May 17, 2019 Vertex Project #: 19E-00575-003

Spill Closure Report: Todd 26 K Federal #010 (Section 26, Township 23 South, Range 31 East)
API: 30-015-27102
County: Eddy
Incident Report: 2RP-5222

Prepared For: **Devon Energy**
6488 Seven Rivers Highway
Artesia, New Mexico 88210

VVERN-200127-C-1440

New Mexico Oil Conservation Division - District 2 Artesia
811 S. 1st Street
Artesia, New Mexico 88210

Devon Energy retained Vertex Resource Services Inc. (Vertex) to conduct a Spill Assessment for a release of produced water and crude oil caused by a leak on the poly line west of Todd 26 K Federal #010, API 30-015-27102, Incident 2RP-5222 (hereafter referred to as "site"). The letter provides a description of the Spill Assessment and includes a request for Spill Closure. The spill area is located at N 32.275639, W -103.74543.

Background

The site is located approximately 36 miles southeast of Carlsbad, New Mexico. The legal location for the site is Section 26, Township 23 South and Range 31 East in Eddy County, New Mexico. The spill area is located on state land and has a lessee. An aerial photograph and site schematic are included in Attachment 1.

The Geological Map of New Mexico (New Mexico Bureau of Geology and Mineral Resources, 2014 – 2017) indicates the site's surface geology is comprised primarily of Pqm ---- Quartermaster Formation (Upper Permian) and is characterized as red sandstone and siltstone. Predominant soil texture on the site is fine sandy loam.

Incident Description

A spill occurred on December 25, 2018, due to leak from the poly line. The spill was reported January 29, 2019 and involved the release of approximately 2 barrels (bbls) of crude oil and 12.32 bbls of produced water on the access road to the pad. Approximately 0.5 bbls of crude oil and 1.50 bbls of production water were removed during initial spill clean-up. The New Mexico Oil Conservation Division (NMOCD) C-141 Report: 2RP-5222 is included in Attachment 2. The Daily Field Reports (DFRs) and site photographs are included in Attachment 3.

Closure Criteria Determination

The depth to groundwater was determined using information from Oil and Gas Drilling records and the New Mexico Office of the State Engineer Water Column/Average Depth to Water report. A 5,000-meter search radius was used to determine groundwater depth. The closest recorded depth to groundwater was determined to be 430 feet below

ground surface (bgs) and 1,293 feet from the site. Documentation used in Closure Criteria Determination research is included in Attachment 4.

Table 1.	**Closure Criteria Determination**		
Site Name: Todd 26 Fed #10			
Spill Coordinates: 32.275667, -103.745452			
Site Specific Conditions		**Value**	**Unit**
1	Depth to Groundwater	**430**	feet
2	Within 300 feet of any continuously flowing watercourse or any other significant watercourse	None within 300	feet
3	Within 200 feet of any lakebed, sinkhole or playa lake (measured from the ordinary high-water mark)	55711	feet
4	Within 300 feet from an occupied residence, school, hospital, institution or church	26928	feet
5	i) Within 500 feet of a spring or a private, domestic fresh water well used by less than five households for domestic or stock watering purposes, **or**	1293	feet
	ii) Within 1000 feet of any fresh water well or spring	1293	feet
6	Within incorporated municipal boundaries or within a defined municipal fresh water field covered under a municipal ordinance adopted pursuant to Section 3-27-3 NMSA 1978 as amended, unless the municipality specifically approves	No	(Y/N)
7	Within 300 feet of a wetland	17633	feet
8	Within the area overlying a subsurface mine	No	(Y/N)
9	Within an unstable area (Karst Map)	Medium	Critical High Medium Low
10	Within a 100-year Floodplain	500	year
	NMAC 19.15.29.12 E (Table 1) Closure Criteria	>100'	<50' 51-100' >100'

The closure criteria determined for the site are associated with the following constituent concentration limits as presented in Table 2.

Table 2. Closure Criteria for Soils Impacted by a Release

Minimum depth below any point within the horizontal boundary of the release to groundwater less than 10,000 mg/l TDS	Constituent	Limit
> 100 feet	Chloride	20,000 mg/kg
	TPH (GRO+DRO+MRO)	2,500 mg/kg
	GRO+DRO	1,000 mg/kg
	BTEX	50 mg/kg
	Benzene	10 mg/kg

Remedial Actions Taken

An initial site inspection of the spill area was completed on March 21, 2019, which identified the area of the spill specified in the initial C-141 Report, estimated the approximate volume of the spill and white lined the area required for the 811 One Call request. The impacted area was determined to be approximately 250 feet long and 31 feet wide; the total affected area was determined to be 4,177 square feet. The DFR associated with the site is included in Attachment 3.

