

From: [Bob Asher](#)
To: [Patterson, Heather, EMNRD](#)
Cc: [Bratcher, Mike, EMNRD](#); [Katie Parker](#); [Griswold, Jim, EMNRD](#)
Subject: RE: Work Plan (State CO SWD System)
Date: Monday, November 03, 2014 10:58:36 AM
Attachments: [State CO SWD System \(9-4-2014 & 10-14-2014\).xls](#)

Heather,

Due to the size of this release, Yates would like to further discuss the proposed work plan. Yates would like to ask what the NMOCD considers as delineation for chlorides when the analytical results indicated that at a sampling depth of sixteen (16) feet below the surface at 1630 ppm (area designated in green) and 1520 ppm (area designated in orange) per the attached sample diagram when the depth of ground water is listed at between 132' -175' per the Chevron Texaco Trend Map. We believe our sampling shows significant decrease, which has been NMOCD's goal to date. Also does the NMOCD have scientific reasoning which shows that caliche does not create a barrier for chlorides? Yates has used caliche barriers in many areas and they have proven to be successful in the restoration of vegetation, which is the goal. Yes a liner could be installed but Yates does not feel that that is a practicable alternative given the size of the release area (approximately 8.2 acres of surface area involved) and there are three currently active buried pipelines within the release area.

Yes it is correct that the pit rule is not applicable to a release event, Yates was showing what can be allowed under the rule for contaminants (chlorides) to be left in place (80,000 mg/kg where ground water is >100') and the chlorides currently in place in the release area and that Yates is not posing a threat to ground water, surface water, human health or the environment. Yates is wanting to progress as quickly as possible to remediate the site and begin the surface restoration process for the land owner.

Thank you.

Robert Asher
Yates Petroleum Corporation
NM Environmental Regulatory Supervisor
575-748-4217 (O)
boba@yatespetroleum.com

From: Patterson, Heather, EMNRD [<mailto:Heather.Patterson@state.nm.us>]
Sent: Thursday, October 30, 2014 7:47 AM
To: Bob Asher
Cc: Bratcher, Mike, EMNRD; Katie Parker; Griswold, Jim, EMNRD
Subject: RE: Work Plan (State CO SWD System)

Bob,

The OCD does not consider this site to be delineated as it stands, nor does the OCD consider caliche to be a barrier for chlorides. The alternative to a 6' excavation would be a 4' excavation with liner.

The use of the pit rule is not applicable in cases of unplanned release events.

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 ground water, 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, local laws and/or regulations.

If you have any questions or concerns, and for notification, please contact me.

Heather Patterson
Environmental Specialist
NMOCD District II
(575)748-1283 ext.101

From: Bob Asher [<mailto:BobA@yatespetroleum.com>]
Sent: Tuesday, October 28, 2014 2:24 PM
To: Patterson, Heather, EMNRD
Cc: Bratcher, Mike, EMNRD; Katie Parker
Subject: RE: Work Plan (State CO SWD System)

Heather,

Based on the delineation sampling the areas defined in green and orange show significant and continued decrease in chloride levels and though it does not show a cleanup level, it is trending towards lower chloride levels. With no chloride standards in the guidelines, Yates feels that we have shown evidence of chloride clean up with these results.

Yates is confident that excavating impacted soils to a depth of four (4) feet and backfill with 2 feet of compacted caliche and a 2 foot cap of top soil as we have in past projects in this area to create a barrier to halt any migration of chlorides remaining in the soils below four feet and reestablish vegetation.

Also with the current pit rules that allows chlorides left in-place for burial trenches at 80,000 mg/kg where depth to ground water is greater than 100', Yates feels that the work plan is remediating contamination (surface to a depth of four feet) and the chlorides below a depth of four feet do not pose a threat to ground water, surface water, human health or the environment.

Thank you.

Robert Asher
Yates Petroleum Corporation
NM Environmental Regulatory Supervisor
575-748-4217 (O)
boba@yatespetroleum.com

From: Patterson, Heather, EMNRD [<mailto:Heather.Patterson@state.nm.us>]
Sent: Tuesday, October 28, 2014 9:07 AM
To: Bob Asher

Cc: Bratcher, Mike, EMNRD; Katie Parker
Subject: RE: Work Plan (State CO SWD System)

Thanks, that what we thought.

Your work plan is approved with the following exceptions:

- The OCD would like to see further delineation in the green and orange areas to show where they clean up;
- All three areas should be excavated to 6';
- Backfill with 4' of compacted caliche and 2' of clean top soil.

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 ground water, 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, local laws and/or regulations.

If you have any questions or concerns, and for notification, please contact me.

Heather Patterson
Environmental Specialist
NMOCD District II
(575)748-1283 ext.101

From: Bob Asher [<mailto:BobA@yatespetroleum.com>]
Sent: Tuesday, October 28, 2014 8:55 AM
To: Patterson, Heather, EMNRD
Cc: Bratcher, Mike, EMNRD; Katie Parker
Subject: RE: Work Plan (State CO SWD System)

Wilbanks Land and Cattle.

Thank you.

Robert Asher
Yates Petroleum Corporation
NM Environmental Regulatory Supervisor
575-748-4217 (O)
boba@yatespetroleum.com

From: Patterson, Heather, EMNRD [<mailto:Heather.Patterson@state.nm.us>]
Sent: Tuesday, October 28, 2014 8:53 AM
To: Bob Asher
Cc: Bratcher, Mike, EMNRD; Katie Parker
Subject: RE: Work Plan (State CO SWD System)

Bob,

Who is the surface owner at this release site?

Heather Patterson
Environmental Specialist
NMOCD District II
(575)748-1283 ext.101

From: Bob Asher [<mailto:BobA@yatespetroleum.com>]
Sent: Monday, October 27, 2014 11:48 AM
To: Patterson, Heather, EMNRD
Cc: Bratcher, Mike, EMNRD; Katie Parker
Subject: RE: Work Plan (State CO SWD System)

Heather,

Based on enclosed results of chloride delineation, upon NMOCD approval, Yates will conduct remedial action per the Work Plan, Scope of Work (September 22, 2014), with four (4) feet of impacted soils being excavated and taken to an NMOCD approved facility, then backfill with two (2) feet of compacted caliche as a barrier to prevent vertical movement of chlorides then two (2) feet of like topsoil as a vegetation cover.

Thank you.

Robert Asher
Yates Petroleum Corporation
NM Environmental Regulatory Supervisor
575-748-4217 (O)
boba@yatespetroleum.com

From: Patterson, Heather, EMNRD [<mailto:Heather.Patterson@state.nm.us>]
Sent: Thursday, October 02, 2014 8:40 AM
To: Bob Asher
Cc: Bratcher, Mike, EMNRD
Subject: RE: Work Plan (State CO SWD System)

Mr. Asher,

The OCD needs to review the full delineation of chlorides before a final remedy can be approved for this site.

Heather Patterson
Environmental Specialist
NMOCD District II
(575)748-1283 ext.101

From: Bob Asher [<mailto:BobA@yatespetroleum.com>]
Sent: Monday, September 22, 2014 5:00 PM
To: Bratcher, Mike, EMNRD
Cc: Patterson, Heather, EMNRD

Subject: Work Plan (State CO SWD System)

Mike,

I will contact you for any questions concerning the scope of work within the attached work plan.

Thank you.

Robert Asher
NM Environmental Regulatory Supervisor
Yates Petroleum Corporation

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