

Venegas, Victoria, EMNRD

From: Venegas, Victoria, EMNRD
Sent: Thursday, October 24, 2019 11:43 AM
To: Littrell, Kyle; Bratcher, Mike, EMNRD; Hamlet, Robert, EMNRD
Cc: EMNRD-OCD-District1spills; blm_nm_cfo_spill@blm.gov; 'shelby_pennington@xtoenergy.com'
Subject: EMSU B Tank Battery 1RP-5446_XTO Deferral Request DENIED
Attachments: (C-141 Remediation Plan) Deferral Request DENIED EMSU B Tank Battery 1RP-5446.pdf

EMSU B Tank Battery 1RP-5446_XTO

Mr. Littrell,

OCD has received your Deferral Request for EMSU B Tank Battery **1RP-5446** XTO, thank you. This Deferral Request is DENIED due to the following:

- The release has not been fully delineated. By Rule NMAC 19.15.29.12.: *"The DEFERRAL may be granted so long as the contamination is fully delineated and does not cause an imminent risk to human health, the environment or ground water"*.
- This site is subject to the most stringent closure levels in Table 1. The Depth to groundwater is 46 feet bgs. The TPH concentration at HDP2 @6"bgs is approximately 10 000 mg/kg, which is an unacceptably high value. By rule, the sample point HDP2 must be delineated to 100 mg/kg for TPH.
- Further delineation is required @SB1.

More remediation effort should be made on this site (at least, scrape the area to remove the shallow impacted soil above the TPH regulatory limit). OCD requests this site to be fully delineated to <50' closure standards in Table I of 19.15.29. The samples must be under the limit to verify the spill has been vertically delineated before we can approve a deferral.

Regards,

Victoria Venegas
EMNRD
OCD-District II
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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.