Remediation efforts began on March 30, 2019 and were completed on April 26, 2019. Vertex personnel supervised the excavation of impacted soils. Field screening was completed on a total of ten (10) sample points and consisted of analysis using a Photo Ionization Detector (volatile hydrocarbons), Dexsil Petroflag using EPA SW-846 Method 9074 (extractable hydrocarbons) and Quantabs (chlorides). Field screening results were used to identify areas requiring further remediation from those areas showing concentrations below determined closure criteria levels. Soils were removed to a depth of one foot bgs. Impacted soil was transported by a licensed waste hauler and disposed of at an approved waste management facility. Waste Manifest is presented in Attachment 5. Field screening results are presented in Attachment 6, as well as in the DFRs presented in Attachment 3.

Notification that confirmatory samples were being collected was provided to the NMOCD on April 2, 2019 and are included in Attachment 7. Confirmatory composite samples were collected from the base and walls of the excavation in 200 square foot increments. A total of nine (9) samples were collected for laboratory analysis following NMOCD soil sampling procedures. Samples were submitted to Hall Environmental Analysis Laboratory under chain-of-custody protocols and analyzed for BTEX (EPA Method 8021B or EPA Method 8260B), Total Petroleum Hydrocarbons (GRO, DRO, MRO; EPA Method 8015D) and Total Chlorides (EPA Method 300.0). Laboratory results are presented in Table 3, Attachment 6. All confirmatory samples collected and analyzed were below closure criteria for the site.

Closure Request

The spill area was fully delineated, remediated and backfilled with local soils by April 26, 2019 (Attachment 7). Confirmatory samples were analyzed by the laboratory and found to be below allowable concentrations as per the New Mexico Administrative Code Closure Criteria for Soils Impacted by a Release, locations "greater than 100 feet to groundwater". Based on these findings, Devon Energy requests that this spill be closed.

Should you have any questions or concerns, please do not hesitate to contact the undersigned at 575.391.1137 or dwilliams@vertex.ca.

Sincerely,

Dennis Williams
ENVIRONMENTAL EARTHWORKS ADVISOR

Attachments

Attachment 1. Site Schematic
Attachment 2. NMOCD C-141 Report: 2RP-5222
Attachment 3. Daily Field Report(s) with Pictures
Attachment 4. Closure Criteria for Soils Impacted by a Release Research Determination Documentation
Attachment 5. Waste Manifest(s)
Attachment 6. Table 3 - Laboratory Results Table
Attachment 7. Confirmatory Sample Notification to the NMOCD
Attachment 8. Laboratory Data Reports and COCs

References

1. *Water Column/Average Depth to Water Report.* New Mexico Water Rights Reporting System, (2019). Retrieved from http://nmwrrs.ose.state.nm.us/nmwrrs/waterColumn.html

2. *Assessed and Impaired Waters of New Mexico.* New Mexico Department of Surface Water Quality Bureau, (2019). Retrieved from https://gis.web.env.nm.gov/oem/?map=swqb

3. *Interactive Geologic Map.* New Mexico Bureau of Geology and Mineral Resources, (2019). Retrieved from http://geoinfo.nmt.edu

4. *Measured Distance from the Subject Site to Residence.* Google Earth Pro, (2019). Retrieved from https://earth.google.com

5. *Point of Diversion Location Report.* New Mexico Water Rights Reporting System, (2019). Retrieved from http://nmwrrs.ose.state.nm.us/nmwrrs/wellSurfaceDiversion.html

6. *Measured Distance from the Subject Site to Municipal Boundaries.* Google Earth Pro, (2019). Retrieved from https://earth.google.com

7. *National Wetland Inventory Surface Waters and Wetland*. United State Fish and Wildlife Service, (2019). Retrieved from https://www.fws.gov/wetlands/data/mapper.html

8. *Coal Mine Resources in New Mexico*. NM Mining and Minerals Division, (2019). Retrieved from http://www.emnrd.state.nm.us/MMD/gismapminedata.html

9. *New Mexico Cave/Karsts*. United States Department of the Interior, Bureau of Land Management, (2019) Retrieved from https://www.blm.gov/programs/recreation/recreation-programs/caves/new-mexico

10. *Flood Map Number 35015C1875D.* United States Department of Homeland Security, FEMA Flood Map Service Center, (2010). Retrieved from https://msc.fema.gov/portal/search?AddressQuery=malaga%20new%20mexico#searchresultsanchor

11. *Well Log/Meter Information Report.* NM Office of the State Engineer, New Mexico Water Rights Reporting System. (2019). Retrieved from http://nmwrrs.ose.state.nm.us/nmwrrs/meterReport.html

12. *Natural Resources and Wildlife Oil and Gas Releases*. New Mexico Oil Conservation Division, (2019). Santa Fe, New Mexico.

