

**From:** Randall Hicks  
**To:** [Yu, Olivia, EMNRD](#); ["Andrew Parker"](#); ["Donnie Brown"](#)  
**Cc:** [Billings, Bradford, EMNRD](#)  
**Subject:** RE: Purvis Antelope #1 Characterization Plan 1RP-4896 and 1RP-4929  
**Date:** Wednesday, March 28, 2018 12:00:45 PM

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Ms. Yu

If OCD finds that the variance is consistent with science, sound environmental practice and the Rules, it should be approved.

We will not know if a variance will be required or submitted until we see the data – so providing an opinion upon the chances of approval is premature at this time.

We look forward to working with you upon submission of the Remediation Plan.

Randall Hicks  
R.T. Hicks Consultants  
Cell: 505-238-9515  
Office: 505-266-5004

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**From:** Yu, Olivia, EMNRD [mailto:[Olivia.Yu@state.nm.us](mailto:Olivia.Yu@state.nm.us)]  
**Sent:** Wednesday, March 28, 2018 11:55 AM  
**To:** Andrew Parker; 'Donnie Brown'  
**Cc:** Randall Hicks; Billings, Bradford, EMNRD  
**Subject:** RE: Purvis Antelope #1 Characterization Plan 1RP-4896 and 1RP-4929

Mr. Parker:

As NMOCD is not in agreement with the position taken by Hicks Consultants, what is the likelihood of the variance being approved?

FYI, I did not catch this earlier; the releases were issued 1RP-4896 and **1RP-4925**.

Thanks,  
Olivia

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**From:** Andrew Parker <[andrew@rthicksconsult.com](mailto:andrew@rthicksconsult.com)>  
**Sent:** Wednesday, March 28, 2018 10:32 AM  
**To:** 'Donnie Brown' <[eng@purvisop.com](mailto:eng@purvisop.com)>  
**Cc:** Yu, Olivia, EMNRD <[Olivia.Yu@state.nm.us](mailto:Olivia.Yu@state.nm.us)>; Randall Hicks <[r@rthicksconsult.com](mailto:r@rthicksconsult.com)>; Billings, Bradford, EMNRD <[Bradford.Billings@state.nm.us](mailto:Bradford.Billings@state.nm.us)>  
**Subject:** RE: Purvis Antelope #1 Characterization Plan 1RP-4896 and 1RP-4929

Donnie:

We are planning to conduct the characterization this coming Monday, April 2. However, the drill rig

is currently being repaired. I should know this afternoon whether the drill rig will be ready for Monday. Later today, I will send out an email to Purvis and NMOCD of the drilling schedule status.

I also have a call into the landowner for permission to obtain a groundwater level measurement from the windmill to the east as part of our characterization.

To reiterate an email from March 1<sup>st</sup> to Ms. Yu, included below, we are not performing corrective action or asking for closure. NMOCD approval is not necessary to perform characterizations. If characterization indicates that remedial action is necessary, we will follow clean-up closure criteria in-place at the time of remedial actions or ask for a variance. Closure with a variance to current clean-up standards is an option we will discuss with Purvis as necessary.

*Per the current NMAC 19.15.29, characterization plans do not require NMOCD approval. Please note that we submitted the characterization plan to Purvis Operation. Therefore, there is no regulation requiring a re-submission. Furthermore, the current NMAC 19.15.29 does not define clean-up criteria. NMOCD guidelines do exist, but are not regulations. Therefore, not enforceable. A variance to the current regulation may be submitted under a remediation (corrective action) or closure plan.*

*Please be advised that we will notify NMOCD at least 48 hours in advanced of field work, including characterization. We strongly encourage NMOCD to come out during the field activity to observe and ask questions.*

*Per NMAC 19.15.29, the next formal submission to NMOCD is either a remediation (correction action) or closure plan – at which time NMOCD can either deny or approval the plan. The type of submission and path forward will be based on data collected during the characterization using standards in-place at the time. A formal variance may be requested at the time of formal submission to NMOCD.*

Andrew Parker  
R.T. Hicks Consultants  
Durango Field Office  
970-570-9535

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**From:** Yu, Olivia, EMNRD [<mailto:Olivia.Yu@state.nm.us>]  
**Sent:** Tuesday, March 27, 2018 3:03 PM  
**To:** Donnie Brown; 'Andrew Parker'  
**Subject:** RE: Purvis Antelope #1 Characterization Plan 1RP-4896 and 1RP-4929

Mr. Brown:

A point of clarification, the release characterization plan was not approved as the proposal did not use current NMOCD permissible levels of contaminants.

