

Venegas, Victoria, EMNRD

From: Bratcher, Mike, EMNRD
Sent: Thursday, May 21, 2020 2:41 PM
To: Aaron Pachlhofer; Venegas, Victoria, EMNRD; Hamlet, Robert, EMNRD; Eads, Cristina, EMNRD
Cc: Mann, Ryan
Subject: RE: NCS2003132855 DENTON NO 5 SWD BATTERY @ 30-025-05226

Aaron,

No one from the Division is going to meet you onsite anytime soon. Environmental team reviewers will follow the current spill rule and associated clarification document. Ms. Venegas has provided you links to both. If you follow the directives of these documents, you will not have any problem getting projects approved. If you do not wish to review the rules, I would suggest hiring a third party that understands the requirements. We are not going to continually debate rule requirements every time you don't follow them and then get projects denied. If you have issues with any portion of the rule, or believe that a reviewer has not followed the rule, you may request a hearing and take the matter before hearing examiners.

Ms. Venegas' determination in this matter stands. Please follow the guidance and resubmit accordingly.

Thank you,

Mike Bratcher
NMOCD NM South
811 South First Street
Artesia, NM 88210
575-748-1283 Ext 108
575-626-0857 Cell

Hobbs Office:
1625 North French Drive
Hobbs NM 88240
575-393-6161

From: Aaron Pachlhofer <aaronp@forl.com>
Sent: Thursday, May 21, 2020 2:00 PM
To: Venegas, Victoria, EMNRD <Victoria.Venegas@state.nm.us>; Hamlet, Robert, EMNRD <Robert.Hamlet@state.nm.us>; Bratcher, Mike, EMNRD <mike.bratcher@state.nm.us>; Eads, Cristina, EMNRD <Cristina.Eads@state.nm.us>
Cc: Mann, Ryan <rmann@slo.state.nm.us>
Subject: [EXT] RE: NCS2003132855 DENTON NO 5 SWD BATTERY @ 30-025-05226

Victoria, Please see my comments in **RED**. When are you available to meet onsite?

From: Venegas, Victoria, EMNRD <Victoria.Venegas@state.nm.us>

Sent: Thursday, May 21, 2020 10:33 AM

To: Aaron Pachlhofer <aaronp@forl.com>; Hamlet, Robert, EMNRD <Robert.Hamlet@state.nm.us>; Bratcher, Mike, EMNRD <mike.bratcher@state.nm.us>; Eads, Cristina, EMNRD <Cristina.Eads@state.nm.us>

Cc: Mann, Ryan <rmann@slo.state.nm.us>

Subject: RE: NCS2003132855 DENTON NO 5 SWD BATTERY @ 30-025-05226

NCS2003132855 DENTON NO 5 SWD BATTERY @ 30-025-05226

Mr. Pachlhofer,
Please see the answer below, [in blue](#).
Thank you,

Victoria Venegas
State of New Mexico
Energy, Minerals, and Natural Resources
Oil Conservation Division
811 S. First St., Artesia NM 88210
(575) 748-1283
Victoria.Venegas@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.

From: Aaron Pachlhofer <aaronp@forl.com>

Sent: Monday, May 18, 2020 11:16 AM

To: Venegas, Victoria, EMNRD <Victoria.Venegas@state.nm.us>; Hamlet, Robert, EMNRD <Robert.Hamlet@state.nm.us>; Bratcher, Mike, EMNRD <mike.bratcher@state.nm.us>; Eads, Cristina, EMNRD <Cristina.Eads@state.nm.us>

Subject: [EXT] RE: NCS2003132855 DENTON NO 5 SWD BATTERY @ 30-025-05226

Victoria,

If information has been inadvertently left out, such as water well information, I would have appreciated the opportunity to provide it to the OCD before the closure request was denied. Please see the attachment from the New Mexico State Engineer for Plains monitoring well POD13. It should provide the information needed according to the spill rule; in which case I will include it with my next submission. Please let me know. In addition, note that the network of Plains Pipeline monitoring wells that are discussed are part of a very large groundwater remediation project overseen by the OCD. The data generated by these wells is appears as the project has been ongoing by Plains for a number of years. [OCD agrees the DTWG for this site is 70'](#). Please include this information in your next submittal. **Will do.**

With regard to delineation sampling, we are happy to collect delineation samples. However, I'd like to identify the locations to collect samples that will full satisfy the OCD with no further ado. As soon these sample locations are identified, we can collect the samples ASAP. [A visual footprint on the surface is not sufficient or adequate to assess the horizontal extent of the release shown in figure Denton No. 5, Pag 9 -in red-](#). Horizontal delineation must encompass the entire release. Fasken can follow the approved sampling plan, i.e. one sample per 1000 square feet. **The location where the spill occurred is heavily bermed due to it's proximity to a public roadway. The release did not escape from the berm. GPS data of the spill extent was collected immediately after the spill occurred, which is the data presented on the site plan on page 9. In our communication with the Robert Hamlet, we noted this the large area (most of the**

location) affected by the spill. The variance that has been discussed in these emails is the result of that communication with Robert Hamlet. The total mapped of the spill is 35,612 square feet (the .kmz file is available if you like to verify); Fasken collected samples from 36 sample points, thus meeting the requirements of the variance. I discussed the sample results with Robert Hamlet in detail during the last week of February and he did not express that additional characterization of any type was required. In fact at the time I was preparing to vertically delineate further when he reminded me that I needed to only reach 10,000 mg/kg chloride.

