

From: [Eads, Cristina, EMNRD](#)
To: [Ashley Maxwell](#); [Enviro, OCD, EMNRD](#)
Cc: [Lynn Acosta](#); [Bynum, Tom \(Contract\)](#); [Carrasco, Lupe](#)
Subject: RE: Rattlesnake 13-12 Fed Com 1H (NRM2011449161) Sampling Variance Request
Date: Friday, July 24, 2020 3:47:36 PM
Attachments: [image001.png](#)
[image007.png](#)
[image009.png](#)

Ashley,

It is much appreciated by the Oil Conservation Division (OCD), that consultants and/or operators look at innovative techniques for investigation and remediation. We welcome the assessment of new approaches to these circumstances. The OCD also realizes the need to get as much information and result as possible for each dollar spent. We have and can certainly look deeper at the offered VSP method submitted for our review, which is also a kindness that does not go unnoticed. As OCD has done with previous “new” or “alternative” methods for remediation and investigation we prefer to run trial studies and not be in a position to just “accept” claims made for outcome, regardless of the source. Therefore, if this method were to be approved it would not be a standalone effort. Meaning, the more regular pattern and procedure for sample and therefore data collection would need to be accommodated at the same time and circumstance to the evaluate the validity of the model. This would occur in more than one location and circumstance and possibly with more than one operator. We understand this is additional expense and effort, but it avails a much greater sense of comfort for us as environmental stewards. For all the above being said, we would very much like to assist in evaluating this mechanism/approach, but it would need to be under an experimental evaluation.

If SMA and Devon would like to proceed as outlined above, there are several questions and concerns regarding this Sample Design Report (SDR) that would need to be addressed in order to move forward:

- A site characterization should be completed and findings of site characterization should be sent to the division for review, prior to evaluating this sample plan. I see that this sample plan includes the area, but what about the depth? How will sidewalls be addressed?
- According to the SDR, the entire area to be sampled measures out to 12,366 m2. That is equivalent to 133,103 ft2. I’m not sure if that was a typo, but that leaves one composite sample to represent over 11,000 square feet, which will not be approved.
- What is the difference between the two symbol types on the figure in the SDR?
- How will subsequent confirmation sampling be completed in the event an area of contamination is discovered through lab data?
- I am curious to see the sample models for all five methods provided in VSP, not just the simple random sampling method.
- What was the reasoning for selecting 0.2 for parameter Ph ?
- What was the reasoning for selecting the calculation equation in this SDR? I

Please let me know if you have any questions or comments. I am happy to discuss further if you would like.

I would also like to add, please send all sampling notifications to OCD.Enviro@state.nm.us in the future.

Thank you,

Cristina Eads | 505-670-5601

From: Ashley Maxwell <ashley.maxwell@soudermiller.com>
Sent: Thursday, July 23, 2020 11:53 AM
To: EMNRD-OCD-District1spills <EMNRD-OCD-District1spills@state.nm.us>; Eads, Cristina, EMNRD <Cristina.Eads@state.nm.us>
Cc: Lynn Acosta <lynn.acosta@soudermiller.com>; Bynum, Tom (Contract) <Tom.Bynum@dvn.com>; Carrasco, Lupe <Lupe.Carrasco@dvn.com>
Subject: [EXT] Re: Rattlesnake 13-12 Fed Com 1H (NRM2011449161) Sampling Variance Request

Ms. Eads,

We will wait for a determination from OCD before sampling.

Thank you,
Ashley

Sent via the Samsung Galaxy S10, an AT&T 5G Evolution capable smartphone
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From: Eads, Cristina, EMNRD <Cristina.Eads@state.nm.us>
Sent: Thursday, July 23, 2020 11:30:49 AM
To: Ashley Maxwell <ashley.maxwell@soudermiller.com>; EMNRD-OCD-District1spills <EMNRD-OCD-District1spills@state.nm.us>
Cc: Lynn Acosta <lynn.acosta@soudermiller.com>; Bynum, Tom (Contract) <Tom.Bynum@dvn.com>; Carrasco, Lupe <Lupe.Carrasco@dvn.com>
Subject: RE: Rattlesnake 13-12 Fed Com 1H (NRM2011449161) Sampling Variance Request

Ashley,

The OCD is currently reviewing the proposed sampling plan for NRM2011449161 RATTLESNAKE 13-12 FED COM 1H @ 30-025-40912. If the proposed sampling plan is not approved prior to the confirmation sampling event, the responsible party will need to follow [19.15.29.12](#) NMAC.

