

Hamlet, Robert, EMNRD

From: Hamlet, Robert, EMNRD
Sent: Friday, July 17, 2020 3:32 PM
To: 'Baker, Larry'
Cc: Bratcher, Mike, EMNRD; Venegas, Victoria, EMNRD; Eads, Cristina, EMNRD
Subject: Deferral Denied - Apache - Werta Fed CTB - (Incident #NAB1905229182) (1RP-5375)
Attachments: Deferral Denied - Apache - Werta Fed CTB.pdf

Larry,

We have received your Remediation/Deferral Request for **Incident #NAB1905229182 Werta Fed CTB**, thank you. The Remediation/Deferral request is denied.

- Please continue to **horizontally delineate** sample points to 600 mg/kg for chlorides on the outer edges/periphery and include sample points in your next report after closure criteria limits have been met. 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.
- The OCD wants to clarify that the entire release area will not be deferred, only the sample points that are around production equipment such as production tanks, wellheads and pipelines. 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. Final remediation and reclamation shall take place in accordance with 19.15.29.12 and 19.15.29.13 NMAC once the site is no longer being used for oil and gas operations. In the future, there are a couple mandatory things that need to be accomplished for a deferral. All sample points, except the requested sample points for deferral, must have contaminated soil removed before a deferral request is uploaded to the payment portal. The only remediation that should remain are the sample points that are being requested for deferral. Also, specify exactly which sample points you are asking for a deferral on and the reason the contaminants can't be removed.
- Please collect more confirmation samples, representing no more than 200 square feet. 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 19.15.29.12D(1)(c).

- We appreciate the correspondence on the borehole depth down to 55 feet. Please include the drillers log with the upcoming revised Deferral Report.

Please let me know if you have any further questions.

Regards,

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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.