

Hamlet, Robert, EMNRD

From: Hamlet, Robert, EMNRD
Sent: Monday, June 29, 2020 11:23 AM
To: 'Llull, Christian'
Cc: Bratcher, Mike, EMNRD; Venegas, Victoria, EMNRD; Eads, Cristina, EMNRD; Mann, Ryan
Subject: Remediation Denied - ConocoPhillips - VGEU 19-01 Flowline Release - (Incident #NCH1903240708) (1RP-5304)
Attachments: Remediation Denied - ConocoPhillips - VGEU 19-01 Flowline Release.pdf

Christian,

We have received your Workplan/Remediation Proposal for **Incident #NCH1903240708 VGEU 19-01 Flowline Release**, thank you. This Workplan/Remediation proposal is denied.

- The variance for composite samples of 500 ft² is approved.
- SP-4 and BH-4 appear to be in the pasture area. Please make sure these areas are delineated/remediated to 600 mg/kg for chlorides and 100 mg/kg for TPH.
- The variance for remediation of the historical release area floor samples exceeding 10,000 mg/kg and a liner at a depth of 4 feet within the historical impact areas is denied. A New Guidance document is being implemented for Considerations for Liner Installation as Part of Spill Remediation Plan under Part 29 Releases. Operators may request a variance for any requirement of 19.15.29 NMAC. The variance request must include a detailed statement explaining the need for a variance and a detailed written demonstration that the variance will provide equal or better protection of fresh water, public health and the environment. For releases, one possible variance request is to the Remediation plan. Specific to a variance request to install a liner as part of a release remediation, the OCD requires the following information, documentation, and remedial efforts to be included in the variance request. If hydrocarbons are present, no liner installation as part of spill remediation will be approved. Liner installations as a method of remediation will only be considered for in situ chloride contamination. The OCD will review the variance request. Variance requests are considered and analyzed on a case-by-case basis and on the merit of the request.
 - a) Information of all watercourses and water sources, ditches, playas, springs, etc. within 500 ft of any horizontal distance of the spill
 - b) Identify and map all water wells within ½ mile of the horizontal distance of the spill
 - c) Depth of bottom of spill in relation to groundwater (at least 10 ft separation between vertical extent of spill and groundwater surface)
 - d) Full delineation of chlorides at or to Table 1 requirements
 - e) All hydrocarbons are below Table 1 requirements
 - f) Excavation must be to a minimum of 8 ft prior to approval of the liner due to possible future activities in the area (i.e. pipeline installation or other activities)
 - g) If the Operator cannot excavate, they must provide engineering documentation for why they cannot excavate
 - h) Identify karst potential of spill-area
 - i) Surface topography needs to shed water
 - j) Proposed liner construction, liner should be domed and overlaps area of spill so precipitation drains away to outskirts (DOMED away from spill)

- While vertical definition of contamination that may be acceptable is almost exclusively driven by depth to water, as determined, and as driven by Table I in rule, horizontal definition if different. The edges (horizontal definition) of a liquid release must be determined as well. The only value for determination of horizontal impact are derived by either “background” value as determined appropriate to Rule 29, or, for chloride, 600 mg/Kg in soils. This 600 mg/Kg value is discussed in detail in 19.15.29.13 D. (1). **Therefore, horizontal soils delineation for chloride should be 600 mg/KG (again, or background) for all liquid releases, either on or off production pad.** It is conceivable that in determining the horizontal extent of chloride that the edge of the production pad may be encountered, if last sample taken on pad limit, samples(s) must be obtained off pad to determine extent of release. If horizontal delineation samples on pad eventually reach a mechanical barrier, (such as pipeline or battery) sample(s) should be obtained as near as possible on the linear opposite side of said barrier and as close as possible to barrier. It is conceivable that a liquid release may occur with, for example, a surface soil chloride of 19,000 mg/Kg, and if it is reliably determined that groundwater is over 101 feet below ground surface, then that value may stand as a vertical definition, but nonetheless, the horizontal value(s) for lateral extent of liquid release would still, of Rule 29 necessity, be 600 mg/Kg chloride or less. **This would be inclusive of both “on-pad” of “off-pad” release area.** The above if laboratory data driven, not just reported visual extent of a liquid release or calculated and reported release volumes. As indicated in above portions, a scaled map with horizontal and vertical definition of actual laboratory values is required. Generally, the top one foot sample suffices for immediate horizontal evaluation and deeper contamination would likely be identified during actual remediation.
- Additional horizontal delineation samples for chlorides <600 mg/kg will need to be established on the boundaries at BH-4, BH-6, BH-7. As the clarification states, “one foot sample suffices for immediate horizontal evaluation”. Please make sure these boundary sample locations are delineated to <600 mg/kg for chlorides at the surface.
- Please reformulate the liner variance request and continue to horizontally delineate spill to 600 mg/kg for chlorides and upload remediation/closure report after closure criteria limits have been met.

Please let me know if you have any further questions.

Regards,

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