Finally, you note that confirmation samples were not analyzed for all constituents listed in Table 1. Fasken analyzed six samples for BTEX/TPH during our initial characterization nearest the point of release. BTEX laboratory results were not detected and TPH was highest at 750 mg/kg. With BTEX/TPH results at these concentrations it is not necessary to analyze for BTEX/TPH further. Please note, per rule [19.15.29.12](#) confirmation samples must be analyzed for all constituents listed in table 1. It's important to make sure that the contaminated soil that remains in place, complies with the closure criteria for this site. During my February phone call with Mr. Hamlet, the number of BTEX/TPH samples were discussed and there was no discussion of additional samples needed for BTEX/TPH, only discussion of the chloride clean up goals for this release. This was a produced water release, extensive BTEX/TPH sampling is not needed. The BTEX/TPH data that has been generated at this point is sufficient to show that there is not a BTEX/TPH issue.

Let's get this closed,



Aaron Pachlhofer, P.G.
Environmental Coordinator
Fasken Oil and Ranch, Ltd.
6101 Holiday Hill Road
Midland, TX 79707
432-687-1777 Office
830-377-9190 Cell

From: Venegas, Victoria, EMNRD <Victoria.Venegas@state.nm.us>

Sent: Monday, May 11, 2020 11:06 AM

To: Aaron Pachlhofer <aaronp@forl.com>; Hamlet, Robert, EMNRD <Robert.Hamlet@state.nm.us>; Bratcher, Mike, EMNRD <mike.bratcher@state.nm.us>; Eads, Cristina, EMNRD <Cristina.Eads@state.nm.us>

Subject: RE: NCS2003132855 DENTON NO 5 SWD BATTERY @ 30-025-05226

Good morning Mr. Pachlhofer,

Attached you have the variance that was granted for **NCS2003132855** DENTON NO 5 SWD BATTERY on 12/19/19. And yes, I reviewed it, carefully. The email states:

- A variance is approved to gather samples of the remediation area, where each composite sample is not representative of more than 1,000 ft².
- 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.
- 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.

The approved variance of collecting samples every 1000 square feet was taken into consideration. The closure request was denied because the site has not been horizontally delineated, confirmation samples were not analyzed for all components listed in Table 1 as required by the spill rule (**Closure Requirements**), and because the depth to groundwater has not been correctly assessed. The report says: **No gauging information is available from the from the State Engineers Office, but Camille Bryant of Plains All American Pipeline has stated that the depth to water in all wells in Section 2, T15S, R37E is 70 to 75 feet below ground surface. A copy of her email is included as an attachment.**

However that email was not included in the report. Also note, we will need a driller's log. An email is not sufficient or adequate to determine the depth to groundwater. The rule requires actual data: **Depth to ground water. The responsible party must determine the depth to ground water where the release occurred. If the exact depth to ground water is unknown, the responsible party must provide a reasonable determination of probable ground water depth using data generated by numeric models, cathodic well lithology, water well data, published information or other tools as approved by the appropriate division district office. If the responsible party uses water well data, the responsible party must provide all pertinent well information.**

Please, let me know if you have any other question or concern.

Thank you,

Victoria Venegas
State of New Mexico
Energy, Minerals, and Natural Resources
Oil Conservation Division
811 S. First St., Artesia NM 88210
(575) 748-1283
Victoria.Venegas@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.

From: Aaron Pachlhofer <aaronp@forl.com>
Sent: Monday, May 11, 2020 7:49 AM
To: Venegas, Victoria, EMNRD <Victoria.Venegas@state.nm.us>
Subject: [EXT] RE: NCS2003132855 DENTON NO 5 SWD BATTERY @ 30-025-05226

Victoria, did you review the variance granted on 12/19/2019?

From: Venegas, Victoria, EMNRD <Victoria.Venegas@state.nm.us>

Sent: Friday, May 08, 2020 2:27 PM

To: Aaron Pachlhofer <aaronp@forl.com>; Hamlet, Robert, EMNRD <Robert.Hamlet@state.nm.us>; Bratcher, Mike, EMNRD <mike.bratcher@state.nm.us>; Eads, Cristina, EMNRD <Cristina.Eads@state.nm.us>

Subject: RE: NCS2003132855 DENTON NO 5 SWD BATTERY @ 30-025-05226

Hi Mr. Pachlhofer,

I am sorry for the delay in answering your email. Please list all your questions and I will reply to you as soon as possible.

Thank you for your patience.

