

From: [Yu, Olivia, EMNRD](#)
To: [Tony Cooper](#)
Cc: [Billings, Bradford, EMNRD](#); [Chris Caplis](#); [Joe H. Kelloff](#)
Subject: RE: C-148 1RF-10-00
Date: Thursday, July 5, 2018 2:37:00 PM
Attachments: approved_1RF10_Variance Request Hobbs.pdf

Dear Mr. Cooper:

NMOCD accepts the request for a 6-month extension for McElvain Seely Recycling Facility and Containment: 1RF-10 as per NMAC 19.15.34.13. The extension approval is specifically for July 1, 2018 to December 31, 2018.

Please be advised that this request approval is a one-time agreement.

Also, is there an update to the 3Bear potential acquisition?

Thanks,

Olivia Yu
Environmental Specialist
NMOCD, District I
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.

-----Original Message-----

From: Tony Cooper <Tony.Cooper@McElvain.com>
Sent: Monday, July 2, 2018 3:28 AM
To: Yu, Olivia, EMNRD <Olivia.Yu@state.nm.us>
Cc: Billings, Bradford, EMNRD <Bradford.Billings@state.nm.us>; Chris Caplis <Chris.Caplis@McElvain.com>; Joe H. Kelloff <Joe.Kelloff@McElvain.com>
Subject: RE: C-148 1RF-10-00

Ms. Yu, McElvain Energy Inc. is respectfully requesting a 6 month variance for the produced water recycle containment registration for 1RF-10-00. December of 2017 was the last month that > 20% of the containment volume was used for completion work. I have attached a letter requesting the registration extension (to begin July 1, 2018) for your review. Please feel free to contact me if you have any questions regarding this extension request.

Respectfully,

Tony Cooper
Regulatory Compliance Manager
McElvain Energy Inc.
511 16th Street Suite 700
Denver CO 80202
303-962-6489 direct
303-501-0004 cell
tony.cooper@mcelvain.com

PLEASE NOTE NEW OFFICE ADDRESS EFFECTIVE JUNE 1, 2018:
511 16TH STREET, SUITE 700
DENVER, CO 80202

-----Original Message-----

From: Tony Cooper
Sent: Monday, June 04, 2018 11:29 AM
To: 'Yu, Olivia, EMNRD'
Cc: Billings, Bradford, EMNRD (Bradford.Billings@state.nm.us)
Subject: RE: C-148 1RF-10-00

Ms. Yu, after re-reading NMAC 19.15.34.13 I see that I should have waited until 1RF-10-00 Seely has reached the "cessation of operations" point before I submit the request for a six month extension. Sorry for the premature submission. This is the first time that I have requested an extension for a recycle containment and wasn't quite sure how it worked.

McElvain is requesting that the OCD rescind the previously submitted extension request for 1RF-10-00 Seely. McElvain will resubmit the request after the 6 month cessation of operations period is met. Is the OCD in agreement that if 12/2017 was the last month that 1RF-10-00 Seely used 20% of its total fluid capacity that cessation of operations would be July 1, 2018? If this date is not correct could you please let me know what the correct date is.

Respectfully,

Tony Cooper
Regulatory Compliance Manager
McElvain Energy Inc.
1050 17th Street Suite 2500
Denver CO 80265
303-962-6489 direct
303-501-0004 cell
tony.cooper@mcelvain.com

PLEASE NOTE NEW OFFICE ADDRESS EFFECTIVE JUNE 1, 2018:
511 16TH STREET, SUITE 700
DENVER, CO 80202

-----Original Message-----

From: Yu, Olivia, EMNRD [<mailto:Olivia.Yu@state.nm.us>]
Sent: Monday, June 04, 2018 9:33 AM
To: Tony Cooper
Cc: Billings, Bradford, EMNRD
Subject: RE: C-148 1RF-10-00

Good morning Mr. Cooper:

Please be advised Karen Sharp is not the appropriate person to address this concern.

Based on the below information, please resubmit the request for extension of 1RF-10. In the new request, please specifically indicate the extension period per NMAC 19.15.34.13 and include a statement rescinding the previous request.

Thanks,

Olivia

-----Original Message-----

From: Tony Cooper <Tony.Cooper@McElvain.com>
Sent: Monday, June 4, 2018 8:55 AM
To: Yu, Olivia, EMNRD <Olivia.Yu@state.nm.us>
Cc: Sharp, Karen, EMNRD <Karen.Sharp@state.nm.us>
Subject: RE: C-148 1RF-10-00

Ms. Yu, the extension request for the Seely containment was sent into the OCD before the end of the grace period as a courtesy to the OCD to give the extension request time for OCD review and approval. If I had known McElvain would have to forfeit the final 42 days of the allotted grace period provided for in the regulation by sending in the request before the end of the grace period, I would have sent the request in on June 30th .

