

**From:** [Eads, Cristina, EMNRD](#)  
**To:** [Mathews, Wesley](#)  
**Cc:** [Mike EMNRD Bratcher \(mike.bratcher@state.nm.us\)](#); [Robert EMNRD Hamlet \(Robert.Hamlet@state.nm.us\)](#); [Victoria EMNRD Venegas \(Victoria.Venegas@state.nm.us\)](#)  
**Subject:** NAB1913037162 TODD 23 A FEDERAL #029 @ 30-015-31881  
**Date:** Tuesday, July 7, 2020 12:00:00 PM  
**Attachments:** [image002.png](#)  
[\(C-141 Closure\) NAB1913037162.pdf](#)  
[image002.png](#)

---

**NAB1913037162 TODD 23 A FEDERAL #029 @ 30-015-31881**

Mr. Mathews,

The OCD has denied the submitted Site Characterization and Closure Request C-141 for incident # NAB1913037162 for the following reasons:

- The pictures and report indicate a total of four single-point samples were collected. There is one, possibly two problems with this:
  1. Unless previously approved by the division, each sample must be a **five-point composite sample** representing no more than 200 square feet, per **19.15.29.12 (D), NMAC**.
  2. The actual square footage of the affected area is unclear. In the Incident Description, the affected area measures to 1,010 square feet. In the Remedial Actions Taken section, Vertex states the affect area measures to 6,741 square feet. If the total affected area measures to 6,741 square feet, approximately 33 five-point composite samples will need to be collected, unless an alternate sampling plan is approved by the division prior to the sampling event.
- Attachment 1 indicates the spill extended to an off-pad area. Sampling will need to take place in this area.
- Table 3 and the analytical reports indicate horizontal delineation has not been completed. The values for determination of horizontal impact are derived by either “background” value as determined appropriate to Rule 29, or the most stringent Table 1 Closure Criteria. This is especially important for “on-pad” releases to ensure the release did not extend to the “off-pad”/pasture area. A visual footprint on the surface is not sufficient to assess the horizontal extent of the release. Lab data must be provided as evidence of delineation efforts. TP19-03 exceeds the most stringent Table 1 Closure Criteria with respect to TPH.
- The depth to groundwater has not been adequately determined. 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. The responsible party may choose to remediate to the most stringent levels listed in Table 1 in lieu of drilling to determine the depth to groundwater.

The Denied C-141 can be found in the online image file. Please review and make the required correction prior to resubmitting though the fee portal. If you have any questions or believe this denial is in error, please contact me prior to submitting an additional C-141.

Thanks,

**Cristina Eads**

*Environmental Bureau*

*EMNRD – Oil Conservation Division*

5200 Oakland Avenue NE, Suite 100

Albuquerque, New Mexico 87113

505.670-5601

email: [Cristina.Eads@state.nm.us](mailto:Cristina.Eads@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.**