13. *Soil Survey, New Mexico*. United States Department of Agriculture, Soil Conservation Service in Cooperation with New Mexico Agricultural Experiment Station. (1971). Retrieved from http://www.wipp.energy.gov/library/Information_Repository_A/Supplemental_Information/Chugg%20et%20al%201971%20w-map.pdf

Limitations

This report has been prepared for the sole benefit of Devon Energy. This document may not be used by any other person or entity, with the exception of the New Mexico Oil Conservation Division, without the express written consent of Vertex Resource Services Inc. (Vertex) and Devon Energy. Any use of this report by a third party, or any reliance on decisions made based on it, or damages suffered as a result of the use of this report are the sole responsibility of the user.

The information and conclusions contained in this report are based upon work undertaken by trained professional and technical staff in accordance with generally accepted scientific practices current at the time the work was performed. The conclusions and recommendations presented represent the best judgement of Vertex based on the data collected during the assessment. Due to the nature of the assessment and the data available, Vertex cannot warrant against undiscovered environmental liabilities. Conclusions and recommendations presented in this report should not be considered legal advice.

State of New Mexico
Oil Conservation Division

Incident ID	NAB1903733353
District RP	2RP-5222
Facility ID	
Application ID	pAB1903732371

Site Assessment/Characterization

This information must be provided to the appropriate district office no later than 90 days after the release discovery date.

What is the shallowest depth to groundwater beneath the area affected by the release?	430 (ft bgs)
Did this release impact groundwater or surface water?	☐ Yes ☒ No
Are the lateral extents of the release within 300 feet of a continuously flowing watercourse or any other significant watercourse?	☐ Yes ☒ No
Are the lateral extents of the release within 200 feet of any lakebed, sinkhole, or playa lake (measured from the ordinary high-water mark)?	☐ Yes ☒ No
Are the lateral extents of the release within 300 feet of an occupied permanent residence, school, hospital, institution, or church?	☐ Yes ☒ No
Are the lateral extents of the release within 500 horizontal feet of a spring or a private domestic fresh water well used by less than five households for domestic or stock watering purposes?	☐ Yes ☒ No
Are the lateral extents of the release within 1000 feet of any other fresh water well or spring?	☐ Yes ☒ No
Are the lateral extents of the release within incorporated municipal boundaries or within a defined municipal fresh water well field?	☐ Yes ☒ No
Are the lateral extents of the release within 300 feet of a wetland?	☐ Yes ☒ No
Are the lateral extents of the release overlying a subsurface mine?	☐ Yes ☒ No
Are the lateral extents of the release overlying an unstable area such as karst geology?	☐ Yes ☒ No
Are the lateral extents of the release within a 100-year floodplain?	☐ Yes ☒ No
Did the release impact areas **not** on an exploration, development, production, or storage site?	☐ Yes ☒ No

Attach a comprehensive report (electronic submittals in .pdf format are preferred) demonstrating the lateral and vertical extents of soil contamination associated with the release have been determined. Refer to 19.15.29.11 NMAC for specifics.

Characterization Report Checklist: ***Each of the following items must be included in the report.***

- ☒ Scaled site map showing impacted area, surface features, subsurface features, delineation points, and monitoring wells.
- ☒ Field data
- ☒ Data table of soil contaminant concentration data
- ☒ Depth to water determination
- ☒ Determination of water sources and significant watercourses within ½-mile of the lateral extents of the release
- ☒ Boring or excavation logs
- ☒ Photographs including date and GIS information
- ☒ Topographic/Aerial maps
- ☒ Laboratory data including chain of custody

If the site characterization report does not include completed efforts at remediation of the release, the report must include a proposed remediation plan. That plan must include the estimated volume of material to be remediated, the proposed remediation technique, proposed sampling plan and methods, anticipated timelines for beginning and completing the remediation. The closure criteria for a release are contained in Table 1 of 19.15.29.12 NMAC, however, use of the table is modified by site- and release-specific parameters.

State of New Mexico
Oil Conservation Division

Incident ID	NAB1903733353
District RP	2RP-5222
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I hereby certify that the information given above is true and complete to the best of my knowledge and understand that pursuant to OCD rules and regulations all operators are required to report and/or file certain release notifications and perform corrective actions for releases which may endanger public health or the environment. The acceptance of a C-141 report by the OCD does not relieve the operator of liability should their operations have failed to adequately investigate and remediate contamination that pose a threat to groundwater, surface water, human health or the environment. In addition, OCD acceptance of a C-141 report does not relieve the operator of responsibility for compliance with any other federal, state, or local laws and/or regulations.

