

## Hamlet, Robert, EMNRD

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**From:** Hamlet, Robert, EMNRD  
**Sent:** Wednesday, June 24, 2020 1:31 PM  
**To:** DeHoyos, Kendra; Baker, Adrian  
**Cc:** Bratcher, Mike, EMNRD; Venegas, Victoria, EMNRD; Eads, Cristina, EMNRD; CFO\_Spill, BLM\_NM  
**Subject:** Closure Denied - Devon - Ice Dancer 30 Fed Com #2H (NAB1809439206, 3-19-2018) and (NAB1813754884, 5-1-2018)  
**Attachments:** Closure Denied - Devon - Ice Dancer 30 Fed Com #2H (2RP-4691).pdf; Closure Denied - Devon - Ice Dancer 30 Fed Com #2H (2RP-4752).pdf

Kendra and Adrian,

The SMA report that was submitted had both Devon and XTO as the operator. It sounds like Terra, a subcontractor working on behalf of XTO struck Devon's polyline. Mr. Littrell at XTO, filed the initial C-141, since XTO was responsible for the release(s). Devon has been set up in the OCD system as the operator for the 2RP-4691 release and XTO for the 2RP-4752. It appears that the two spills are trying to be closed simultaneously with the same report. I will administer the release notification in the payment portal to Kendra DeHoyos at Devon, since she was the individual that uploaded the report. The reports are being denied for the following reasons:

- OCD currently considers High Karst areas as "an unstable area" for rule compliance purposes.

Below is the relevant portion of the spill rule (Part 29): 19.15.29.12 C.(4)

*(4) If a release occurs within the following areas, the responsible party must treat the release as if it occurred less than 50 feet to ground water in Table I of 19.15.29.12 NMAC:*

*(a) within (i) 300 feet of any continuously flowing watercourse or any other significant watercourse, or (ii) 200 feet of any lakebed, sinkhole or playa lake (measured from the ordinary high-water mark); 19.15.29 NMAC 5*

*(b) within 300 feet from an occupied permanent residence, school, hospital, institution or church;*

*(c) within (i) 500 feet of a spring or a private, domestic fresh water well used by less than five households for domestic or stock watering purposes, or (ii) 1000 feet of any fresh water well or spring;*

*(d) within incorporated municipal boundaries or within a defined municipal fresh water well field covered under a municipal ordinance adopted pursuant to Section 3-27-3 NMSA 1978 as amended, unless the municipality specifically approves;*

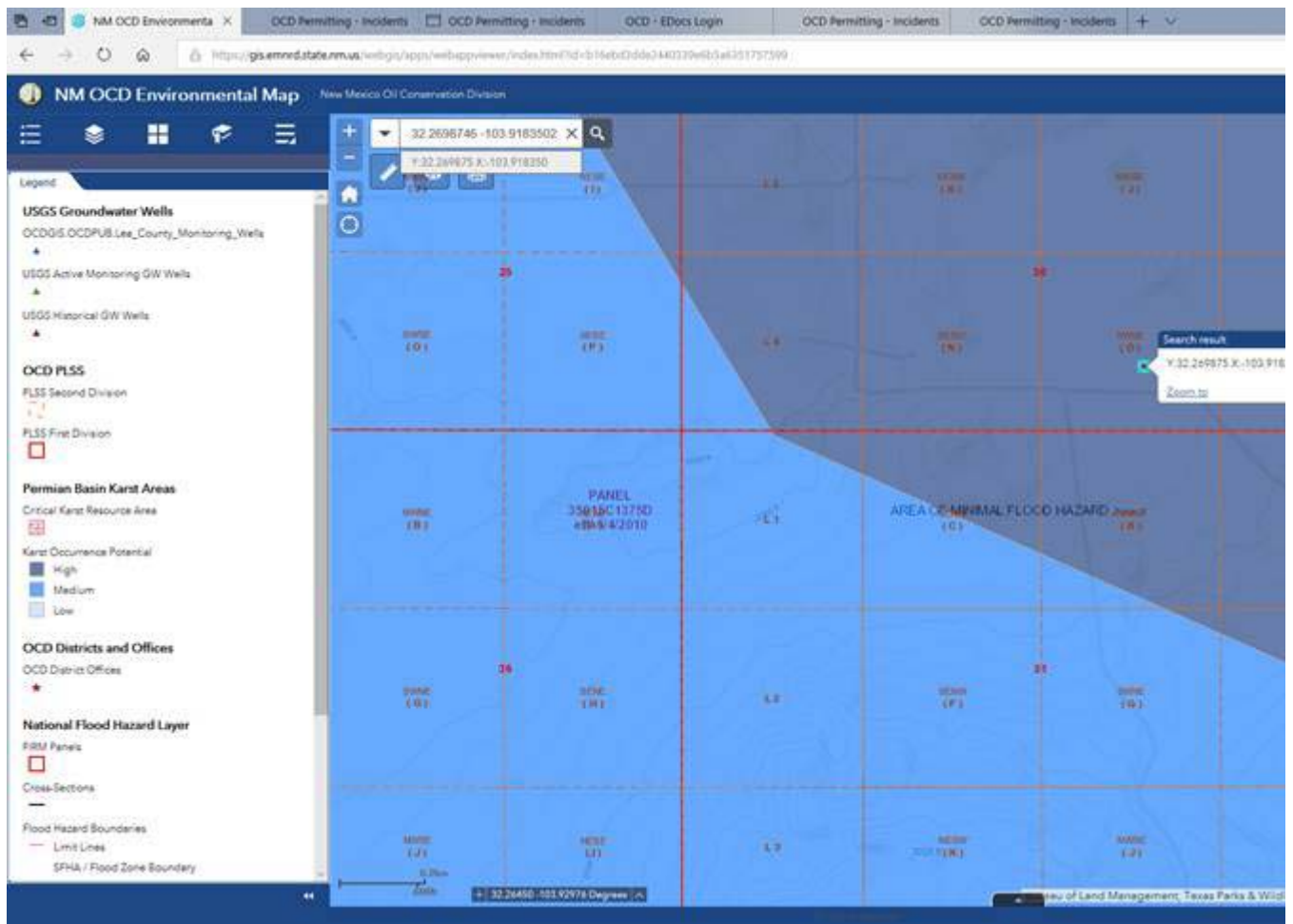
*(e) within 300 feet of a wetland;*

*(f) within the area overlying a subsurface mine;*

*(g) within an unstable area; or*

*(h) within a 100-year floodplain*

- This release has occurred in a High Karst area and will need to be remediated to the strictest closure criteria of <50' depth to groundwater from Table 1 of the spill rule. The current spill rule may be viewed here: <http://164.64.110.134/parts/title19/19.015.0029.html>



- 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 the samples were tested for TPH, BTEX, and Benzene.
- Soil sample location “BH” will need to be delineated/excavated equivalent to <50’ depth to water.
- Please continue to delineate the spill to necessary closure criteria limits and upload new report to the payment portal, when completed.

Please let me know if you have any further questions.

Regards,

Robert J Hamlet  
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 Energy, Minerals, and Natural Resources  
 Oil Conservation Division  
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