NEW MEXICO STATE LAND OFFICE ENVIRONMENTAL COMPLIANCE OFFICE (ECO) SPILL AND RELEASE REPORTING GUIDELINES

PURPOSE

These spill and release reporting guidelines are intended to provide detailed guidance for reporting environmental incidents to the New Mexico State Land Office (NMSLO) for all lease holders.

PART 1: REPORTING ENVIRONMENTAL INCIDENTS OVERVIEW

A. Environmental Emergency Reporting

An emergency environmental incident is defined as an event that poses an immediate risk of significant harm to the environment or to public health and safety; see, <u>Emergency</u> <u>Response Procedures, Attachment A</u>.

Report all emergency environmental incidents by calling the NMSLO 24/7 emergency environmental incident number at (505) 827-5894.

B. Non-Emergency Environmental Reporting

- <u>Spills (excludes gases)</u>: Report unauthorized spills or discharges of chemicals or materials (i.e., petroleum hydrocarbons, produced water, acids, etc.) that impact State Trust Land (STL) to <u>spills@slo.state.nm.us</u> in accordance with Part 2 below. This includes oil and gas related fires that are reportable to NMOCD.
- <u>Air Emissions/Releases</u>: Report unauthorized air emissions or releases of natural gas, that occur from facilities on STL, and that are in violation of applicable New Mexico Environment Department (NMED) air quality regulations or applicable New Mexico Oil Conservation Division (NMOCD) regulations. These emission violations should be reported to emissions@slo.state.nm.us.

Follow up resolution documents for emission violations are not required to be submitted, unless they are requested by NMSLO.

 <u>All Other Environmental Incidents</u>: Report all other environmental incidents, including wildfires, floods, illegal solid waste dumping, unauthorized shooting ranges, or other non-oil and gas related environmental incidents via the "Report Environmental Incident" form found at <u>https://www.nmstatelands.org/reportenvironmental-incident/</u>.

PART 2: SPILL RELATED ENVIRONMENTAL INCIDENTS

A. Immediately upon discovery of any spill, regardless of size or volume, the responsible party/parties must control and contain the spill to protect and minimize adverse impacts to public health, the environment, cultural resources, and threatened or endangered species. All spills of any size or volume must be remediated immediately or within a timeframe approved by NMSLO-ECO and the applicable regulatory agency (i.e., NMOCD, NMED, or U.S. Environmental Protection Agency (USEPA)).

- **B.** Report spills to ECO in accordance with lease terms and with the conditions provided in Section C below. If there is a conflict in reporting requirements, the most stringent standard will apply.
 - 1. Report spills to **spills@slo.state.nm.us**:
 - a. By attaching a completed "Spill and Release Notification Form," (See, Attachment B), or
 - b. By including a copy of NMOCD Form C-141 (if applicable), or
 - c. By including a narrative e-mail that includes, at a minimum, the information required by the "Spill Notification Form."
 - 2. Notices should be submitted with the subject line in the following format:

(Document Description) Company-Location Name (API/Incident #)-Date of Incident.

For example:

(Notice of Spill) NMSLO-Spring #001 (30-025-56789/NAPP0123456789)-06-01-2022

- **C.** A <u>reportable spill</u> to ECO is defined as a spill or release that impacts STL and must meet one of the following conditions:
 - Any spill impacting STL that is required to be reported to NMOCD, NMED, or USEPA. Notification timing to ECO follows applicable NMOCD, NMED, and USEPA reporting requirements. (i.e., when a spill on STL is reported to NMOCD, a spill notification must be submitted concurrently to ECO at spills@slo.state.nm.us).
 - 2. A spill (historical or new) of any volume or from any source directly impacting or threatening a sensitive receptor on STL. <u>Sensitive receptors</u> on STLs include groundwater, continuously flowing or significant watercourse, lakebed, sinkhole, playa lake, spring, drinking water source, or wetland; or any regularly occupied structure including, school, daycare, church, clinic, or residence; or any threatened, endangered, or sensitive wildlife or plant species habitat; or cave or other critical karst features; or **sensitive soils**.

Spills directly impacting or threatening a sensitive receptor on STL must be reported within one (1) business day of *discovery*.

- 3. Any indeterminate spill impacting STL that meets the conditions described below:
 - a. A suspected or actual spill of any volume where the volume cannot be immediately determined or **estimated**.
 - b. A leak or spill, including suspected leak or spills, of any volume, from petroleum storage tanks on STL that are not associated with oil and gas operations.

c. Other regulated chemical or material releases impacting STL *estimated* to consist of reportable quantities in accordance with NMED, NMDOT, or USEPA regulations. Attachment C provides resources for these outside agencies.

An indeterminate spill must be reported within two (2) business days of *discovery*.