In lieu of the courtesy McElvain was attempting to show the OCD, I am asking that the OCD reconsider the extension start date and give McElvain the full 6 month grace period granted by the regulation. Since December 2017, was the last month that > 20% of the containment capacity volume was used for beneficial use, McElvain is respectfully requesting an extension start date of July 1st, 2018.

Respectfully,

Tony Cooper
Regulatory Compliance Manager
McElvain Energy Inc.
1050 17th Street Suite 2500
Denver CO 80265
303-962-6489 direct
303-501-0004 cell
tony.cooper@mcelvain.com

PLEASE NOTE NEW OFFICE ADDRESS EFFECTIVE JUNE 1, 2018:
511 16TH STREET, SUITE 700
DENVER, CO 80202

-----Original Message-----

From: Yu, Olivia, EMNRD [<mailto:Olivia.Yu@state.nm.us>]
Sent: Friday, June 01, 2018 1:24 PM
To: Tony Cooper
Cc: Billings, Bradford, EMNRD
Subject: RE: C-148 1RF-10-00

Dear Mr. Cooper:

NMOCD will grant the requested extension for the Seely Recycling Containment (1RF-10). Please be advised that the extension is granted only once per recycling containment.

Thanks,

Olivia Yu
Environmental Specialist
NMOCD, District I
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.

-----Original Message-----

From: Tony Cooper <Tony.Cooper@McElvain.com>
Sent: Thursday, May 31, 2018 7:53 AM
To: Yu, Olivia, EMNRD <Olivia.Yu@state.nm.us>
Subject: FW: C-148 1RF-10-00

I meant to attach the original variance letter instead of the C-148 file twice when I sent this last email to you.

Tony Cooper
Regulatory Compliance Manager
McElvain Energy Inc.
1050 17th Street Suite 2500
Denver CO 80265
303-962-6489 direct
303-501-0004 cell
tony.cooper@mcelvain.com

-----Original Message-----

From: Tony Cooper
Sent: Tuesday, May 22, 2018 9:58 AM
To: 'Yu, Olivia, EMNRD'; Billings, Bradford, EMNRD
Cc: Chris Caplis; Joe H. Kelloff
Subject: RE: C-148 1RF-10-00

Ms Yu, attached is a combined PDF of the C-148s.

Thanks,

Tony Cooper
Regulatory Compliance Manager
McElvain Energy Inc.
1050 17th Street Suite 2500
Denver CO 80265
303-962-6489 direct
303-501-0004 cell
tony.cooper@mcelvain.com

-----Original Message-----

From: Yu, Olivia, EMNRD [<mailto:Olivia.Yu@state.nm.us>]
Sent: Tuesday, May 22, 2018 9:44 AM
To: Tony Cooper; Billings, Bradford, EMNRD
Cc: Chris Caplis; Joe H. Kelloff
Subject: RE: C-148 1RF-10-00

Good morning Mr. Cooper:

Please note that the correct email address for Mr. Billings is cc'd and NMOCD email filter does not allow zip file attachments. Please resubmit documents in pdf format. Aggregation of all C-148s into one pdf is acceptable.

Thanks,
Olivia

-----Original Message-----

From: Tony Cooper <Tony.Cooper@McElvain.com>

Sent: Tuesday, May 22, 2018 9:37 AM

To: Sharp, Karen, EMNRD <Karen.Sharp@state.nm.us>; Yu, Olivia, EMNRD <Olivia.Yu@state.nm.us>

Cc: brad.billings@state.nm.us; Chris Caplis <Chris.Caplis@McElvain.com>; Joe H. Kelloff
<Joe.Kelloff@McElvain.com>

Subject: C-148 1RF-10-00

Ms. Yu, McElvain Energy Inc. is respectfully requesting a 6 month variance for the produced water recycle containment registration for 1RF-10-00. December of 2017 was the last month that > 20% of the containment volume was used for completion work. I have attached a letter requesting the registration extension for your review.

I have also attached a zip file of all of the C-148 forms that I have been sending to Santa Fe each month since inception of the recycle containment. I will begin sending them to the District 1 office each month as well. Please contact me if you have any questions regarding this request

Thanks,

Tony Cooper
Regulatory Compliance Manager
McElvain Energy Inc.
1050 17th Street Suite 2500
Denver CO 80265
303-962-6489 direct
303-501-0004 cell
tony.cooper@mcelvain.com