

From: [Yu, Olivia, EMNRD](#)
To: ["Randall Hicks"](#); [David Harwell](#); rmann@slo.state.nm.us
Cc: clabe@merchantlivestock.com; bblevins5252@gmail.com; altech@pvt.net; ["Andrew Parker"](#); ["Tucker, Shelly"](#)
Subject: RE: Advance - Merchant Frac Releases 1RP-4953 and Tomahawk 1RP- 4778
Date: Wednesday, April 18, 2018 3:41:00 PM

Mr. Hicks:

Please be advised that

- Since there is already a previously approved release characterization plan for 1RP-4778, 1RP-4778 cannot be combined with 1RP-4953, as implied by the email subject line. The report also does not address 1RP-4778.
- NMOCD database indicates Fee surface and State mineral ownership for all releases associated with 1RP-4953. BLM and NMSLO can verify. However, Sections 27 and 35 of 21S-33E is restricted for drilling due to potash.
- A caliche layer is not an acceptable rationale for incompleteness of vertical delineation.
- Soil flushing- naturally or artificially- is not currently an approved NMOCD remedial activity.

Several concerns regarding the proposed characterization plan for 1RP-4953.

1. Any proposed regulation is not the current regulation and thus, not applicable to any current releases.
2. Please include an appropriately scaled map with sample IDs that matches the IDs used for laboratory analytical reports to facilitate data review.
3. As mentioned in the report, NMOCD agrees that further vertical delineation is necessary. Please be advised that the sample locations must be representative of the release area and potential pooling locations, not chosen arbitrarily.
4. In general, NMOCD expects delineation sample locations to be no greater than 50 ft. apart.

Thanks,
Olivia

From: Randall Hicks <r@rthicksconsult.com>
Sent: Monday, March 12, 2018 2:45 PM
To: Yu, Olivia, EMNRD <Olivia.Yu@state.nm.us>; David Harwell <DHarwell@advanceenergypartners.com>
Cc: clabe@merchantlivestock.com; bblevins5252@gmail.com; altech@pvt.net; 'Andrew Parker' <andrew@rthicksconsult.com>; 'Tucker, Shelly' <stucker@blm.gov>
Subject: Advance - Merchant Frac Releases 1RP-4953 and Tomahawk 1RP- 4778

David

Here is the final version of the characterization plan with remediation options presented in the text. The meeting with Merchant Livestock did not result in significant changes to the DRAFT plan, thus the attached is almost verbatim of what was presented on March 6.

We anticipate receipt of laboratory reports in 7-14 days from now. The data will be used to create a final Remediation Plan that must be submitted to NMOCD. BLM will also be copied on the final Tomahawk Remediation Plan since a small part of the release occurred along the road ROW on Federal surface. Remediation cannot proceed until this second plan is approved by OCD and possibly BLM.

As we agreed, this communication is copied to OCD and BLM as well as Merchant Livestock.

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