D. Definitions

- 1. **Sensitive Soils** include:
 - a. Soils classified as fragile (USDA fragile soil interpretive class fragility rating >0.409)
 - b. Soils classified with high erodibility values (susceptibility to wind, sheet or rill erosion; NRCS K-factor rating >0.37.
 - c. Badland soils (soft, easily erodible sedimentary rock, including badland and badland-rock outcrop Persayo complex soils, NRCS 2021).
 - d. Gypsum soils (including eroded exposures of gypsiferous rock or willow loams over gypsiferous materials).
 - e. Steep slope soils (slopes >25%).
 - f. Shallow soils (>0" and <10" to bedrock)
 - g. Soil that experienced a severe wildland burn in the recent past
 - h. Biological soil crusts (https://www.usgs.gov/centers/western-geographic-science-center/science/remote-sensing-biological-soil-crusts).
- 2. **Discovery** is based on visual confirmation and/or laboratory analytical data confirming concentrations of contaminants of concern above NMOCD, NMED, or USEPA regulatory standards/limits. We expect responsible parties to take reasonable steps upon becoming aware of the possibility of a spill or release to confirm discovery visually and/or through laboratory analysis.
- 3. An **estimate** is defined as an approximate value based on content, nature, and extent of a spill, even if the actual value or volume of the material released is unknown.

E. Subsequent Document Submittal Requirements

For all subsequent notifications and document submittals, please submit information to **eco@slo.state.nm.us** with the subject line in the following format:

(Document Description) Company-Location Name (API/Incident #)-Date of Incident.

An example has been provided below:

(Remediation Plan) NMSLO-SH 491 MM 64 (NMED56789)-06-01-2022

Examples of document descriptions may include:

- 2-day Sampling Notification
- Remediation Plan
- Stage 1 or 2 Abatement Plan
- Groundwater Monitoring Report
- Remediation Closure Report
- Reclamation Plan
- Final Reclamation Report

PART 3: CULTURAL PROPERTIES PROTECTION RULE (19.2.24 NMAC) FOR REMEDIATION AND RECLAMATION ACTIVITIES

- **A.** Conduct the emergency response as needed. Emergency responses are defined as activities that are necessary to protect immediate threats to public health, safety, or the environment, including but not limited to firefighting, flood management, or controlling, containing, or capturing release of hazardous or harmful materials.
- **B.** As soon as possible, when a new release or damage occurs on STL, contact a Cultural Resource Consultant who will:
 - 1. Conduct an Archaeological Records Management System (ARMS) review to determine if any known cultural properties have been previously identified within the remediation area, and if the area has been surveyed for cultural resources.
 - 2. Advise as to whether an archaeological monitor should be present during initial containment activities and subsequent remediation efforts.
 - 3. Advise as to whether a full cultural properties survey will be required after containment and prior to full remediation.
- **C.** Consultants permitted to conduct work on state lands are provided here: <u>https://www.nmhistoricpreservation.org/assets/files/consultants/List%20of%20Cultur</u> <u>al%20Resource%20Consultants.pdf</u>

To learn more about NMSLO's Cultural Properties Protection Rule visit: www.nmstatelands.org/divisions/cultural-resources-office/culturalproperties. CRO can be contacted via email croinfo@slo.state.nm.us or call (505) 827-5781.

PART 4: BIOLOGICAL COMPLIANCE & REPORTING

Spills and releases negatively affect biotic communities. ECO recommends consulting with a qualified third-party biologist for evaluation of potential impacts to threatened, endangered, and sensitive wildlife and plant species, environmentally sensitive areas, surface waters, and sensitive soils prior to conducting remediation and reclamation activities.

More information and assistance is available at nmstatelands.org or by email at

bio@slo.state.nm.us. Additional resources can be found here:

- U.S. Fish and Wildlife Services Information for Planning and Consultation: <u>https://ipac.ecosphere.fws.gov/</u>
- BISON-M database: <u>https://bison-m.org/</u>
- New Mexico Department of Game and Fish Environmental Review Tool (ERT): <u>https://nmert.org/content/map</u>

PART 5: ROYALTY PAYMENTS DUE

Spills or releases of oil or natural gas may be subject to royalties. For additional information please contact the Royalty Management Division at royaltyrevenue@slo.state.nm.us.