Thanks,

Olivia

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**From:** Donnie Brown <[eng@purvisop.com](mailto:eng@purvisop.com)>  
**Sent:** Tuesday, March 27, 2018 2:39 PM  
**To:** 'Andrew Parker' <[andrew@rthicksconsult.com](mailto:andrew@rthicksconsult.com)>  
**Cc:** Yu, Olivia, EMNRD <[Olivia.Yu@state.nm.us](mailto:Olivia.Yu@state.nm.us)>  
**Subject:** FW: Purvis Antelope #1 Characterization Plan 1RP-4896 and 1RP-4929

Andrew,

Could you answer Olivia question.

Are we not waiting on the coring before we come up with the characterization plan?

Donnie

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**From:** Yu, Olivia, EMNRD [<mailto:Olivia.Yu@state.nm.us>]  
**Sent:** Tuesday, March 27, 2018 3:19 PM  
**To:** 'Donnie Brown'  
**Cc:** Billings, Bradford, EMNRD  
**Subject:** FW: Purvis Antelope #1 Characterization Plan 1RP-4896 and 1RP-4929

Mr. Brown:

What is the status for these unresolved 1RPs? NMOCD requires the Responsible Party to proceed on a division-approved corrective action plan for 1RP-4896 and 1RP-4929. NMOCD considers a release characterization plan as a key component to a division-approved corrective action plan.

As of today, March 27, 2018, NMOCD was informed by the landowner that no corrective action activities have been completed at the Antelope #1 location, neither release characterization nor remediation.

Thanks,  
Olivia

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**From:** [andrew@rthicksconsult.com](mailto:andrew@rthicksconsult.com) <[andrew@rthicksconsult.com](mailto:andrew@rthicksconsult.com)>  
**Sent:** Thursday, March 1, 2018 8:47 AM  
**To:** Yu, Olivia, EMNRD <[Olivia.Yu@state.nm.us](mailto:Olivia.Yu@state.nm.us)>; 'Donnie Brown' <[eng@purvisop.com](mailto:eng@purvisop.com)>  
**Cc:** Billings, Bradford, EMNRD <[Bradford.Billings@state.nm.us](mailto:Bradford.Billings@state.nm.us)>; 'Randall Hicks' <[r@rthicksconsult.com](mailto:r@rthicksconsult.com)>  
**Subject:** RE: Purvis Antelope #1 Characterization Plan 1RP-4896 and 1RP-4929

Ms. Yu:

Per the current NMAC 19.15.29, characterization plans do not require NMOCD approval. Please note that we submitted the characterization plan to Purvis Operation. Therefore, there is no regulation requiring a re-submission. Furthermore, the current NMAC 19.15.29 does not define

clean-up criteria. NMOCD guidelines do exist, but are not regulations. Therefore, not enforceable. A variance to the current regulation may be submitted under a remediation (corrective action) or closure plan.

Please be advised that we will notify NMOCD at least 48 hours in advanced of field work, including characterization. We strongly encourage NMOCD to come out during the field activity to observe and ask questions.

Per NMAC 19.15.29, the next formal submission to NMOCD is either a remediation (correction action) or closure plan – at which time NMOCD can either deny or approval the plan. The type of submission and path forward will be based on data collected during the characterization using standards in-place at the time. A formal variance may be requested at the time of formal submission to NMOCD.

Lastly, I verified that the above referenced location is FEE.

