

## Hamlet, Robert, EMNRD

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**From:** Hamlet, Robert, EMNRD  
**Sent:** Tuesday, May 12, 2020 2:01 PM  
**To:** 'ggarza@cimarex.com'  
**Cc:** Bratcher, Mike, EMNRD; Venegas, Victoria, EMNRD; Eads, Cristina, EMNRD; CFO\_Spill, BLM\_NM  
**Subject:** Closure Denied - Cimarex - Red Hills Unit #16H - (Incident #NCH1902835814) (1RP-5301)  
**Attachments:** Closure Denied - Cimarex - Red Hills Unit #16H.pdf

Gloria,

We have received your closure report and final C-141 for **Incident #NCH1902835814 Red Hills Unit #16H**, thank you. This closure is denied.

- The Red Hills Unit #16 spill covers a very large spill area and only contains 6 soil sample locations. I was unable to find a variance that was approved for collecting soil samples >200 square foot area. Please let me know if one was approved.
- An example would be AH-1, which is a spill area of roughly 2,500-3,000 ft. Generally, without a variance this particular part of the release area would require 12-15 closure criteria samples.
- Please evenly sample every 200 square feet to fulfill sampling requirement for closure.
- If you would like to request a variance on collecting a composite and grab sample plan of the remediation area larger than 200 square feet, upload a proposal to the payment portal outlining your request.

**D. Closure requirements.** The responsible party must take the following action for any major or minor release containing liquids.

(1) The responsible party must test the remediated areas for contamination with representative five-point composite samples from the walls and base, and individual grab samples from any wet or discolored areas. 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.

(a) The responsible party must verbally notify the appropriate division district office two business days prior to conducting final sampling. If the division district office does not respond to the notice within the two business days, the responsible party may proceed with final sampling. The responsible party may request a variance from this requirement upon a showing of good cause as determined by the division.

(b) The responsible party may submit a composite and grab sample plan for the division's review and approval separately or with the remediation plan.

(c) Alternately, without division approval, the responsible party may elect to perform a composite and grab sample plan of the remediated area where each composite sample is not representative of more than 200 square feet.

Please let me know if you have any further questions.

Thank you,

Robert J Hamlet  
State of New Mexico  
Energy, Minerals, and Natural Resources  
Oil Conservation Division  
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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.