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April 15, 2022

RE: 500 sq. ft. Sample Grid Variance Request
Incident ID: nAB1912935342
Location: Merchant Recycling Containment
AEP #: 03132019-0000-unknown

NMOCD:

Per NMOCD's closure report denial dated March 28, 2022; Advance Energy Partners respectfully asks NMOCD for variance approval of a confirmation base sampling grid not to exceed 500 sq. ft. Core samples representing excavation "walls" shall be collected no further than 120 ft on-center and represent an area not to exceed 500 sq. ft. Plate 12 (revised) shows the proposed sample grid. Plate 13 shows the locations of proposed sample locations. Table A lists sample depths and coordinates.

The requested variance will provide equal protection of fresh water, public health, and the environment according to the "10% Condition"¹ that states sample sizes should be no more than 10% of the population (excavation extent area) as long as it does not exceed 1,000². Applying the 10% Condition, a sample grid <611 sq ft meets this condition. The proposed sample grid

- Minimum is 363 sq. ft.,
- Maximum is 500 sq. ft., and
- An average of 470 sq. ft.

Therefore, the proposed sampling grid statistically provides equal significance of laboratory results as a 200 sq. ft. sampling grid for the constituents listed in Table 1 of 19.15.29 NMAC.

Population (sq ft area)	Sample Size (grid sq. ft.)	No. of Sample Grids	% of Population (sq. ft. area)	Meets 10% Condition
6,113	200	31	3%	Yes
6,113	470	13	8%	Yes
6,113	500	12	8%	Yes
6,113	611	10	10%	Equal
6,113	1000	6	16%	No

1 <https://web.ma.utexas.edu/users/mks/M358KInstr/TenPctCond.pdf>

2 <https://tools4dev.org/resources/how-to-choose-a-sample-size/>

As the release area has been excavated and backfilled with clean material, base sample will be collected immediately below the excavation depth and within undisturbed native soils.

Representative “wall” samples will be collected from core samples along the perimeter of the backfilled excavation extent within native soils from the surface to the adjacent excavation depth. An additional soil sample of the backfill material will be collected for verification of clean, non-waste containing, uncontaminated, earthen material. Soil samples will be submitted for laboratory analysis for chloride, BTEX, benzene, and TPH.

No additional remediation is anticipated; the volume of excavated soil is zero. Soil sampling will commence within 60-days of NMOCD’s 500 sq. ft. sample grid request approval. Please contact me with any questions.