Andrew Parker  
R.T. Hicks Consultants  
Durango Field Office  
Cell: (970) 570-9535

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**From:** Yu, Olivia, EMNRD [<mailto:Olivia.Yu@state.nm.us>]  
**Sent:** Monday, February 26, 2018 1:41 PM  
**To:** Andrew Parker <[andrew@rthicksconsult.com](mailto:andrew@rthicksconsult.com)>; 'Donnie Brown' <[eng@purvisop.com](mailto:eng@purvisop.com)>  
**Cc:** Billings, Bradford, EMNRD <[Bradford.Billings@state.nm.us](mailto:Bradford.Billings@state.nm.us)>; [mnaranjo@slo.state.nm.us](mailto:mnaranjo@slo.state.nm.us); Randall Hicks <[r@rthicksconsult.com](mailto:r@rthicksconsult.com)>  
**Subject:** RE: Purvis Antelope #1 Characterization Plan 1RP-4896 and 1RP-4929

Mr. Parker:

Please be advised that these are current 1RPs and therefore, the present regulation applies. There is no certainty of the passage or of the timeline for the proposed revision of NMAC 19.15.29 to be implemented. Please revise and resubmit the release characterization plan for 1RP-4896 and 1RP-4925.

Also, please note

- NMOCD database indicates surface owner as Fee. NMSLO can verify.
- The landowner provided photo documentation and had informed NMOCD numerous times of the extant impacted soil. Covering up the release with caliche may be an acceptable practice to prevent the impacted area from enlarging as an initial immediate response, but that does not constitute corrective actions.

Olivia

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**From:** Andrew Parker [<mailto:andrew@rthicksconsult.com>]

**Sent:** Friday, February 23, 2018 10:50 AM

**To:** 'Donnie Brown' <[eng@purvisop.com](mailto:eng@purvisop.com)>

**Cc:** Yu, Olivia, EMNRD <[Olivia.Yu@state.nm.us](mailto:Olivia.Yu@state.nm.us)>; Billings, Bradford, EMNRD <[Bradford.Billings@state.nm.us](mailto:Bradford.Billings@state.nm.us)>; [mnaranjo@slo.state.nm.us](mailto:mnaranjo@slo.state.nm.us); Randall Hicks <[r@rthicksconsult.com](mailto:r@rthicksconsult.com)>

**Subject:** Purvis Antelope #1 Characterization Plan 1RP-4896 and 1RP-4929

Mr. Brown:

Attached is the characterization and delineation plan for the Antelope #1 releases that occurred in December 2017.

As we understand the closure criteria suggested by NMOCD's application to repeal and replace Rule 19.15.29 NMAC (R&R Part 29) will establish delineation and closure limits. Based upon R&R Part 29 Table 1, chloride closure criteria at this location is:

Depth (below ground surface)	Depth to Water (bottom of release)	Chloride (mg/kg)	TPH (GRO+MRO+ORO) (mg/kg)	TPH (GRO+DRO) (mg/kg)	BTEX (mg/kg)	Benzene (mg/kg)
0-4 feet		600	100		50	10
>4 feet	=50 feet	600	100		50	10
>4 feet	>50 feet	10,000	2,500	1,000	50	10

Per 19.15.29.11 of the R&R Part 29 (Site Assessment/Characterization), NMOCD approval is not required for characterization plans. Therefore, we addressed the characterization plan to Purvis Operating and copied NMOCD and the SLO as courtesy.

After characterization is complete, we will provide NMOCDC and the SLO a report presenting corrective actions based upon the closure criteria concentrations proposed in R&R Part 29. Any corrective action, remediation, or closure plans will require NMOCOD approval.

We are working on scheduling a drilling rig for either the second or fourth week of March. We will notify Purvis, NMOCD, and SLO as soon as we confirm the drilling schedule.

Andrew Parker  
R.T. Hicks Consultants  
Durango Field Office  
970-570-9535

**From:** [Yu, Olivia, EMNRD](#)  
**To:** ["Andrew Parker"](#)  
**Cc:** ["eng@purvisop.com"](mailto:eng@purvisop.com)  
**Subject:** Purvis Operating: Antelope 1; 30-025-38867  
**Date:** Wednesday, January 10, 2018 7:43:00 AM

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Good morning Mr. Parker:

Please be advised that there has been 3 reported releases associated with Antelope 1 (30-025-38867). NMOCD was notified of releases from around December 11, 2017, December 18, 2017, and a prior release issued 1RP-2920. In the delineation workplan, please identify the impacted area for each of the releases.

Thanks,

Olivia Yu  
Environmental Specialist  
NMOCD, District I  
[Olivia.yu@state.nm.us](mailto:Olivia.yu@state.nm.us)  
575-393-6161 x113

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.