

From: [Hamlet, Robert, EMNRD](#)
To: [Andrew Parker](#)
Cc: [Bratcher, Mike, EMNRD](#)
Subject: RE: [EXTERNAL] RE: The Oil Conservation Division (OCD) has rejected the application, Application ID: 61176
Incident ID: nAB1912935342
Date: Tuesday, April 19, 2022 8:41:00 AM

Andrew,

The variance request for closure samples not to exceed 500 ft² is approved. The variance request will be placed in the incident file for future reference. Also, please make sure to include in closure report.

Regards,

Robert Hamlet • Environmental Specialist - Advanced
Environmental Bureau
EMNRD - Oil Conservation Division
811 S. First Street | Artesia, NM 88210
575.909.0302 | robert.hamlet@state.nm.us
<http://www.emnrd.state.nm.us/OCD/>



From: Andrew Parker <AParker@advanceenergypartners.com>
Sent: Monday, April 18, 2022 9:25 AM
To: Hamlet, Robert, EMNRD <Robert.Hamlet@state.nm.us>
Cc: Bratcher, Mike, EMNRD <mike.bratcher@state.nm.us>
Subject: RE: [EXTERNAL] RE: The Oil Conservation Division (OCD) has rejected the application, Application ID: 61176 Incident ID: nAB1912935342

Mr. Hamlet,

Thank you for the clarification. For the go forward, I will submit a variance for sample grid size along with the remediation plan. If remediation begins immediately, Ameredev may ask for a variance for the sample grid size via email along with demonstration. For the subject incident of this email (nAB1912935342), attached is a request for a sample grid size variance with demonstration. I look forward to NMOCD's response. I will include all email correspondence with future submissions to the NMOCD portal.

Thank you,

Andrew Parker

Environmental Scientist
970-570-9535



From: Hamlet, Robert, EMNRD <Robert.Hamlet@state.nm.us>
Sent: Monday, April 18, 2022 10:10 AM
To: Andrew Parker <AParker@advanceenergypartners.com>
Cc: Bratcher, Mike, EMNRD <mike.bratcher@state.nm.us>
Subject: RE: [EXTERNAL] RE: The Oil Conservation Division (OCD) has rejected the application, Application ID: 61176 Incident ID: nAB1912935342

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Andrew,

For future reference, a variance from the Spill Rule for closure sampling should be included in the remediation plan. We can approve a variance through email, but we need a detailed written demonstration that the variance will provide equal or better protection of fresh water, public health and the environment.

Regards,

Robert Hamlet • Environmental Specialist - Advanced
Environmental Bureau
EMNRD - Oil Conservation Division
811 S. First Street | Artesia, NM 88210
575.909.0302 | robert.hamlet@state.nm.us
<http://www.emnrd.state.nm.us/OCD/>



From: Andrew Parker <AParker@advanceenergypartners.com>
Sent: Thursday, April 14, 2022 3:43 PM
To: Hamlet, Robert, EMNRD <Robert.Hamlet@state.nm.us>
Cc: Bratcher, Mike, EMNRD <mike.bratcher@state.nm.us>
Subject: RE: [EXTERNAL] RE: The Oil Conservation Division (OCD) has rejected the application, Application ID: 61176 Incident ID: nAB1912935342

Mr. Hamlet,

Per the "Procedures for Implementation of the Spill Rule" Section XVI FEES

Requests and notifications made separate from the C-141 do not require a fee, this includes but is not limited to; separate alternative sampling plans and verbal notifications

Furthermore, the "Electronic Submittal of OCD and OCC Correspondence" dated November 20, 2020 states

Environmental non-fee correspondence:

Please email all documents to OCD.Enviro@state.nm.us.

For Spill Remediation

o Requests for extensions of time for remediation plans

o Notices of scheduled sampling

Per the guideline, the sampling request referenced below does not require submission via C-141 on the payment portal and an email is sufficient. The electronic submittal correspondence indicates otherwise. Which one is correct? As NMOCD is implementing the guidelines, I would assume that the guidelines take precedence over the correspondence notice?

Please advise me on NMOCD's preference.

Thanks.

