

Venegas, Victoria, EMNRD

From: Baker, Larry <Larry.Baker@apachecorp.com>
Sent: Tuesday, August 25, 2020 1:34 PM
To: Venegas, Victoria, EMNRD; Bratcher, Mike, EMNRD; Hamlet, Robert, EMNRD; Eads, Cristina, EMNRD
Subject: [EXT] RE: NRM2010834974 NEDU 206 @ 30-025-06522

Ms. Venegas,

Apache Corporation disagrees with the statement below about the depth to groundwater has been incorrectly assessed. Apache Corporation did research the area to determine the probably ground water depth below the release. The nearest well (CP 00553) with an elevation of 3475 with a water depth of 75 feet and is .68 miles from the release. There is a MW on record CP 01741 located .71 miles from the release with a depth of the well at 39-45 feet with an elevation of 3430 and the release has an elevation of 3480 which would make the probably depth to water 84 feet. CP 00553 was utilized to make the determination of depth of water being greater than 50 feet. Analyzing the water data of the area Apache Corporation made a reasonable determination of probable ground water depth under the release using water well data in accordance with the rule. Apache Corporation would also like to make the statement that there is no mention in the rule that when using water well data that the well have to be ½ a mile from the site and no mention of the age of the well or construction of the well.

Although Apache Corporation disagrees with OCD denial of the remediation plan will comply to the request below. Please be advised that OCD has given Apache Corporation an extension until 2/11/2021 for this event to have remediation complete. The site will be remediated to table one standards for release less than or equal to 50 feet. Apache Corporation will not be resubmitting a remediation plan but will proceed with the remediation in accordance with the rule. Please let me know if you have any questions or wish to discuss. Thanks and have a good day.

BRUCE BAKER

ENVIRONMENTAL TECHNICIAN SR

direct 575-393-7106 ext 1523 | Cell 432-631-6982

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From: Venegas, Victoria, EMNRD [mailto:Victoria.Venegas@state.nm.us]
Sent: Monday, August 24, 2020 12:05 PM
To: Baker, Larry <Larry.Baker@apachecorp.com>; Bratcher, Mike, EMNRD <mike.bratcher@state.nm.us>; Hamlet, Robert, EMNRD <Robert.Hamlet@state.nm.us>; Eads, Cristina, EMNRD <Cristina.Eads@state.nm.us>
Subject: [EXTERNAL] NRM2010834974 NEDU 206 @ 30-025-06522

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Mr. Baker,

The OCD has denied the submitted Site Characterization/Remediation Plan C-141 for incident # NRM2010834974 NEDU 206 @ 30-025-06522 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 Apache believes that groundwater is > 50', a borehole will need to be drilled onsite and a copy of the driller's log must be provided. If Apache 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.
- The alternative sampling plan is not approved. Please provide a detailed demonstration that the variance will provide equal or better protection of fresh water, public health and the environment.
- Apache's request to "*complete the remediation within one year of plan approval by NMOCD*" is denied. Please proceed by NMAC 19.15.12.E.(1).

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
 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.

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