Thank you,



Andrew Parker
Environmental Scientist

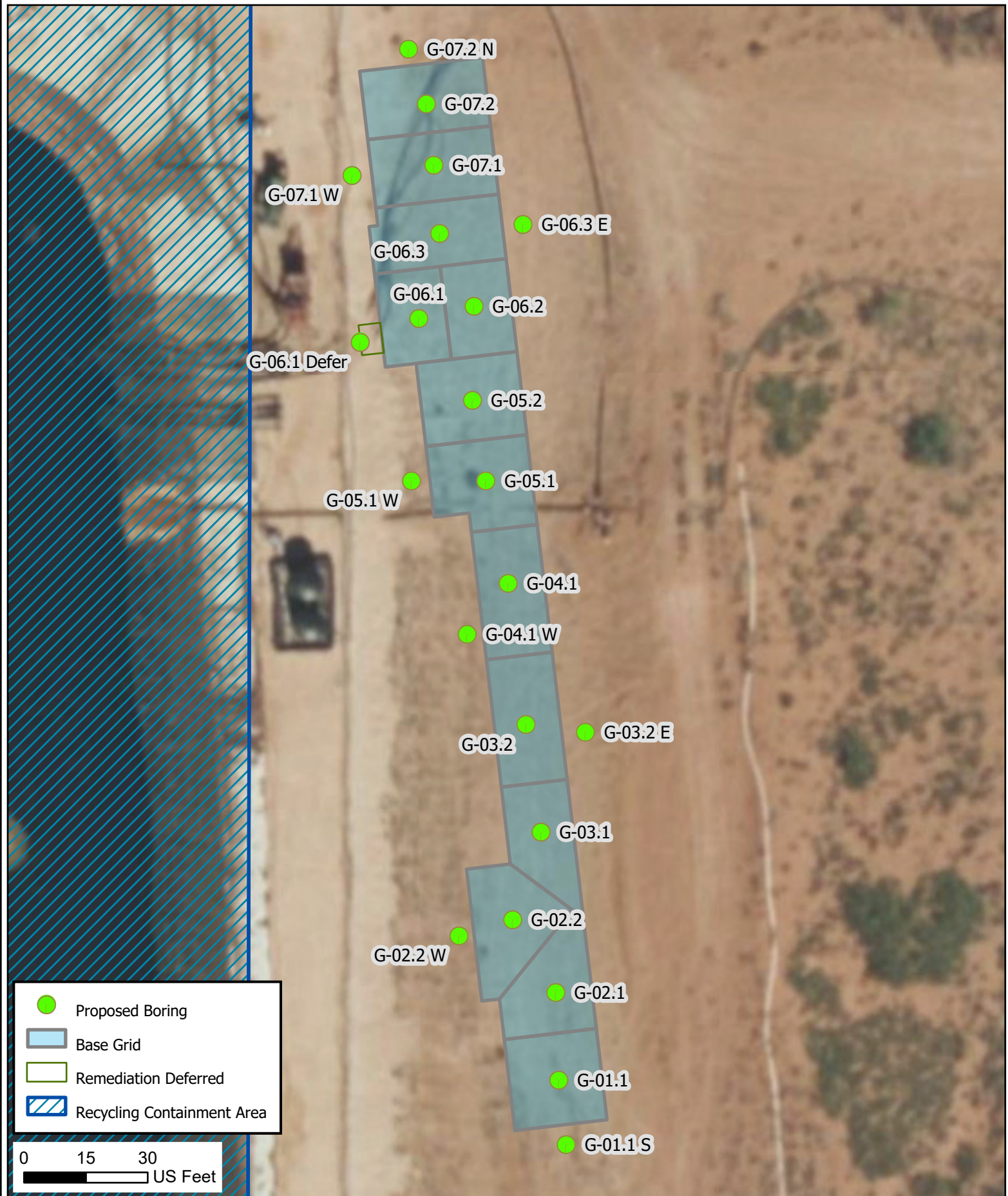


Proposed 500 sq. ft Sample Grid
Merchant Recycling Containment

Incident #: nAB1912935342
AEP #: 03132019-0000-unknown

Plate 12
(revised)

04/13/2022



Sample ID	Sample Depth	Location	Latitude	Longitude
G-01.1	3 ft	Base	32.44035691	-103.54500410
G-01.1 S	0-3 ft	Wall	32.44031423	-103.54499862
G-02.1	3 ft	Base	32.44041545	-103.54500593
G-02.2	3 ft	Base	32.44046426	-103.54503943
G-02.2 W	0-3 ft	Wall	32.44045361	-103.54508163
G-03.1	4.5 ft	Base	32.44052264	-103.54501670
G-03.2	4.5 ft	Base	32.44059413	-103.54502777
G-03.2 E	0-4.5 ft	Wall	32.44058888	-103.54498103
G-04.1	4.5 ft	Base	32.44068844	-103.54504099
G-04.1 W	0-4.5 ft	Wall	32.44065480	-103.54507351
G-05.1	3 ft	Base	32.44075699	-103.54505793
G-05.1 W	0-3 ft	Wall	32.44075736	-103.54511642
G-05.2	3 ft	Base	32.44081062	-103.54506800
G-06.1	2.5 ft	Base	32.44086543	-103.54510963
G-06.1 Defer	0-2; 2-4 ft	Wall	32.44084999	-103.54515590
G-06.2	4.5 ft	Base	32.44087310	-103.54506628
G-06.3	4.5 ft	Base	32.44092186	-103.54509276
G-06.3 E	0-4.5 ft	Wall	32.44092741	-103.54502721
G-07.1	2 ft	Base	32.44096752	-103.54509704
G-07.1 W	0-2 ft	Wall	32.44096098	-103.54516143
G-07.2	2 ft	Base	32.44100822	-103.54510254
G-07.2 N	0-2 ft	Wall	32.44104501	-103.54511625