Thanks you,

Victoria Venegas
State of New Mexico
Energy, Minerals, and Natural Resources
Oil Conservation Division
811 S. First St., Artesia NM 88210
(575) 748-1283
Victoria.Venegas@state.nm.us

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From: Aaron Pachlhofer <aaronp@forl.com>

Sent: Friday, May 8, 2020 1:17 PM

To: Venegas, Victoria, EMNRD <Victoria.Venegas@state.nm.us>

Subject: [EXT] RE: NCS2003132855 DENTON NO 5 SWD BATTERY @ 30-025-05226

Victoria, I would really like to get this moving. I understand that you prefer email so that you can preserve the record, however there is no response to my email from one week ago. PLEASE lets get this moving as this spill is close to closure and I would really like to see this closed. I feel that a phone call followed by a summary email can cover lots of ground, if that is fine with you.

Please let me know ASAP.

Thanks,



Aaron Pachlhofer, P.G.
Environmental Coordinator
Fasken Oil and Ranch, Ltd.
6101 Holiday Hill Road

Midland, TX 79707
432-687-1777 Office
830-377-9190 Cell

From: Aaron Pachlhofer
Sent: Friday, May 01, 2020 9:31 AM
To: 'Venegas, Victoria, EMNRD' <Victoria.Venegas@state.nm.us>
Subject: RE: NCS2003132855 DENTON NO 5 SWD BATTERY @ 30-025-05226

Victoria, did you have the opportunity to review the 12/19/2019 variance email?

From: Venegas, Victoria, EMNRD <Victoria.Venegas@state.nm.us>
Sent: Thursday, April 30, 2020 8:46 AM
To: Aaron Pachlhofer <aaronp@forl.com>; Hamlet, Robert, EMNRD <Robert.Hamlet@state.nm.us>; Bratcher, Mike, EMNRD <mike.bratcher@state.nm.us>; Eads, Cristina, EMNRD <Cristina.Eads@state.nm.us>
Cc: Mann, Ryan <rmann@slo.state.nm.us>
Subject: RE: NCS2003132855 DENTON NO 5 SWD BATTERY @ 30-025-05226

Good morning Mr. Pachlhofer,
If you have any questions or concerns, I prefer email to archive and keep all communications in the incident file.
Thank you,

Victoria Venegas
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From: Aaron Pachlhofer <aaronp@forl.com>
Sent: Wednesday, April 29, 2020 4:51 PM
To: Venegas, Victoria, EMNRD <Victoria.Venegas@state.nm.us>; Hamlet, Robert, EMNRD <Robert.Hamlet@state.nm.us>; Bratcher, Mike, EMNRD <mike.bratcher@state.nm.us>; Eads, Cristina, EMNRD <Cristina.Eads@state.nm.us>
Cc: Mann, Ryan <rmann@slo.state.nm.us>
Subject: [EXT] RE: NCS2003132855 DENTON NO 5 SWD BATTERY @ 30-025-05226

I would like to have a phone call with Robert or Victoria please. Prior to the phone call, please go back and review the 12/19/2019 variance email from Mr. Hamlet.

From: Venegas, Victoria, EMNRD <Victoria.Venegas@state.nm.us>

Sent: Wednesday, April 29, 2020 4:34 PM

To: Aaron Pachlhofer <aaronp@forl.com>; Hamlet, Robert, EMNRD <Robert.Hamlet@state.nm.us>; Bratcher, Mike, EMNRD <mike.bratcher@state.nm.us>; Eads, Cristina, EMNRD <Cristina.Eads@state.nm.us>

Cc: Mann, Ryan <rmann@slo.state.nm.us>

Subject: NCS2003132855 DENTON NO 5 SWD BATTERY @ 30-025-05226

NCS2003132855 DENTON NO 5 SWD BATTERY @ 30-025-05226

Mr. Pachlhofer,

The OCD has denied the submitted Closure Report C-141 for incident # NCS2003132855 DENTON NO 5 SWD BATTERY @ 30-025-05226 for the following reasons:

- The horizontal extent of the release has not been delineated. The edges -horizontal definition- of a liquid release must be determined. A visual footprint on the surface is not sufficient or adequate to assess the horizontal extent of the release. The only value for determination of horizontal impact are derived by either “background” value as determined appropriate to Rule 29, or, for chloride, 600 mg/Kg in soils. This is especially important for “on-pad” releases to ensure the release did not extend to the “off-pad”/pasture area.
- Delineation and confirmation samples will need to be collected and analyzed for all constituents listed in Table 1. Please see:

Closure requirements. *The responsible party must take the following action for any major or minor release containing liquids.*

- (1) *The responsible party must test the remediated areas for contamination with representative five-point composite samples from the walls and base, and individual grab samples from any wet or discolored areas. The samples must be analyzed for the constituents listed in Table I of [19.15.29.12](#) NMAC or constituents from other applicable remediation standards.*

Denied C-141 can be found in the online image file. Please review and make the required correction prior to resubmitting through the fee portal.

Thank you,

Victoria Venegas
State of New Mexico
Energy, Minerals, and Natural Resources
Oil Conservation Division
811 S. First St., Artesia NM 88210
(575) 748-1283
Victoria.Venegas@state.nm.us

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