

## Venegas, Victoria, EMNRD

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**From:** Ashley Ager <aager@ltenv.com>  
**Sent:** Tuesday, October 1, 2019 4:59 PM  
**To:** Hamlet, Robert, EMNRD  
**Cc:** Littrell, Kyle; Tacoma Morrissey; Bratcher, Mike, EMNRD; Venegas, Victoria, EMNRD; jamos@blm.gov  
**Subject:** [EXT] RE: Deferral Approval - XTO - Poker Lake Unit 52 Battery (2RP-5314) 3.3.19  
**Attachments:** Deferral Request Addendum - Poker Lake Unit #052 Battery (2RP-5314).pdf

Robert,

Please see the attached addendum to the Poker Lake Unit 52 Battery (2RP-5314). The addendum describes additional excavation conducted at the site and subsequent soil sampling results. The report has been uploaded to the NMOCD permitting portal (PO# NCE3R-191001-C-1410).

Thank You,  
Ashley

**Ashley Ager**  
**Vice President of Regional Offices**

(970) 385-1096 office  
(970) 946-1093 mobile

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**From:** Hamlet, Robert, EMNRD <Robert.Hamlet@state.nm.us>  
**Sent:** Monday, June 10, 2019 7:24 AM  
**To:** Ashley Ager <aager@ltenv.com>  
**Cc:** Littrell, Kyle <Kyle\_Littrell@xtoenergy.com>; Tacoma Morrissey <tmorrissey@ltenv.com>; Bratcher, Mike, EMNRD <mike.bratcher@state.nm.us>; Venegas, Victoria, EMNRD <Victoria.Venegas@state.nm.us>; jamos@blm.gov  
**Subject:** Deferral Approval - XTO - Poker Lake Unit 52 Battery (2RP-5314) 3.3.19

Ashley,

I took a second look at this plan and decided to Approve the deferral with the following conditions: All the floor samples be excavated to a depth that contamination amounts are under the limit.

One issue we have with deferrals is that some deferred sample points aren't fully delineated. Potholes are drilled in the spill site, but not necessarily near the deferred sample point where contaminants are left in place. So, there's a bit of a judgement call of whether a pothole 30-40 feet away is really representative of what's going on at the deferred sample point. In this case the PH01 sample point is within about 10-15 feet of the deferred "SW03" sample point.

In the future, with XTO doing so many of these deferrals, please try to make sure that one of the deeper potholes if possible is nearby to the deferred sample point(s), so we can gauge how deep the contaminants go and what will be left in place.

Thank you,

Robert J Hamlet  
State of New Mexico  
Energy, Minerals, and Natural Resources  
Oil Conservation Division  
811 S. First St., Artesia NM 88210  
(575) 840-5963  
[Robert.Hamlet@state.nm.us](mailto:Robert.Hamlet@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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**From:** Ashley Ager <[aager@ltenv.com](mailto:aager@ltenv.com)>  
**Sent:** Thursday, June 6, 2019 3:52 PM  
**To:** Hamlet, Robert, EMNRD <[Robert.Hamlet@state.nm.us](mailto:Robert.Hamlet@state.nm.us)>  
**Cc:** Littrell, Kyle <[Kyle.Littrell@xtoenergy.com](mailto:Kyle.Littrell@xtoenergy.com)>; Tacoma Morrissey <[tmorrissey@ltenv.com](mailto:tmorrissey@ltenv.com)>; Bratcher, Mike, EMNRD <[mike.bratcher@state.nm.us](mailto:mike.bratcher@state.nm.us)>; Venegas, Victoria, EMNRD <[Victoria.Venegas@state.nm.us](mailto:Victoria.Venegas@state.nm.us)>; [jamos@blm.gov](mailto:jamos@blm.gov)  
**Subject:** [EXT] RE: Deferral Denied - XTO - Poker Lake Unit 52 Battery (2RP-5314) 3.3.19

Hi Robert,

Are pothole samples PH01A @ 10' and PH03B @ 6' insufficient for vertical delineation? Both of those samples are clean at depth. If you need more, can you provide some guidance on additional samples you would require for deferral? Feel free to call me if it's easier to discuss.

Thanks,  
Ashley

**Ashley Ager**  
**Vice President of Regional Offices**

(970) 385-1096 office  
(970) 946-1093 mobile

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**From:** Hamlet, Robert, EMNRD <[Robert.Hamlet@state.nm.us](mailto:Robert.Hamlet@state.nm.us)>  
**Sent:** Tuesday, June 4, 2019 11:49 AM  
**To:** Ashley Ager <[aager@ltenv.com](mailto:aager@ltenv.com)>  
**Cc:** Littrell, Kyle <[Kyle.Littrell@xtoenergy.com](mailto:Kyle.Littrell@xtoenergy.com)>; Tacoma Morrissey <[tmorrissey@ltenv.com](mailto:tmorrissey@ltenv.com)>; Bratcher, Mike, EMNRD <[mike.bratcher@state.nm.us](mailto:mike.bratcher@state.nm.us)>; Venegas, Victoria, EMNRD <[Victoria.Venegas@state.nm.us](mailto:Victoria.Venegas@state.nm.us)>; [jamos@blm.gov](mailto:jamos@blm.gov)  
**Subject:** Deferral Denied - XTO - Poker Lake Unit 52 Battery (2RP-5314) 3.3.19

Ashley,

We have received your deferral request for (2RP-5314) Poker Lake Unit 52 Battery, thank you. The deferral request is denied.

Before we can approve a deferral the spill needs to be vertically delineated. All of the Floor samples are over the limit in either Chlorides and/or TPH. The OCD request that samples be taken to a depth that contamination amounts are under the limit.

Regards,

Robert J Hamlet  
State of New Mexico  
Energy, Minerals, and Natural Resources  
Oil Conservation Division  
811 S. First St., Artesia NM 88210  
(575) 840-5963  
[Robert.Hamlet@state.nm.us](mailto:Robert.Hamlet@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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**From:** Ashley Ager <[aager@ltenv.com](mailto:aager@ltenv.com)>  
**Sent:** Friday, May 31, 2019 3:10 PM  
**To:** Bratcher, Mike, EMNRD <[mike.bratcher@state.nm.us](mailto:mike.bratcher@state.nm.us)>; Venegas, Victoria, EMNRD <[Victoria.Venegas@state.nm.us](mailto:Victoria.Venegas@state.nm.us)>; Hamlet, Robert, EMNRD <[Robert.Hamlet@state.nm.us](mailto:Robert.Hamlet@state.nm.us)>; [jamos@blm.gov](mailto:jamos@blm.gov)  
**Cc:** Littrell, Kyle <[Kyle.Littrell@xtoenergy.com](mailto:Kyle.Littrell@xtoenergy.com)>; Tacoma Morrissey <[tmorrissey@ltenv.com](mailto:tmorrissey@ltenv.com)>  
**Subject:** [EXT] Deferral Request - PLU 52 Battery (2RP-5314)

On behalf of XTO, attached is a deferral request for the PLU 52 Battery (2RP-5314) for your review.

Thank You,  
Ashley



Ashley Ager  
Senior Geologist/Vice President of Regional Offices  
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