

## Venegas, Victoria, EMNRD

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**From:** Venegas, Victoria, EMNRD  
**Sent:** Wednesday, September 30, 2020 10:40 AM  
**To:** Kenny Kidd; Bratcher, Mike, EMNRD; Hamlet, Robert, EMNRD; Eads, Cristina, EMNRD  
**Cc:** spills@slo.state.nm.us; natalie@energystaffingllc.com  
**Subject:** NAB1919234395 FOLK STATE #011 @ 30-015-37397  
**Attachments:** (C-141 Closure) NAB1919234395 FOLK STATE #011 @ 30-015-37397.pdf

### NAB1919234395 FOLK STATE #011 @ 30-015-37397

Mr. Kidd,

The OCD has denied the submitted Closure Report/Deferral Request C-141 for incident # NAB1919234395 FOLK STATE #011 @ 30-015-37397 for the following reasons:

- The Depth to groundwater has not been established. When nearby wells are used to determine depth to groundwater, the wells should be no further than ½ mile away from the site, data should be no more than 25 years old, and well construction information should be provided: <http://www.emnrd.state.nm.us/OCD/documents/OCDInternalPolicy-SpillRuleClarifications.pdf>. Therefore, the remediation levels outlined in Table 1 of 19.15.29 NMAC have not been established for this site.
- Vertical delineation, which is driven by depth to water, is incomplete because the depth to groundwater has not been established.
- Each confirmation floor sample was representative of ~6000 square feet, exceeding part 29 Closure Requirements by over 30 times.
- 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 release must be remediated to the fullest extent possible. 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. 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 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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(575) 909-0269  
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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.**