

## Venegas, Victoria, EMNRD

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**To:** Aaron Pachlhofer; Hamlet, Robert, EMNRD; Bratcher, Mike, EMNRD; Eads, Cristina, EMNRD  
**Cc:** Griswold, Jim, EMNRD; Billings, Bradford, EMNRD  
**Subject:** RE: Variance request: DENIED. DENTON NO 5 SWD BATTERY @ 30-025-05226

### Variance request: DENIED. NCS2003132855 DENTON NO 5 SWD BATTERY @ 30-025-05226

Mr. Pachlhofer,

OCD has received your variance request for NCS2003132855 DENTON NO 5 SWD BATTERY @ 30-025-05226, thank you. This variance to cease further BTEX/TPH sample analysis for this release is denied. Please note, per rule 19.15.29.12 confirmation samples must be analyzed for all constituents listed in table 1. Also, OCD believes the proposed variance does not satisfy the requirements of the rule *“that the variance will provide equal or better protection of fresh water, public health and the environment”*. It’s important to make sure that the contaminated soil that remains in place, complies with the closure criteria for this site.

Thank you,

Victoria Venegas  
State of New Mexico  
Energy, Minerals, and Natural Resources  
Oil Conservation Division  
811 S. First St., Artesia NM 88210  
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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.

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**From:** Aaron Pachlhofer <aaronp@forl.com>  
**Sent:** Wednesday, June 3, 2020 1:22 PM  
**To:** Venegas, Victoria, EMNRD <Victoria.Venegas@state.nm.us>  
**Subject:** [EXT] Variance request: NCS2003132855 DENTON NO 5 SWD BATTERY @ 30-025-05226

Victoria,

I am requesting a variance for this spill to cease further BTEX/TPH sample analysis for this release.

After the produced water was removed from the spill area, crude oil staining was noted near the point of release. When Fasken collected surface and 1 foot samples to assess the clean up needs of the spill, we collected BTEX/TPH samples in areas that were visibly affected by crude oil for laboratory analysis. Four sample locations were selected and surface and 1 foot samples were analyzed by the lab. According to the laboratory report BTEX (including benzene) was not detected in any sample, TPH was detected ranging from 305 to 750 mg/kg in surface sample, and at 1 foot TPH ranged from less than the method detection limit to 99.8 mg/kg. Based on these results, it can be concluded that the spill area is not affected by crude oil above the 19.15.29 NMAC Table 1 Closure Criteria for ground water 51 to 100 feet below ground surface. These laboratory data were previously submitted to the OCD.

At a minimum, this variance request provides equal protection to soils and ground water since samples were collected from areas that were the most visually impacted by crude oil residue carried in the produced water; and the laboratory results for the samples were very low in concentration for TPH at 1 foot below surface, and BTEX was not detected at all.

Please let me know there are any questions or if I can provide additional information,



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