

Venegas, Victoria, EMNRD

From: Bynum, Tom (Contract) <Tom.Bynum@dvn.com>
Sent: Tuesday, May 19, 2020 8:23 AM
To: Venegas, Victoria, EMNRD; Bratcher, Mike, EMNRD; Billings, Bradford, EMNRD; Hamlet, Robert, EMNRD; Eads, Cristina, EMNRD
Cc: Robison, Jason; Davis, Amanda; Mathews, Wesley; Carrasco, Lupe; DeHoyos, Kendra; Natalie Gordon; Dennis Williams; dhanton@vertex.ca
Subject: [EXT] RE: [EXTERNAL] Fwd: NAB1903733353 TODD 26 K FEDERAL #010 @ 30-015-27102 2RP-5222

Good morning Victoria & company,
We will most definitely include a sample diagram and clarification on which samples were which in our next submittal.

We are confused about your point on the lease road however:

Subsection D of [19.15.29.13](#) NMAC says "Reclamation of areas no longer in use. The responsible party shall reclaim all areas disturbed by the remediation and closure, except areas reasonably needed for production operations or for subsequent drilling operations..." ***I would argue that a lease road isn't just "reasonably needed" for operations, it is "absolutely needed" until all the wells that road services are gone.*** Paragraph (1) of that same Subsection goes on to discuss the reclamation containing a minimum of four feet of non-waste containing, uncontaminated, earthen material...and must include a top layer, which is either the background thickness of topsoil or one foot of suitable material to establish vegetation at the site..." ***The end goal of the four feet of non-contaminated soil is reclamation, and the end goal of reclamation is to establish vegetation growth...which is NOT compatible with the purpose of a lease road.*** Additionally, in NM OCD's own spill guidance document "Procedures for Implementation of the Spill Rule" that came out June 21, 2019, they state that the primary purpose of Subsection D [19.15.29.13](#) NMAC is to re-establish vegetative growth. ***If the rules and guidance both say that the point of reclamation is to return remediated areas to their original condition, or their final land use, and reclamation is "considered complete when uniform vegetative cover has been established" (Paragraph (3) Subsection D 19.15.29.13 NMAC), how will lease roads ever be considered complete without stopping use of them?***

Could I please respectfully request that you reconsider this point as one of your denial reasons? This lease road is being used rather frequently, and will continue to be for quite some time.

I appreciate your consideration of this request, if you have any questions or concerns please don't hesitate to holler anytime.

Thank you,

TOM BYNUM
EHS CONTRACTOR
580-748-1613

"Nothing has ever been resolved by continually pointing out the problem."

----- Forwarded message -----

From: **Venegas, Victoria, EMNRD** <Victoria.Venegas@state.nm.us>
Date: Thu, May 14, 2020 at 1:25 PM
Subject: NAB1903733353 TODD 26 K FEDERAL #010 @ 30-015-27102 2RP-5222
To: Mathews, Wesley <Wesley.Mathews@dvn.com>, Bratcher, Mike, EMNRD <mike.bratcher@state.nm.us>, Hamlet,

Robert, EMNRD <Robert.Hamlet@state.nm.us>, Eads, Cristina, EMNRD <Cristina.Eads@state.nm.us>
Cc: Dhugal Hanton <vertexresourcegroupusa@gmail.com>, CFO_Spill, BLM_NM <blm_nm_cfo_spill@blm.gov>

NAB1903733353 TODD 26 K FEDERAL #010 @ 30-015-27102 2RP-5222

Mr. Wesley,

The OCD has denied the submitted Closure Report C-141 for incident # NAB1903733353 TODD 26 K FEDERAL #010 @ 30-015-27102 2RP-5222 for the following reasons:

- Since the release was not on an active pad or production facility, the top 4 feet must meet the NMOCD Reclamation Standards by Rule [19.15.29.13](#). Lease roads are considered off-pad areas.
- Per rule 19.15.29.12.E.1.a. the final report must include a sampling diagram. Please include a sampling diagram with all sample points clearly marked in your next submittal.
- All samples in this report are named SS19 -see Table 3. Soil Analysis-. Please clarify which are floor samples and which are sidewall samples. It cannot be determined if the horizontal delineation/remediation has been completed because sidewall samples are not clearly identified. A visual footprint on the surface is not sufficient or adequate to assess the horizontal extent of the release.

The denied C-141 can be found in the online image file. Please review and make the required correction prior to resubmitting through the fee portal.

Thank you,

Victoria Venegas

State of New Mexico

Energy, Minerals, and Natural Resources

Oil Conservation Division

811 S. First St., Artesia NM 88210

(575) 748-1283

Victoria.Venegas@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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