From:	Eads, Cristina, EMNRD
To:	"bcunningham@legacylp.com"
Cc:	Mike EMNRD Bratcher (mike.bratcher@state.nm.us); Robert EMNRD Hamlet (Robert.Hamlet@state.nm.us); Victoria EMNRD Venegas (Victoria.Venegas@state.nm.us)
Subject:	Hamon Federal Com A #2H Ref. No. 1RP-5394
Date:	Wednesday, December 11, 2019 2:48:00 PM

Mr. Cunningham,

The OCD has received your delineation report and deferral request for **1RP-5394 Hamon Federal Com #2H**, thank you. The deferral request is denied for the following:

- The depth to ground water has not been adequately determined.
  --I was unable to find any wells/well information within a half-mile radius of the site. Evidence of depth to ground water should be included in the report, including well construction information.

As the analytical data meets Closure Criteria for Soils Impacted by a Release for ground water at 51-100 feet bgs, Legacy will need to drill a borehole on site to 55' bgs and leave it open for at least 72 hours. If there is no evidence of ground water after 72 hours, the OCD will accept the evidence in the closure report with a copy of the driller's log.
If Legacy chooses not to drill a borehole to confirm depth to ground water, the impacted area will need to be fully delineated to meet closure criteria for water at a depth of <50'.

For further clarifications regarding the implementation of the spill rule, visit the OCD website:
http://www.emnrd.state.nm.us/OCD/documents/OCDInternalPolicy-SpillRuleClarifications.pdf

Cristina Eads
Environmental Bureau
EMNRD – Oil Conservation Division
1220 South St. Francis Drive
Santa Fe, New Mexico 87505
505.476.3084
email: Cristina.Eads@state.nm.us

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.