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To: ["David J. Adkins"](#)
Cc: ["DeHoyos, Kendra"](#); [Mike EMNRD Bratcher \(mike.bratcher@state.nm.us\)](#); [Robert EMNRD Hamlet \(Robert.Hamlet@state.nm.us\)](#); [Victoria EMNRD Venegas \(Victoria.Venegas@state.nm.us\)](#)
Subject: NAB1506436616 UNION 35 FEDERAL #001 @ 30-015-24689
Date: Tuesday, June 9, 2020 4:02:00 PM
Attachments: [\(C-141 Deferral\) nAB1506436616.pdf](#)
[image002.png](#)

Mr. Adkins,

The OCD has denied the submitted Deferral Request C-141 for incident # nAB1506436616 for the following reason:

- This site needs to be delineated to the most stringent levels in Table 1 before a deferral request will be considered. When establishing depth to groundwater using nearby water well data, the wells should be no further than ½ mile away from the site, and data should be no more than 25 years old, and well construction information should be provided. If depth to groundwater at this site is actually 15' below ground surface, at a minimum, one water sample will need to be collected at the B-1 sample location. More water samples may need to be collected depending on depth to water and depth of contamination. 19.15.29.12 C.(2) NMAC states, "...The deferral may be granted so long as the contamination is fully delineated and does not cause an imminent risk to human health, the environment, or ground water."
- It does not appear that confirmation floor samples and confirmation sidewall samples have been collected. Unless previously approved by the Division, samples should be collected at a frequency of no more than one sample per 200 square feet.

Typically, an entire release site will not be approved for deferral. Only areas immediately under or around production equipment such as production tanks, wellheads and pipelines where remediation could cause a major facility deconstruction will be considered.

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. If you have any questions or believe this denial is in error, please contact me prior to submitting an additional C-141.

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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.