall review the current closure and post closure plan (post closure is not required for oil treating plants) for adequacy and inspect the surface waste management facility."

In Section 1 of the January 2024 Closure/Post-Closure Plan, BMG provides the following response: "Submittal of this Closure Plan and Landfarm Exception Request is also intended to serve as notification to NMOCD that BMG intends to close the landfarm cells on March 25, 2024, which is in accordance with the closure notification requirement in New Mexico Administrative Code (NMAC) 19.15.36.18.A.1."

Pursuant to 19.15.36.18.A(2) NMAC, "*The division shall notify the operator within 60 days after the date of cessation of operations specified in the operator's closure notice* of modifications of

Benson-Montin-Greer Drilling Corp.
NM2-004
Page 2 of 2

the closure and post closure plan and proposed schedule or additional requirements that it determines are necessary for the protection of fresh water, public health or the environment.” Based upon BMG’s response to 19.15.36.18.A(1) NMAC, OCD’s 60-day review period began on March 25, 2024, which means OCD has until May 24, 2024, to complete the review.

Upon OCD’s initial review of the January 2024 Closure/Post-Closure Plan, the OCD identified multiple exception requests that were not formally requested in the proposed plan. For example, some of the exception requests identified that were not specifically requested by BMG are as follows:

- BMG proposes to use historical sampling data rather than performing the treatment zone closure sampling as required by 19.15.36.15.F NMAC and 19.15.36.18.C(4)(a-d) NMAC; and
- BMG proposed to use Form C-137 EZ which is only applicable for an OCD small registered landfarm pursuant to 19.15.36.16 NMAC.

For good cause, 19.15.36.18.A(3) NMAC allows the director to extend OCD’s review of the current closure and post closure plan for an additional period not to exceed 60-days. Due to multiple exception requests identified in the January 2024 Closure/Post-Closure Plan, I hereby approve an additional 60 days to complete OCD’s review and as such the OCD has until July 23, 2024, to complete their review of the January 2024 Closure/Post-Closure Plan.

Should you have any questions regarding this matter, please contact Brad Jones of my staff at (505) 469-7486 or brad.a.jones@emnrd.nm.gov.

Respectfully,



DYLAN M. FUGE
Director (Acting)

4/29/24

DATE

cc: Zach Stradling, BMG, zstradling@bmgdrilling.com
Angela Todd, AES, atodd@animasenvironmental.com

From: [Angela Todd](#)
To: [Jones, Brad, EMNRD](#)
Subject: [EXTERNAL] Read: OCD's Response to Closure Notice
Date: Monday, April 29, 2024 8:39:15 AM
Attachments: [EXTERNAL Read OCDs Response to Closure Notice.msg](#)
Importance: High

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

From: postmaster@animasenvironmental.com
To: [Jones, Brad, EMNRD](#)
Subject: [EXTERNAL] Delivered: OCD's Response to Closure Notice
Date: Monday, April 29, 2024 8:38:35 AM
Attachments: [EXTERNAL Delivered OCDs Response to Closure Notice.msg](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

From: [Microsoft Outlook](#)
To: bmg@bmgdrilling.com; [Zach Stradling - Benson Montin Greer \(zstradling@bmgdrilling.com\)](mailto:zstradling@bmgdrilling.com)
Subject: Relayed: OCD's Response to Closure Notice
Date: Monday, April 29, 2024 8:38:28 AM
Attachments: [OCDs Response to Closure Notice.msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
bmg@bmgdrilling.com (bmg@bmgdrilling.com) <<mailto:bmg@bmgdrilling.com>>
[Zach Stradling - Benson Montin Greer \(zstradling@bmgdrilling.com\)](mailto:zstradling@bmgdrilling.com) (zstradling@bmgdrilling.com) <<mailto:zstradling@bmgdrilling.com>>
Subject: OCD's Response to Closure Notice

From: postmaster@animasenvironmental.com
To: [Jones, Brad, EMNRD](#)
Subject: [EXTERNAL] Delivered: OCD's Response to Closure Notice
Date: Monday, April 29, 2024 8:38:35 AM
Attachments: [EXTERNAL Delivered OCDs Response to Closure Notice.msg](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

From: [BMG Info](#)
To: [Jones, Brad, EMNRD](#)
Subject: [EXTERNAL] Read: OCD's Response to Closure Notice
Date: Monday, April 29, 2024 8:45:32 AM
Importance: High

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

From: [Microsoft Outlook](#)
To: [Barr, Leigh, EMNRD](#)
Subject: Delivered: OCD's Response to Closure Notice
Date: Monday, April 29, 2024 8:38:26 AM
Attachments: [OCDs Response to Closure Notice.msg](#)

Your message has been delivered to the following recipients:
Barr, Leigh, EMNRD (leighp.barr@emnrn.nm.gov) <mailto:leighp.barr@emnrn.nm.gov>
Subject: OCD's Response to Closure Notice

From: [Barr, Leigh, EMNRD](#)
To: [Jones, Brad, EMNRD](#)
Subject: Read: OCD's Response to Closure Notice
Date: Monday, April 29, 2024 8:48:09 AM
Importance: High

Your message

To: Barr, Leigh, EMNRD
Subject: OCD's Response to Closure Notice
Sent: Monday, April 29, 2024 8:38:22 AM (UTC-07:00) Mountain Time (US & Canada)
was read on Monday, April 29, 2024 8:47:25 AM (UTC-07:00) Mountain Time (US & Canada).

District I
 1625 N. French Dr., Hobbs, NM 88240
 Phone:(575) 393-6161 Fax:(575) 393-0720
District II
 811 S. First St., Artesia, NM 88210
 Phone:(575) 748-1283 Fax:(575) 748-9720
District III
 1000 Rio Brazos Rd., Aztec, NM 87410
 Phone:(505) 334-6178 Fax:(505) 334-6170
District IV
 1220 S. St Francis Dr., Santa Fe, NM 87505
 Phone:(505) 476-3470 Fax:(505) 476-3462

State of New Mexico
Energy, Minerals and Natural Resources
Oil Conservation Division
1220 S. St Francis Dr.
Santa Fe, NM 87505

CONDITIONS

Action 338414

CONDITIONS

Operator: BENSON-MONTIN-GREER DRILLING CORP 4900 College Blvd. Farmington, NM 87402	OGRID: 2096
	Action Number: 338414
	Action Type: [C-137] Non-Fee SWMF Submittal (SWMF NON-FEE SUBMITTAL)

CONDITIONS

Created By	Condition	Condition Date
bjones	OCD emailed a response to Matt Dimond and Zach Stradling (BMG) and Angela Todd (AES) on April 29, 2024, to the closure notice OCD received on April 23, 2024, from Angela Todd. OCD informed BMG/AES of their misinterpretation of the closure notice requirements of 19.15.36.18.A(1 and 2) NMAC and was granted a 60-day extension to complete the review of the closure/post-closure plan by July 23, 2024. If you have any questions, please contact me.	4/29/2024