

Venegas, Victoria, EMNRD

From: Venegas, Victoria, EMNRD
Sent: Wednesday, July 1, 2020 4:29 PM
To: 'Robbie Runnels'; Bratcher, Mike, EMNRD; Hamlet, Robert, EMNRD
Cc: Mann, Ryan
Subject: NRM2002760210 FNR 17 20 W2IP FEDERAL COM #003H @ 30-015-44578
Attachments: (C-141 Final) NRM2002760210 FNR 17 20 W2IP FEDERAL COM #003H @ 30-015-44578.pdf

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Mr. Runnels,

The OCD has denied the submitted Closure Report C-141 for incident # NRM2002760210 FNR 17 20 W2IP FEDERAL COM #003H @ 30-015-44578 for the following reasons:

- The Depth to groundwater has been incorrectly assessed. When nearby wells are used to determine depth to groundwater, the wells should be no further than ½ mile away from the site, and data should be no more than 25 years old, and well construction information should be provided. If Mewbourne believes that groundwater is > 100', a borehole will need to be drilled onsite and a copy of the driller's log must be provided. If Mewbourne chooses not to drill a borehole to confirm the depth to groundwater, the site must be remediated to meet the Closure Criteria in Table 1 for groundwater at a depth of 50 feet or less.
- OCD requests the liner to be removed, and follow Table 1 Closure Standards once the depth to groundwater is established. Per Rule 19.15.29.14.A., a liner installation requires the responsible party to request a variance to the Division. The variance will not be considered until the depth to groundwater is established.
- Seven sample points are over the maximum limit allowed for TPH. TPH concentration @ Floor Sample-12 of 11294 mg/kg is unacceptable under any criteria in Table 1.
- A New Guidance document is being implemented for Considerations for Liner Installation as Part of Spill Remediation Plan under Part 29 Releases. Operators may request a variance for any requirement of 19.15.29 NMAC. The variance request must include a detailed statement explaining the need for a variance and a detailed written demonstration that the variance will provide equal or better protection of fresh water, public health and the environment. Specific to a variance request to install a liner as part of a release remediation, the OCD requires the following information, documentation, and remedial efforts to be included in the variance request. If hydrocarbons are present, no liner installation as part of spill remediation will be approved. Liner installations as a method of remediation will only be considered for in situ chloride contamination. The OCD will review the variance request. Variance requests are considered and analyzed on a case-by-case basis and on the merit of the request.
 - a) Information of all watercourses and water sources, ditches, playas, springs, etc. within 500 ft of any horizontal distance of the spill
 - b) Identify and map all water wells within ½ mile of the horizontal distance of the spill
 - c) Depth of bottom of spill in relation to groundwater (at least 10 ft separation between vertical extent of spill and groundwater surface)
 - d) Full delineation of chlorides at or to Table 1 requirements
 - e) All hydrocarbons are below Table 1 requirements
 - f) Excavation must be to a minimum of 8 ft prior to approval of the liner due to possible future activities in the area (i.e. pipeline installation or other activities)
 - g) If the Operator cannot excavate, they must provide engineering documentation for why they cannot excavate

- h) Identify karst potential of spill-area
- i) Surface topography needs to shed water
- j) Proposed liner construction, liner should be domed and overlaps area of spill so precipitation drains away to outskirts (DOMED away from spill)

The 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
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Energy, Minerals, and Natural Resources
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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.