

## Venegas, Victoria, EMNRD

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**From:** Hamlet, Robert, EMNRD  
**Sent:** Thursday, December 19, 2019 9:31 AM  
**To:** Aaron Pachlhofer  
**Cc:** Bratcher, Mike, EMNRD; Venegas, Victoria, EMNRD; Eads, Cristina, EMNRD  
**Subject:** RE: Fasken Denton No. 5 SWD spill

Aaron,

Per our discussion, a variance is approved to gather samples of the remediation area, where each composite sample is not representative of more than 1,000 ft<sup>2</sup>. Please, make sure that the samples are equally spaced and a good representation of the full spill area.

The new clarifications includes wording about determining depth to groundwater by using nearby wells:

IX. DETERMINING DEPTH TO GROUNDWATER: a. The remediation levels provided in Table I are largely dependent upon depth to groundwater. As such, the OCD focuses upon depth to water estimation. 19.15.11(A)(2) NMAC allows for various means of determining depth to groundwater. **If nearby wells are used, it is preferable if they are situated within ½-mile of the release, the water level information is no more than 25 years old, and well construction information is provided.** If the water level information does not meet these criteria, the OCD may require boring to a limited depth for verification. If the operator has applicable information which does not meet the above preference, we will review it on a case by case basis to determine if it is acceptable.

OCD has put some clarifications on the implementation of the Spill Rule on our website:  
<http://www.emnrd.state.nm.us/OCD/documents/OCDInternalPolicy-SpillRuleClarifications.pdf>

If the rock is immovable, A rotary drill can be used to delineate the caliche. In a couple locations, Drill 12-18 inches into the rock, sample the results to verify the contaminants didn't permeate very far.

Once all of the confirmation samples are under 10,000 mg/kg a liner is not mandatory, but is welcomed.

Please let me know if you have any further questions.

Regards,

Robert J Hamlet  
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Energy, Minerals, and Natural Resources  
Oil Conservation Division  
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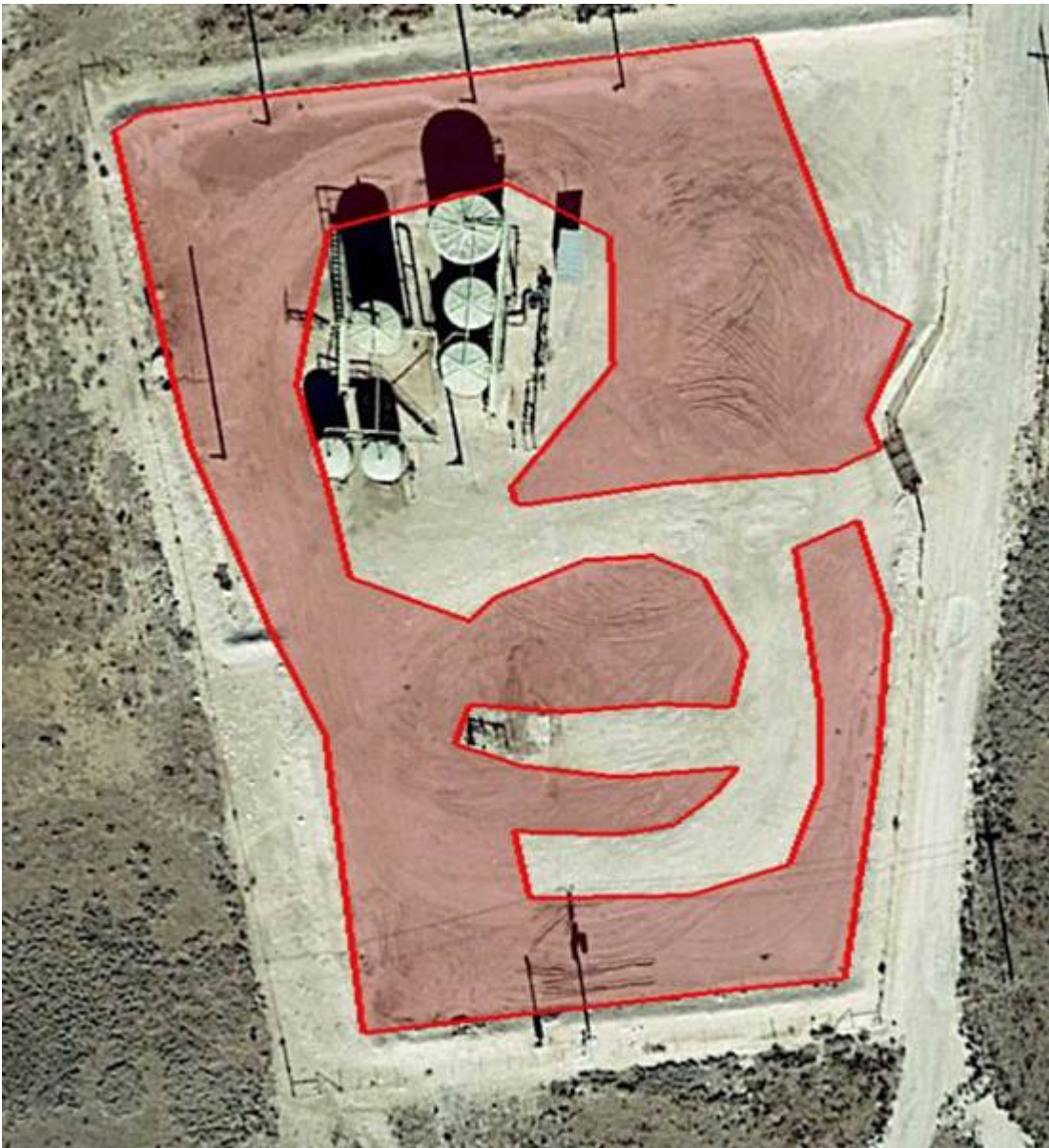
OCD approval does not relieve the operator of liability should their operations fail to adequately investigate and remediate contamination that may pose a threat to groundwater, surface water, human health or the environment. In addition, OCD approval does not relieve the operator of responsibility for compliance with any other federal, state, or local laws and/or regulations.

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**From:** Aaron Pachlhofer <aaronp@forl.com>  
**Sent:** Wednesday, December 18, 2019 1:40 PM  
**To:** Hamlet, Robert, EMNRD <Robert.Hamlet@state.nm.us>  
**Subject:** [EXT] Fasken Denton No. 5 SWD spill

Robert,

I uploaded a C-141 through the fee portal recently for a spill at the Fasken Denton No.5 SWD battery that occurred on . In an effort to ensure that Fasken moves this spill along efficiently, I want to begin sampling in order to delineate the spill. Due to the 35,000 square foot area that the spill affected, I would like to discuss sample locations with you since sample collection under the spill rule would generate an unrealistic amount of samples. Please let me know ASAP when you are available. I have included an image of the spill area, I'd be happy to send you the .kmz file if you wish.



Thanks,



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