Thanks,

Cristina Eads | 505-670-5601

From: Ashley Maxwell <ashley.maxwell@soudermiller.com>
Sent: Thursday, July 23, 2020 10:32 AM
To: EMNRD-OCD-District1spills <EMNRD-OCD-District1spills@state.nm.us>

Cc: Lynn Acosta <lynn.acosta@soudermiller.com>; Bynum, Tom (Contract)

<Tom.Bynum@dvn.com>; Carrasco, Lupe <Lupe.Carrasco@dvn.com>

Subject: [EXT] Rattlesnake 13-12 Fed Com 1H (NRM2011449161) Sampling Variance Request

Importance: High

Dear District I Representatives,

SMA and Devon are requesting a variance of 19.15.29.12(D)(1)(c) NMAC for conducting closure sampling for the base of the excavation as described in the attached VSP Sample Design Report. As written, to sample every 200ft² would require Devon to collect in excess of 61 samples, which would create an undue burden on the operator. As a viable alternative, SMA and Devon propose using the Visual Sample Plan (VSP) software tool, which was created by the Department of Energy. The VSP is a defensible method that provides equal protection of fresh water, public health, and the environment without the burden of excess samples that statistically yield the same data. The VSP software generates a site-specific Sample Design Report, which is attached for the Rattlesnake 13-12 Fed Com 1H release site. SMA and Devon propose the following as a variance:

- Using the Department of Energy's VSP Sample Design Report utilizing a systematic sampling approach as defined by SW846 using Gilbert (1987) equation 5.2.3 for stratified random sampling. As stated in the attached document, "The underlying methodology employs statistically defensible approaches with support the Data Quality Objectives (DQO) Process. The objective is to ensure that the right type, quality and quantity of data are gathered..."
- SMA has adjusted the deviation of the VSP program to support the request of the OCD for additional samples and proposes the following:
 - SMA will collect twelve (12) five-point composite samples in the area identified on the attached VSP Sample Design Report.

A 48-hour notification was submitted for confirmation sampling to occur on July 23, 2020. However, SMA will submit a second notification of confirmation sampling upon response from OCD.

Thanks!

Ashley

Ashley Maxwell
Project Scientist

Corporate Registrations: AZ Engineering/Geology/Surveying Firm (14070), ID Engineering/Surveying Firm (C-3564), SD Surveying Firm (C-7436), TX Engineering Firm (8877), TX Geology Firm (50254), TX Surveying Firm (10162200), WY Engineering/Surveying Firm (S-1704)



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From: Lynn Acosta <lynn.acosta@soudermiller.com>
Sent: Tuesday, July 21, 2020 12:06 PM
To: emnrd-ocd-district1spills@state.nm.us
Cc: Ashley Maxwell <ashley.maxwell@soudermiller.com>; lupe.carrasco@dv.com; Bynum, Tom (Contract) <Tom.Bynum@dv.com>
Subject: Rattlesnake 13-12 Fed Com 1H (NRM2011449161) 48-Hour Notification

Good Afternoon,

Souder Miller & Associates is conducting an excavation at the Rattlesnake 13-12 Fed Com 1H (NRM2011449161). SMA is anticipating to collect confirmation samples on Thursday, July 23, 2020. Please acknowledge this as our 48-Hour notice to NMOCD.

Please let me if you have any questions or concerns.

Respectfully,

Lynn A. Acosta
Staff Geoscientist

Corporate Registrations: AZ Engineering/Geology/Surveying Firm (14070), SD Surveying Firm (C-7436), TX Engineering Firm (8877), TX Geology Firm (50254), TX PST CAPM (CS-0000051), TX Surveying Firm (10162200), WY Engineering/Surveying Firm (S-1704)



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