

## Venegas, Victoria, EMNRD

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**From:** Venegas, Victoria, EMNRD  
**Sent:** Thursday, June 4, 2020 11:24 AM  
**To:** 'Davis, Amanda'; Hamlet, Robert, EMNRD; Bratcher, Mike, EMNRD; Eads, Cristina, EMNRD  
**Cc:** Billings, Bradford, EMNRD; Griswold, Jim, EMNRD  
**Subject:** RE: New Mexico OCD Application Submission was Rejected by the OCD

### RE: New Mexico OCD Application Submission was Rejected by the OCD

Ms. Davis,

OCD has reviewed your additional documentation to assess the depth to groundwater at NDHR1917233146 BOUNDARY RAIDER 6 FEDERAL #002H @ 30-025-41884 site, thank you. OCD greatly appreciates Devon's time and effort to seek additional resources to determine the depth to groundwater at the spill site. We are pleased with the high degree of scientific certainty that this study presents. However after careful consideration, it is OCD's opinion that the study does not provide enough details to determine if there is protectable water at the site, as required by the rule: "*the responsible party must determine the depth to groundwater where the release occurred*". OCD believes the data used to generate the potentiometric surface shown in Figures 2a-c is not near enough to the release. Accordingly, the scale is too large to use it to determine the depth to groundwater at this particular site. OCD believes this report does not adequately illustrate -with the data and interpretation provided- "*a reasonable determination of the probable depth of groundwater*", especially in light of our responsibility to discover any "protectable" groundwater.

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](mailto: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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**From:** Davis, Amanda <Amanda.Davis@dmn.com>  
**Sent:** Wednesday, May 27, 2020 1:34 PM  
**To:** Venegas, Victoria, EMNRD <Victoria.Venegas@state.nm.us>  
**Subject:** [EXT] RE: New Mexico OCD Application Submission was Rejected by the OCD

Dear Ms. Venegas:

I am writing in response to denied closure plan for incident # NDHR1917233146 BOUNDARY RAIDER 6 FEDERAL #002H @ 30-025-41884. We have reviewed the closure plan and have scheduled additional sampling, however we are seeking further guidance on the water well issue. We sought out additional resources, which I have attached in this email. We are requesting these resources be reviewed in support of the additional groundwater data you requested. If you feel

this documentation is a reasonable determination of groundwater, we will submit it with the amended report. Thank you for your time please feel free to contact me if you have any questions.

Thank you,

**Amanda Trujillo Davis**  
Environmental Representative

**Devon Energy Corporation**  
6488 Seven Rivers Highway  
Artesia, New Mexico 88210  
(575) 748-0176 Direct  
(505) 350-1336 Mobile



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**From:** [OCDOnline@state.nm.us](mailto:OCDOnline@state.nm.us) <[OCDOnline@state.nm.us](mailto:OCDOnline@state.nm.us)>  
**Sent:** Monday, March 30, 2020 10:44 AM  
**To:** DeHoyos, Kendra <[Kendra.DeHoyos@devon.com](mailto:Kendra.DeHoyos@devon.com)>  
**Subject:** [EXTERNAL] New Mexico OCD Application Submission was Rejected by the OCD

The Oil Conservation Division (OCD) has rejected the application PO: 3EY1T-200127-C-1440.  
The original application was submitted by Kendra DeHoyos for DEVON ENERGY PRODUCTION COMPANY, LP.

The user added the additional comment:

"The OCD has denied the submitted Closure Plan C-141 for incident # NDHR1917233146 BOUNDARY RAIDER 6 FEDERAL #002H @ 30-025-41884 for the following reasons: • Depth to groundwater is not adequately identified. When nearby wells are used to determine depth to groundwater, the wells should be no more than ½ mile away from the site, and data should be no more than 25 years old. If evidence of ground water within a ½ mile radius of the site cannot be provided, impacted soils will need to meet Table 1 Closure Criteria for groundwater at a depth of 50 feet or less. • Soil samples were collected from only 5 points within the excavation spanning an area of 8,835 square feet. Please see [19.15.29.12](#) D. CLOSURE REQUIREMENTS: Each samples should not represent more than 200 square feet unless a sampling plan has already been submitted to and approved by the division. • Horizontal delineation has not been completed. Rule [19.15.29.11](#) SITE ASESMENT/CHARACTERIZATION: ...the responsible party must assess soils both vertically and horizontally for potential environmental impacts from any major or minor release containing fluids. The edges -horizontal definition- of a liquid release must be determined. The values for determination of horizontal impact are derived by either "background" value or 600 mg/Kg for chlorides. • No samples were taken from the walls of the excavation. CLOSURE REQUIREMENTS: ....must test the remediated areas for contamination with representative five point composite samples from the walls and base... 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](mailto:Victoria.Venegas@state.nm.us)".

If you are concerned about receiving this email or have any other questions, please feel free to contact our Santa Fe OCD office.

**New Mexico Energy, Minerals and Natural Resources Department**

1220 South St. Francis Drive

Santa Fe, NM 87505

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