NMSLO Environmental Compliance Office Contacts

- FARMINGTON: Tami Knight, CHMM Environmental Specialist Mobile: (505) 670-1638 1300 W. Broadway Ste. A, Bloomfield, NM 87413 tknight@slo.state.nm.us
- HOBBS: Tammy Honea ECO Administrative Support Office: (57) 392-8736 914 N. Linam Street, Hobbs, NM 88240 thonea@slo.state.nm.us

Becky Griffin Environmental Specialist Mobile: (505) 699-2479 914 N. Linam Street, Hobbs, NM 88240 bgriffin@slo.state.nm.us

Deon David Environmental Specialist Mobile: (575) 298-0106 914 N. Linam Street, Hobbs, NM 88240 ddavid@slo.state.nm.us

SANTA FE: Elizabeth Bisbey-Kuehn Environmental Compliance Manager Office: 505.827.5737 PO Box 1148, Santa Fe, NM 87504 ebisbeykuehn@slo.state.nm.us

> Will Barnes Deputy Director – Surface Resources Division Office: (505) 827-5856 PO Box 1148, Santa Fe, NM 87504 wbarnes@slo.state.nm.us

April Elliott Director – Surface Resources Division Office: (505) 827-5768 PO Box 1148, Santa Fe, NM 87504 aelliott@slo.state.nm.us

Attachment A: Emergency Response Procedures

NEW MEXICO STATE LAND OFFICE – ENVIRONMENTAL COMPLIANCE OFFICE (ECO) EMERGENCY RESPONSE PROCEDURES

An emergency environmental incident is defined as an event that poses an immediate risk of significant harm to the environment or to public health and safety.

In the event of an emergency environmental incident on state trust land please use the following protocol. These procedures are required in <u>addition</u> to the requirements of any other regulatory agency/entity, not a replacement for those requirements.

- 1. For spills: Immediately shut off the source, contain the spill, and engage emergency response personnel as needed (call 911).
- For emergency environmental incidents: Call the New Mexico Environment Department's (NMED) 24/7 environmental emergency number (505) 827-9329 and/or New Mexico Oil Conservation Division (OCD): Southeast (575) 626-0830 and Northwest (505) 320-0243.
- 3. Call the **NMSLO emergency environmental incident** number (505) 827-5894. This number should be used in instances where you need immediate authorization by NMSLO to take certain actions or to obtain land access, or to notify the agency of significant events such as fires, floods, bodily harm, or significant spills after first responders have been contacted.

If the emergency is a spill, after emergency conditions have been stabilized and the initial spill has been contained:

- 1. Submit copies of all NMED and OCD spill notifications to: **spills@slo.state.nm.us**. Include NMSLO lease/easement number in notification.
- 2. For spills that occur in previously undisturbed areas: Consult with a permitted archaeologist and NMSLO Cultural Resources Office (CRO) prior to any further ground disturbing activity at **(505) 827-5781** or **croinfo@slo.state.nm.us**.
- 3. Submit subsequent remediation documents, such as workplans, closure reports etc. to eco@slo.state.nm.us.
- 4. Remediate the spill.
 - a) Acquire Remediation Right of Entry permit as necessary.
 - b) For spills impacting sensitive receptors, submit a site characterization or delineation plan for NMSLO Environmental Compliance Office (ECO) approval to eco@slo.state.nm.us.
 - c) For oil and gas related spills that cannot be remediated within 90 days, provide a remediation plan for ECO approval at eco@slo.state.nm.us.

d) Remediate in accordance with current NMOCD, NMED, and NMSLO rules, policies, and guidelines.

INITIAL EMERGENCY CONTACT INFORMATION

NMSLO Emergency Environmental Incident Phone: (505) 827-5894 Email: <u>spills@slo.state.nm.us</u>

NMSLO Environmental Compliance Office Contacts

HOBBS: Becky Griffin Environmental Specialist Mobile: (505) 699-2479 914 N. Linam Street, Hobbs, NM 88240 bgriffin@slo.state.nm.us

> Deon David Environmental Specialist Mobile: (575) 298-0106 914 N. Linam Street, Hobbs, NM 88240 ddavid@slo.state.nm.us

- FARMINGTON: Tami Knight, CHMM Environmental Specialist Office: (505) 326-5716; Mobile: (505) 670-1638 1300 W. Broadway Ste. A, Bloomfield, NM 87413 <u>tknight@slo.state.nm.us</u>
- SANTA FE: Will Barnes Deputy Director – Surface Resources Division Office: (505) 827-5856 PO Box 1148, Santa Fe, NM 87504 wbarnes@slo.state.nm.us

April Elliott Director – Surface Resources Division Office: (505) 827-5768 PO Box 1148, Santa Fe, NM 87504 <u>aelliott@slo.state.nm.us</u>

Attachment B: Spill and Release Notification Form

Spill and Release Notification Form

Submit Completed Form to spills@slo.state.nm.us

Reporting Party:	Operator Name:
Reporting Party Phone:	NMOCD Incident #:
Reporting Party Email:	Operator Contact Info:
Lessee Name:	NMSLO Lease/ROW/ROE #:
Site Name:	Site Type: Choose an item.
Discovery Date:	API # (if applicable):

