

From: [Bratcher, Mike, EMNRD](#)
To: [Ashley Maxwell](#); [Hamlet, Robert, EMNRD](#)
Cc: [Enviro, OCD, EMNRD](#); [Sanjari, Melodie \(MRO\)](#); [Lynn Acosta](#); [Hensley, Chad, EMNRD](#); [Velez, Nelson, EMNRD](#); [Nobui, Jennifer, EMNRD](#); [Billings, Bradford, EMNRD](#)
Subject: RE: [EXTERNAL] Response to Application ID: 41714, for incident ID nAPP2035543036.
Date: Monday, December 6, 2021 9:49:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

RE: nAPP2035543036 * DOR: 12/20/2020

Ms. Maxwell,

Your request for additional time to remediate this project is denied. We are rapidly coming up on one year since this release. In reviewing the analytical data, it is noted that all hydrocarbon impacts were limited to the surface of the release. At the 1' interval, hydrocarbon was non-detect. These impacts could have been addressed at that time with a surface scrape (mechanical or hand) and/or hydrovac. There also exists some chloride impact in this release, which also inhibits microbial action, even more so than cooler temperatures. At this time, OCD will allow thirty days (until January 6, 2022) to either submit an alternative remediation proposal, which must include recent delineation analytical data, or remediate the site and submit a closure report. Deferrals will not be approved in areas that are accessible. Only specific sample points that require a major facility deconstruction to fully remediate will be considered for deferral. It appears most all of these impacts are accessible.

If you have questions, concerns or wish to discuss further, please let me know.

Thank you,

Mike Bratcher • Incident Supervisor
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EMNRD - Oil Conservation Division
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From: Ashley Maxwell <ashley.maxwell@soudermiller.com>
Sent: Sunday, December 5, 2021 9:05 PM
To: Bratcher, Mike, EMNRD <mike.bratcher@state.nm.us>; Hamlet, Robert, EMNRD <Robert.Hamlet@state.nm.us>
Cc: Enviro, OCD, EMNRD <OCD.Enviro@state.nm.us>; Sanjari, Melodie (MRO) <msanjari@marathonoil.com>; Lynn Acosta <lynn.acosta@soudermiller.com>

Subject: [EXTERNAL] Response to Application ID: 41714, for incident ID nAPP2035543036.

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RE: The Oil Conservation Division (OCD) has approved the application, Application ID: 41714, for incident ID nAPP2035543036.

Mr. Bratcher,

SMA prepared a deferral request on behalf of Marathon that was submitted in February 2021. NMOCD issued a denial of the deferral request on July 20, 2021. SMA prepared a workplan on behalf of Marathon for in-situ remediation that was submitted to NMOCD on August 11, 2021. On November 19, 2021, NMOCD approved the work plan with conditions of in-situ remediation and sampling within 90 days of the OCD approval.

Mr. Bratcher, my concern is that the approved in-situ remediation plan prepared for Marathon is based on weather conditions allowing for the success of microbials to remediate the soil. With the work plan being approved on November 19, 2021, the temperature window for successful treatment using the proposed method, is not optimal at this time. Soil Rx is successful when applied in the temperature range of 40°-98°F. Temperatures above or below that range, are detrimental to the microbials and can cause microbial death.

Based upon the 90-days to conduct the approved workplan, the temperature during this time is not conducive to the success of the microbials remediating the soil. Marathon understands that it is normal procedure to conduct work within the approved time frame. However, based on when the work plan was submitted, August 11, 2021, and when approval was received, November 19, 2021, would NMOCD be willing to approve an extension that would allow for proper in-situ remediation to occur within the temperature range of 40°-98°F? In SMA's opinion, conducting the approved in-situ remediation will not be successful during the approved timeframe and place unnecessary financial burden on Marathon.

Mr. Bratcher, as you know, some of these details are better discussed via telephone discussion. Would you be available to discuss what potential options are to address this situation as quickly as possible?

Thanks,
Ashley Maxwell

Ashley Maxwell
Project Scientist

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