

Hamlet, Robert, EMNRD

From: Hamlet, Robert, EMNRD
Sent: Monday, June 8, 2020 3:30 PM
To: John Hurt
Cc: Bratcher, Mike, EMNRD; Venegas, Victoria, EMNRD; Eads, Cristina, EMNRD; Mann, Ryan
Subject: Closure Denied - Matador - Rodney Robinson Fed 101H Lease Road - (Incident #NRM2003757362)
Attachments: Closure Denied - Matador - Rodney Robinson Fed 101H Lease Road.pdf

John,

We have received your closure report and final C-141 for **Incident #NRM2003757362 Rodney Robinson Fed 101H Lease Road**, thank you. This closure is denied.

- The rule says, “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”. This requires all samples to be tested for Chlorides, TPH, BTEX, and Benzene. Very few of your samples were tested for TPH, BTEX, and Benzene.
- This entire spill is considered off-site, which requires it to be remediated to the <50’ depth to ground water (Table 1, Spill Rule). All off pad areas must contain a minimum of 4 feet non-waste containing uncontaminated, earthen material with chloride concentrations less than 600 mg/kg and TPH less than 100 mg/kg. In the pasture area, 4 feet below the ground surface, soil contamination limits revert back to Table 1 “Closure Criteria for Soils Impacted by a Release” included in the spill rule <http://164.64.110.134/parts/title19/19.015.0029.html>
- Vertex requests that restoration and reclamation of the impacted area along the roadway and on the lease road surface be deferred until such time as the lease road is removed and reclaimed per 19.15.29.13 NMAC.
- A deferral can only be granted on an active well pad and not on a road, right-of-way, or in the pasture. A clarification document has been placed on the OCD website to clarify the matter. <http://www.emnrd.state.nm.us/OCD/documents/OCDInternalPolicy-SpillRuleClarifications.pdf>

Spill Rule Procedures September 6, 2019 Page 2 & 3

VI. ON-SITE vs. OFF-SITE REMEDIATION:

a. The remediation requirements in Table 1 19.15.29.12 NMAC are the same for all releases, whether they occur on an active production site or not (19.15.29.12(C)(2) and (3) NMAC). Remediation on an active site can be deferred in areas immediately under or around production equipment such as production tanks, wellheads, and pipelines where remediation could cause a major facility deconstruction. A major facility deconstruction is determined by the OCD on a case by case basis. The remediation, restoration, and reclamation may be deferred with OCD’s written approval until the equipment is removed during other operations, or when the well or facility is plugged or abandoned, whichever comes first. For the deferral request the contamination must be fully delineated. In addition, the contamination must not pose an imminent risk to human health, the environment, or groundwater. Deferrals are not forever and remediation must be completed in a timely fashion once the equipment is out of use for oil and gas operations.

b. Cleanup of off-site impacts cannot be deferred as they would not meet the deferral requirements of 19.15.29.12(C)(2) NMAC.

c. The difference between on- and off-site releases is when the reclamation and restoration must occur. Off-site releases must be reclaimed and restored immediately. On-site reclamation and restoration can wait until operations have ceased, but still must be done.

Please let me know if you have any further questions.

Regards,

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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.