Location of Spill or Release

Unit Letter	Section	Township	Range	County

Latitude

Longitude

(NAD 83 in decimal degrees to 5 decimal places)

Nature and Volume of Spill or Release

Material:	Volume Released/Units:	Volume Recovered/Units:
*Was a sensitive receptor directly impacted? Is a sensitive receptor under imminent threat of impact?	Cause of Spill or Release:	
*/i.e. aroundwater continuously flowing or	aignificant waterequires lakehod sinkholo plays lake	apring drinking water course, or wetland, or any regularly

*(i.e. groundwater, continuously flowing or significant watercourse, lakebed, sinkhole, playa lake, spring, drinking water source, or wetland; or any regularly occupied structure including, school, daycare, church, clinic, or residence; or any threatened, endangered, or sensitive wildlife or plant species habitat; or cave or other critical karst features; or sensitive soils.)

Initial Response

	The source of the spill of	r release has been stopped	and the released	materials have	been contained.
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The impacted area has been secured to protect human health and the environment.

All free liquids and recoverable materials have been removed and managed appropriately.

The applicable regulatory agency (NMOCD, NMED, or EPA) been notified.

Compliance with NMSLO Cultural Properties Protection (CPP) Rule, where applicable.

Compliance with applicable NMSLO Threatened and Endangered Species policies or CCAAs, where applicable.

If any of the above have not been completed, explain why:

Site Assessment/Characterization

Complete this section with the most current information available at the time of the notification. Revisions can be submitted to <u>eco@slo.state.nm.us</u> if new information becomes available.

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What is the shallowest depth to groundwater beneath the area affected by the spill?		_ft bgs
Did the spill impact areas not on an exploration, development, production, or storage site?	Yes	No
Did this spill impact groundwater or surface water?	Yes	No
Did the spill occur in an area where groundwater is potentially less than 50 ft bgs?	Yes	No
Are the lateral extents of the spill within 300 feet of a continuously flowing watercourse or any other significant watercourse?	Yes	No
Are the lateral extents of the spill within 200 feet of any lakebed, sinkhole, or playa lake (measured from the ordinary high-water mark)?	Yes	No
Are the lateral extents of the spill within 300 feet of an occupied permanent residence, school, hospital, institution, or church?	Yes	No
Are the lateral extents of the spill within 500 horizontal feet of a spring or a private domestic fresh water well used by less than five households for domestic or stock watering purposes?	Yes	No
Are the lateral extents of the spill within 1,000 feet of any other fresh water well or spring?	Yes	No
Are the lateral extents of the spill within incorporated municipal boundaries or within a defined municipal fresh water well field?	Yes	No
Are the lateral extents of the spill within 300 feet of a wetland?	Yes	No
Are the lateral extents of the spill overlying a subsurface mine?	Yes	No
Are the lateral extents of the spill overlying an unstable area such as karst geology?	Yes	No
Are the lateral extents of the spill within a 100-year floodplain?	Yes	No
Is the spill within 500 feet of any other sensitive receptor not documented above? If yes, list the receptor:	Yes	No

- If remediation has begun, please attach a narrative of actions to date with this initial spill notification.
- Submit subsequent workplans and closure reports to <u>eco@slo.state.nm.us</u>

Attachment C: Resources

New Mexico Environmental Department

• Report an environmental issue or incident to NMED <u>https://ents.web.env.nm.gov/public/INCIDENT_HDR_add.php</u>

• Laws and Regulations https://www.env.nm.gov/regulatory-resources/

• Enforcement Watch https://www.env.nm.gov/enforcement-watch/

• Ground Water Quality Bureau (GWQB) https://www.env.nm.gov/gwqb/

• Hazardous Waste Bureau (HWB) https://www.env.nm.gov/hazardous-waste/

• HWB Guidance Documents

https://www.env.nm.gov/hazardous-waste/guidance-documents/

• Petroleum Storage Tank Bureau (PSTB) https://www.env.nm.gov/petroleum storage tank/

• PSTB Report Leak or Spill

For emergencies during non-business hours, call 505-827-9329. Please fill out this <u>form</u> using these <u>instructions</u>.

New Mexico Department of Transportation

Environmental Bureau
<u>https://www.dot.nm.gov/infrastructure/environment/</u>

U.S. Environmental Protection Agency

• Reporting Spills and Environmental Violations <u>https://www.epa.gov/pesticide-incidents/how-report-spills-and-environmental-</u> <u>violations#:~:text=call%20the%20National%20Response%20Center,releases%20to%20state%</u> <u>2Flocal%20officials</u>.

Regional Screening Levels

https://www.epa.gov/risk/regional-screening-levels-rsls-generic-tables

• Consolidated List of Lists

https://www.epa.gov/epcra/consolidated-list-lists