Andrew Parker
Environmental Scientist
970-570-9535



From: Hamlet, Robert, EMNRD <Robert.Hamlet@state.nm.us>

Sent: Wednesday, April 13, 2022 3:01 PM

To: Andrew Parker <AParker@advanceenergypartners.com>

Cc: Shane McNeely <smcneely@ameredev.com>; Bratcher, Mike, EMNRD <mike.bratcher@state.nm.us>

Subject: RE: [EXTERNAL] RE: The Oil Conservation Division (OCD) has rejected the application, Application ID: 61176 Incident ID: nAB1912935342

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Andrew,

An amended remediation plan will need to be uploaded to the payment portal, so it can be reviewed. Also, the amended remediation plan will need to provide a detailed written demonstration that the variance will provide equal or better protection of fresh water, public health

and the environment.

Regards,

Robert Hamlet • Environmental Specialist - Advanced
Environmental Bureau
EMNRD - Oil Conservation Division
811 S. First Street | Artesia, NM 88210
575.909.0302 | robert.hamlet@state.nm.us
<http://www.emnrd.state.nm.us/OCD/>



From: Andrew Parker <AParker@advanceenergypartners.com>
Sent: Wednesday, April 13, 2022 1:15 PM
To: Hamlet, Robert, EMNRD <Robert.Hamlet@state.nm.us>
Cc: Enviro, OCD, EMNRD <OCD.Enviro@state.nm.us>; Shane McNeely <smcneely@ameredev.com>;
Floyd Hammond <IMCEAEX-
_o=ExchangeLabs_ou=Exchange+20Administrative+20Group+20+28FYDIBOHF23SPDLT+29_cn=Recipients_cn=5a392898042f49b9af705bc786edf26b-fhammond@namprd11.prod.outlook.com>
Subject: [EXTERNAL] RE: The Oil Conservation Division (OCD) has rejected the application,
Application ID: 61176 Incident ID: nAB1912935342

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Mr. Hamlet,

Advance Energy Partner respectfully asks NMOCD to approve a sampling grid not to exceed 500 sq ft. Please refer to the attached request for details.

Incident ID: nAB1912935342
Location: Merchant Recycling Containment
AEP #: 03132019-0000-unknown

Thank you,

Andrew Parker
Environmental Scientist
970-570-9535



From: OCDOnline@state.nm.us <OCDOnline@state.nm.us>

Sent: Monday, March 28, 2022 12:01 PM

To: Andrew Parker <AParker@advanceenergypartners.com>

Subject: The Oil Conservation Division (OCD) has rejected the application, Application ID: 61176

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To whom it may concern (c/o Andrew Parker for ADVANCE ENERGY PARTNERS HAT MESA, LLC),

The OCD has rejected the submitted *Application for administrative approval of a release notification and corrective action* (C-141), for incident ID (n#) nAB1912935342, for the following reasons:

- **The closure report is denied. Sidewall and floor samples should represent no more than 200 ft². All samples will need to be tested for all components in Table 1 of the spill rule. Inadequate confirmation sampling of impacted material. Chain of Custody and Analysis Request form on 5/7/19 show samples not received at proper temperature of 6 deg. Celsius or below. Samples were delivered at temperature of 14.3 deg. Celsius. Chain of Custody and Analysis Request form on 5/8/19 show samples not received at proper temperature of 6 deg. Celsius or below. Samples were delivered at temperature of 14.4 deg. Celsius. Also, Chain of Custody and Analysis Request form on 5/10/19 show samples not received at proper temperature of 6 deg. Celsius or below. Samples were delivered at temperature of 8.1 deg. Celsius. Not acceptable confirmation samples.**

The rejected C-141 can be found in the OCD Online: Permitting - Action Status, under the Application ID: 61176.

Please review and make the required correction(s) prior to resubmitting.

If you have any questions why this application was rejected or believe it was rejected in error, please contact me prior to submitting an additional C-141.

Thank you,

Robert Hamlet

575-748-1283

Robert.Hamlet@state.nm.us

New Mexico Energy, Minerals and Natural Resources Department

1220 South St. Francis Drive

Santa Fe, NM 87505