

Venegas, Victoria, EMNRD

From: Venegas, Victoria, EMNRD
Sent: Monday, December 23, 2019 11:36 AM
To: Mgant@lucid-energy.com; Bratcher, Mike, EMNRD
Cc: Hamlet, Robert, EMNRD; Eads, Cristina, EMNRD; CFO_Spill, BLM_NM
Subject: Rattlesnake SWD Pump Station 1RP-5768 NRM1929839706
Attachments: (C-141 Final) Denied Lucid Energy DE Rattlesnake SWD Pump Station.pdf

Rattlesnake SWD Pump Station 1RP-5768 NRM1929839706

Mr. Grant,

OCD has received your closure request for Rattlesnake SWD Pump Station 1RP-5768 NRM1929839706, thank you. This closure is denied for the following:

- The Depth to groundwater has not been correctly assess. The closest well is over 3.3 miles from the site. The value to depth to groundwater cannot be “interpreted” as stated in this report. By rule, 19.15.29.11 (A)(2) NMAC: “The responsible party must determine the depth to groundwater where the release occurred”. If Lucid believes that the depth to groundwater is between 51’-100’, a borehole will need to be drilled onsite at 55’ and leave it open for at least 72 hours. If there is no evidence of water after 72 hours, the OCD will accept this as evidence. We will need a copy of the driller’s log.
- All samples must be tested for all components listed in Table 1 of NMAC 19.15.29.12.E(2). By rule 19.15.29.112.D. Closure Requirements: “The samples must be analyzed for the constituents listed in Table I of 19.15.29.12 NMAC or constituents from other applicable remediation standards.”
- This site does not meet the criteria to apply for a deferral. By rule 19.15.29.12.C.(2): “If contamination is located in areas immediately under or around production equipment such as production tanks, wellheads and pipelines where remediation could cause a major facility deconstruction, the remediation, restoration and reclamation may be deferred with division written approval until the equipment is removed during other operations, or when the well or facility is plugged or abandoned, whichever comes first. The deferral may be granted so long as the contamination is fully delineated and does not cause an imminent risk to human health, the environment, or ground water.” The OCD requests the red shaded area in Figure 2, be fully delineated/remediated.

For further clarifications regarding the implementation of the spill rule, including the acceptable procedure for collecting background samples, visit the OCD website:

<http://www.emnrd.state.nm.us/OCD/documents/OCDInternalPolicy-SpillRuleClarifications.pdf>

Regards,

Victoria Venegas
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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.