

**From:** [Eads, Cristina, EMNRD](mailto:Eads.Cristina@EMNRD)  
**To:** "[jtitsworth@burnettoil.com](mailto:jtitsworth@burnettoil.com)"  
**Cc:** [Mike EMNRD Bratcher \(mike.bratcher@state.nm.us\)](mailto:Mike.EMNRD.Bratcher@state.nm.us); [Victoria EMNRD Venegas \(Victoria.Venegas@state.nm.us\)](mailto:Victoria.EMNRD.Venegas@state.nm.us); [Robert EMNRD Hamlet \(Robert.Hamlet@state.nm.us\)](mailto:Robert.EMNRD.Hamlet@state.nm.us)  
**Subject:** RE: 2RP-5333 - Gissler B 3-3 Tank Battery, Corrective Action Plan  
**Date:** Tuesday, December 17, 2019 3:05:00 PM  
**Attachments:** [13. \(C-141 Work Plan Denied\) Gissler B 3.3 TB 2RP-5333.pdf](#)

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Mr. Titsworth,

Thank you for providing me with that information. However, more information is necessary. This work plan is denied. The following information will be needed in order to approve this work plan:

- Horizontal and vertical delineation from all areas of the spill, for all closure criteria constituents, not just chloride
- Data collected from Atkins Engineering, including lab reports and soil bore information
- Depth to water needs to be reasonably determined. If you are unable to obtain ground water information (including well construction information) for ground water within a ½ mile radius, a soil bore will need to be drilled to a depth of 105' bgs to confirm the presence/absence of ground water in order to use the depth to ground water >100' closure criteria. If Burnett Oil chooses not to install a soil bore, the depth to ground water <50' closure criteria will need to be used.
- Locations of probiotic injection points
- Confirmation sampling protocol after probiotic application
- Confirmation sample results from the over spray area

Please let me know if you have any questions.

Thank you,

**Cristina Eads**

*Environmental Bureau*

*EMNRD – Oil Conservation Division*

1220 South St. Francis Drive

Santa Fe, New Mexico 87505

505.476.3084

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.**

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**From:** Johnny Titsworth <[jtitsworth@burnettoil.com](mailto:jtitsworth@burnettoil.com)>

**Sent:** Wednesday, December 4, 2019 12:22 PM

**To:** Eads, Cristina, EMNRD <Cristina.Eads@state.nm.us>

**Cc:** Bratcher, Mike, EMNRD <mike.bratcher@state.nm.us>; Venegas, Victoria, EMNRD <Victoria.Venegas@state.nm.us>; Hamlet, Robert, EMNRD <Robert.Hamlet@state.nm.us>; William Bryan Burns <wburns@burnettoil.com>; Leslie Garvis <lgarvis@burnettoil.com>; Kevin Vermillion <kvermillion@burnettoil.com>

**Subject:** [EXT] RE: 2RP-5333 - Gissler B 3-3 Tank Battery, Corrective Action Plan

Mrs. Eads

Attached is the analytical report from the lab, for the samples referred to in Table 1.

- Enclosed in the initial work plan is a document from the NM office of the State Engineer showing that there is no ground water within Sec. 11 of T17S R30E. I believe that the majority, if not all of the sections in T17S R30E have zero ground water.
- I did not collect samples from the overspray area. In previous similar instances where the pad or lease road were impacted with overspray, the area was scraped and the impacted material was hauled to disposal. This is what we did. I am confident that there will be no impact within the overspray area. However, if you would like confirmation samples can be collected if needed.
- The integrity of the liner was not compromised. The majority of the recovered fluids came from this area, and the liner was inspected while the standing fluid was recovered.

As for the October 15, 2015 release of 550 bbls, on 1/28/16, a Corrective action plan was submitted to the NMOCD requesting a deferment of remediation upon abandonment. The release was caused by a power failure, with the entirety of the release staying within the berm walls around the tanks. By utilizing the In-situ bio-remediation process that Burnett Oil Co., Inc. has been using for the past 2-3 years, we are able to begin the remediation of both of these releases. This remediation process will allow us to remediate the impacted soil, without causing any safety hazards within the impacted area. The subsurface is sandy, and a traditional dig and haul remediation could cause additional problems.

I hope that this has answered your questions. If there are any additional questions or concerns, feel free to contact us. Thank you.

**Johnny Titsworth GSP**  
HSE Coordinator

**Burnett Oil Co., Inc.**  
87 Square Lake Rd.  
Loco Hills, NM 88255  
Direct: (432) 614-0531  
Cell: (432) 425-2891

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**From:** Eads, Cristina, EMNRD <[Cristina.Eads@state.nm.us](mailto:Cristina.Eads@state.nm.us)>

**Sent:** Monday, December 2, 2019 9:56 AM

**To:** Johnny Titsworth <[jtitsworth@burnettoil.com](mailto:jtitsworth@burnettoil.com)>

**Cc:** 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)>

**Subject:** [EXTERNAL] 2RP-5333 - Gissler B 3-3 Tank Battery, Corrective Action Plan

Mr. Titsworth,

OCD has received the Corrective Action Plan for Gissler B 3-3 Tank Battery (2RP-5333), thank you. In order to provide a determination for this corrective action plan, the following information must be provided:

- Depth to groundwater within a ½-mile radius.
- The analytical lab report(s) for samples in Table 1 of the above referenced corrective action plan
- Confirmation samples from the overspray area
- Evidence the liner from the lined area of the release maintained good liner integrity

Also, please provide more information regarding the October 15, 2015 “release of 550 bbls of fluid.”

Please let me know if you have any questions.

Thank you,

**Cristina Eads**

*Environmental Bureau*

*EMNRD – Oil Conservation Division*

1220 South St. Francis Drive

Santa Fe, New Mexico 87505

505.476.3084

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

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