

Hamlet, Robert, EMNRD

From: Hamlet, Robert, EMNRD
Sent: Thursday, August 20, 2020 10:55 AM
To: Zachary LaCount
Cc: Bratcher, Mike, EMNRD; Venegas, Victoria, EMNRD; Eads, Cristina, EMNRD; Mann, Ryan
Subject: Deferral Denied - Mewbourne - Red Hills Water Management System - (Incident #NAB1915037612) (2RP-5455)
Attachments: Deferral Denied - Mewbourne - Red Hills Water Management System.pdf

Zachary,

We have received your deferral request and final C-141 for **Incident #NAB1915037612 Red Hills Water Management System**, thank you. This deferral request 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 >100', a shallow borehole can be drilled to 101' 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.
- A deferral can only be granted on an active well pad and not on a road, right-of-way, or in the pasture. A clarification document has been placed on the OCD website to clarify the matter. <http://www.emnrd.state.nm.us/OCD/documents/OCDInternalPolicy-SpillRuleClarifications.pdf>

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VI. ON-SITE vs. OFF-SITE REMEDIATION:

a. The remediation requirements in Table 1 19.15.29.12 NMAC are the same for all releases, whether they occur on an active production site or not (19.15.29.12(C)(2) and (3) NMAC). Remediation on an active site can be deferred in areas immediately under or around production equipment such as production tanks, wellheads, and pipelines where remediation could cause a major facility deconstruction. A major facility deconstruction is determined by the OCD on a case by case basis. The remediation, restoration, and reclamation may be deferred with OCD's written approval until the equipment is removed during other operations, or when the well or facility is plugged or abandoned, whichever comes first. For the deferral request the contamination must be fully delineated. In addition, the contamination must not pose an imminent risk to human health, the environment, or groundwater. Deferrals are not forever and remediation must be completed in a timely fashion once the equipment is out of use for oil and gas operations.

b. Cleanup of off-site impacts cannot be deferred as they would not meet the deferral requirements of 19.15.29.12(C)(2) NMAC.

c. The difference between on- and off-site releases is when the reclamation and restoration must occur. Off-site releases must be reclaimed and restored immediately. On-site reclamation and restoration can wait until operations have ceased, but still must be done.

Please let me know if you have any further questions.

Regards,

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