

Venegas, Victoria, EMNRD

From: Venegas, Victoria, EMNRD
Sent: Thursday, July 16, 2020 11:42 AM
To: Tom Bynum; Bratcher, Mike, EMNRD; Hamlet, Robert, EMNRD; Eads, Cristina, EMNRD
Cc: CFO_Spill, BLM_NM; DeHoyos, Kendra; 'Jess.Tarrant@JPC-LLC.com'; 'Davis, Amanda'
Subject: NAB1909834775 ORE IDA 14 FEDERAL #002 @ 30-015-28930 2RP-5343
Attachments: (C-141 Remediation Plan) NAB1909834775 ORE IDA 14 FEDERAL #002 @ 30-015-28930 2RP-5343.pdf

NAB1909834775 ORE IDA 14 FEDERAL #002 @ 30-015-28930 2RP-5343

Mr. Bynum,

The OCD has denied the submitted Remediation Plan C-141 for incident # NAB1909834775 ORE IDA 14 FEDERAL #002 @ 30-015-28930 2RP-5343 for the following reasons:

The remediation Plan must include the following:

- Rule 19.15.29.12.C.(b) A scaled sitemap showing release area with horizontal and vertical delineation points;
- Rule 19.15.29.11.A.(b) ...the responsible party must delineate the release horizontally and vertically using Table I of 19.15.29.12 NMAC constituents or as required by Subparagraph (e) of Paragraph (5) of Subsection A of 19.15.29.11 NMAC based on the type of release.
- The variance request to install a liner is DENIED. A New Guidance document is being implemented for Considerations for Liner Installation as Part of Spill Remediation Plan under Part 29 Releases. 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. 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. 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)
- Discrete samples are not approved. Please see 19.15.29.12 D. CLOSURE REQUIREMENTS: (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.

- For your next submittals: The Depth to groundwater has been incorrectly assessed. 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 the responsible party believes that groundwater is > 100', a borehole will need to be drilled onsite and a copy of the driller's log must be provided. If the responsible party chooses not to drill a borehole to confirm the depth to groundwater, the site must be remediated to meet the Closure Criteria in Table 1 for groundwater at a depth of 50 feet or less.
- If you need assistance, the current spill rule may be viewed here:
<http://164.64.110.134/parts/title19/19.015.0029.html>
- For further clarifications regarding the implementation of the spill rule, visit the OCD web site:
<http://www.emnrd.state.nm.us/OCD/documents/OCDInternalPolicy-SpillRuleClarifications.pdf>

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.

Thank you,

Victoria Venegas
State of New Mexico
Energy, Minerals, and Natural Resources
Oil Conservation Division
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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.