Printed Name: Wesley Mathews Title: Environmental Representative

Signature: Wesley Mathews Date: _____

email: Wesley.mathews@dvn.com Telephone: 575-578-6195

OCD Only

Received by: _____ Date: _____

State of New Mexico
Oil Conservation Division

Incident ID	NAB1903733353
District RP	2RP-5222
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Remediation Plan

Remediation Plan Checklist: ***Each of the following items must be included in the plan.***

- [X] Detailed description of proposed remediation technique
- [X] Scaled sitemap with GPS coordinates showing delineation points
- [X] Estimated volume of material to be remediated
- [X] Closure criteria is to Table 1 specifications subject to 19.15.29.12(C)(4) NMAC
- [X] Proposed schedule for remediation (note if remediation plan timeline is more than 90 days OCD approval is required)

Deferral Requests Only: ***Each of the following items must be confirmed as part of any request for deferral of remediation.***

- [X] Contamination must be in areas immediately under or around production equipment where remediation could cause a major facility deconstruction.
- [X] Extents of contamination must be fully delineated.
- [X] Contamination does not cause an imminent risk to human health, the environment, or groundwater.

I hereby certify that the information given above is true and complete to the best of my knowledge and understand that pursuant to OCD rules and regulations all operators are required to report and/or file certain release notifications and perform corrective actions for releases which may endanger public health or the environment. The acceptance of a C-141 report by the OCD does not relieve the operator of liability should their operations have failed to adequately investigate and remediate contamination that pose a threat to groundwater, surface water, human health or the environment. In addition, OCD acceptance of a C-141 report does not relieve the operator of responsibility for compliance with any other federal, state, or local laws and/or regulations.

Printed Name: Wesley Mathews Title: EnvironmentalRepresentative

Signature: Wesley Mathews Date: _____

email: _Wesley.mathews@dvn.com_____ Telephone: 575-578-6195

OCD Only

Received by: _____ Date: _____

☐ Approved ☐ Approved with Attached Conditions of Approval ☐ Denied ☐ Deferral Approved

Signature: _____ Date: _____

State of New Mexico
Oil Conservation Division

Incident ID	NAB1903733353
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Closure

The responsible party must attach information demonstrating they have complied with all applicable closure requirements and any conditions or directives of the OCD. This demonstration should be in the form of a comprehensive report (electronic submittals in .pdf format are preferred) including a scaled site map, sampling diagrams, relevant field notes, photographs of any excavation prior to backfilling, laboratory data including chain of custody documents of final sampling, and a narrative of the remedial activities. Refer to 19.15.29.12 NMAC.

Closure Report Attachment Checklist: ***Each of the following items must be included in the closure report.***

[x] A scaled site and sampling diagram as described in 19.15.29.11 NMAC

[x] Photographs of the remediated site prior to backfill or photos of the liner integrity if applicable (Note: appropriate OCD District office must be notified 2 days prior to liner inspection)

[x] Laboratory analyses of final sampling (Note: appropriate ODC District office must be notified 2 days prior to final sampling)

[x] Description of remediation activities

I hereby certify that the information given above is true and complete to the best of my knowledge and understand that pursuant to OCD rules and regulations all operators are required to report and/or file certain release notifications and perform corrective actions for releases which may endanger public health or the environment. The acceptance of a C-141 report by the OCD does not relieve the operator of liability should their operations have failed to adequately investigate and remediate contamination that pose a threat to groundwater, surface water, human health or the environment. In addition, OCD acceptance of a C-141 report does not relieve the operator of responsibility for compliance with any other federal, state, or local laws and/or regulations. The responsible party acknowledges they must substantially restore, reclaim, and re-vegetate the impacted surface area to the conditions that existed prior to the release or their final land use in accordance with 19.15.29.13 NMAC including notification to the OCD when reclamation and re-vegetation are complete.

Printed Name: Wesley Mathews Title: Environmental Representative

Signature: Wesley Mathews Date: 1/27/2020

email: wesley.mathews@dvn.com Telephone: 575-578-6195

OCD Only

Received by: _____ Date: _____

Closure approval by the OCD does not relieve the responsible party of liability should their operations have failed to adequately investigate and remediate contamination that poses a threat to groundwater, surface water, human health, or the environment nor does not relieve the responsible party of compliance with any other federal, state, or local laws and/or regulations.

Closure Approved by: _____ Date: _____

Printed Name: _____ Title: _____