

Hamlet, Robert, EMNRD

From: Hamlet, Robert, EMNRD
Sent: Monday, July 13, 2020 9:19 AM
To: Trish Thomas
Cc: Bratcher, Mike, EMNRD; Venegas, Victoria, EMNRD; Eads, Cristina, EMNRD; CFO_Spill, BLM_NM
Subject: Closure Denied - Lime Rock - All Thorn Transfer Line - (Incident #NAB1819935373) (2RP-4865)
Attachments: Closure Denied - Lime Rock - All Thorn Transfer Line.pdf

Trish,

We have received your closure report and final C-141 for **Incident #NAB1819935373 All Thorn Transfer Line**, thank you. This closure is denied.

- When nearby wells are used to determine depth to groundwater, 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 evidence of depth to ground water within a ½ mile radius of the site cannot be provided, impacted soils will need to meet Table 1 Closure Criteria for ground water at a depth of 50 feet or less.
- If you feel the depth to groundwater is >50', a shallow borehole can be drilled to 51' allowing for verification of the depth. If water is not visible after reaching bottom-hole and waiting 72 hours, the OCD will accept this as evidence. We would just need a copy of the driller's log.
- This release is also located in **High Karst** and will need to be remediated to the strictest closure criteria requirements.
- I looked in the Incident file and did not see an approved variance approval for the liner. 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)

- I looked in the incident file and did not see an approved variance for samples larger than 200 ft².

D. Closure requirements. The responsible party must take the following action for any major or minor release containing liquids.

(1) The responsible party must test the remediated areas for contamination with representative five-point composite samples from the walls and base, and individual grab samples from any wet or discolored areas. 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.

(a) The responsible party must verbally notify the appropriate division district office two business days prior to conducting final sampling. If the division district office does not respond to the notice within the two business days, the responsible party may proceed with final sampling. The responsible party may request a variance from this requirement upon a showing of good cause as determined by the division.

(b) The responsible party may submit a composite and grab sample plan for the division's review and approval separately or with the remediation plan.

(c) Alternately, without division approval, the responsible party may elect to perform a composite and grab sample plan of the remediated area where each composite sample is not representative of more than 200 square feet.

- Excavation depth needs to be down to the first clean sample below closure criteria standards.
 - a) S1 -- needs to be excavated down to 5'
 - b) S2 -- needs to be excavated down to 2'
 - c) S3 -- needs to be excavated down to 6'
 - d) S6 -- no sample depth verification at 4'
 - e) Road – sample needs to be taken on the road
- Please include a signed/date Closure Page in your resubmission to the payment portal.

Please let me know if you have any further questions.

Regards,

Robert J Hamlet
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 Oil Conservation Division
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