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December 1, 2015

Office of the Governor

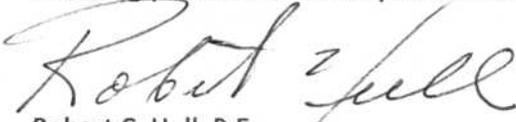
Governor Susana Martinez
Governor- State of New Mexico
490-Old Santa Fe Trail- room 400
Santa Fe, New Mexico 87501

Reference; Hazard contamination spill-Lea County

On October 4, 2015 several thousand gallons of hazard/contaminated liquid was spilled onto the soil from storage tanks located in the NW4NW4, Sec. 5, Twp. 14S, Rng. 36E, being in Lea County New Mexico, and owned/operated by DKD-swd of Tatum, New Mexico. The contaminated liquid was not contained within the original earth barrier and thus spilled onto adjacent lands with no soil barriers then left for percolation into the soil and potential contamination of the shallow groundwater utilized for domestic and livestock water source. Our family owns the adjacent lands to the spill area and has two water wells within 300 ft. of the spill, thus our concerns as to how the New Mexico Oil Conservation Division/Compliance office is monitoring the cleanup of the spill as well as setting up rules future water quality and soil sampling for assurance that contamination will not be a concern in the future.

Attached please find copies of letters to the New Mexico Oil Conservation Division in Hobbs, New Mexico as well as file notes and letters to the United States Environmental Protection Agency. Please note that we have received no response what-so-ever from our request for information from the New Mexico Oil Conservation Division in Hobbs, thus our request for assistance from your office.

Thanking you in advance for your time and efforts, I am



Robert C. Hull, P.E.
4880-Ellis Street
Golden, Colorado 80403
Cc; Olson- Attorney at Law
N.M. Office of the State Engineer



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TX 75202-2733

NOV 13 2015

Mr. Robert C. Hull
4880 Ellis Street
Golden, Colorado 80403

Mr. Hull:

Thank you for your letter dated October 19, 2015, identifying concerns with a facility in the Tatum, New Mexico area. In your letter, you mentioned that the facility had a fire on October 4, 2015, and that material was spilled onto the ground around the facility.

To follow-up on your concerns, we contacted the New Mexico Oil Conservation Division (OCD) which regulates this type of facility. According to OCD, the fire at the facility was reported the night that it happen and the operator remains in contact with OCD. In addition, OCD is working with the operator to delineate any possible contamination. As the state agency responsible for this facility, it is my understanding that the OCD also provided an update of the activities to you via email on November 5, 2015.

Once again, I want to thank you for raising your concerns to me and if you have any additional questions, please contact Ronnie Crossland of my staff at 214-665-2721.

Sincerely yours,

A handwritten signature in black ink, appearing to read "C. Edlund".

Carl E. Edlund, P.E.
Director
Superfund Division

November 21, 2015

Mr. Carl E. Edlund, P.E.
United States Environmental Protection Agency
1445-Ross Ave. Suite 1200
Dallas, Texas 75202-2733

Reference: Hazard waste spill-Lea County, NM

This is to acknowledge and thank you for your informative letter of November 13, 2015 related to a hazard waste fluid incident that occurred on October 4, 2015, and apparently allowed several thousand gallons of toxic/hazard waste fluid to percolate into the soil around the hazard waste storage facility owned by KDK-swd, LLC and being located in the NW4, Sec. 5, Twp 14S, Rng. 36E. NMPM, potentially causing damage to the shallow groundwater in the area used for domestic and livestock drinking water as well as possible permanent damage to the soils around the hazard waste storage site.

As I stated in my letter of October 19, 2015 our family owns adjacent lands to the spill area and have shallow groundwater domestic/livestock drinking water wells within 300 ft. of the site, thus our concerns as to the contamination of the water supply. As of this date we have received no contact what so ever from the New Mexico Oil Conservation Division (OCD) nor response for detail information as to the scope of the cleanup of the contaminated area from anyone. On November 4, 2015, by utilization of sanitary sampling equipment/industry standards, water samples were obtained from our existing wells with said samples taken to a certified laboratory for analyses to provide a base line for water quality.

Again, I thank you for your letter and expressed concerns as to the contamination of the area around the site. I will try to contact the OCD requesting receipt of a formal cleanup plan as well as a continued inspection report/plan of the operation of the hazard waste storage site by DKD-swd.

Very truly yours

Robert C. Hull, P.E.
4880-Ellis Street
Golden, Colorado 80403
cc-Olson- Attorney at Law
Paul Herrera- livestock- Tatum

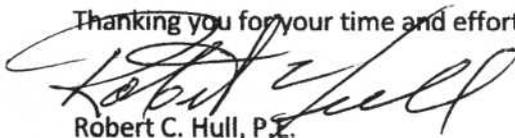
December 1, 2015

New Mexico Oil Conservation Division
Compliance Division
1625-North French Drive
Hobbs, New Mexico 88240

Reference: Liquid waste spill
NW4NW4 Sec. 5, Twp.14S, Rng. 36E-Lea County

Attached please find copies of previously submitted request for information as to how your office of the New Mexico Oil Conservation Division is monitoring the ongoing cleanup and future monitoring for potential damage to the shallow groundwater underlying the hazard waste storage site, with location noted above owned by DKD-swd, with the incident of Oct.4, 2015 noted several thousand gallons of liquid hazard waste being spilled on the ground with potential percolation into the ground and shallow groundwater. Please note our concern for contamination to the groundwater that is the source for domestic and livestock water from existing wells located within 300 ft. of the spill area. Thus our request for acknowledgement of the previous submitted letters and file notes.

Thanking you for your time and efforts, I am



Robert C. Hull, P.E.
4880-Ellis Street
Golden, Colorado 80403
cc-Olson-Attorney at Law
United States Environmental Protection Agency
New Mexico Governor Office

November 21, 2015

Mr. George Bower, Compliance Officer
New Mexico Oil Conservation Division
1625-North French Drive
Hobbs, New Mexico 88240

Reference: hazard waste fluid contamination

Our family owns all the lands in sec. 6, twp. 14S, rng. 36E, NMPM being in Lea County New Mexico and adjacent to a hazard waste storage discharge/spill that occurred on October 4, 2015 in the NW4 of sec. 5, twp. 14S, rng. 36E. NMPM. It is our understanding and based on visual inspections that the original containment structure around the hazard waste storage facility owned by DKD-swd did not contain the total volume of the spill and a temporary containment area was constructed without approval of the land owner. It is also our belief based on physical inspection that an unknown volume of liquid was allowed to percolate into the ground thus having the potential to cause damage to the shallow groundwater in the area as well as soil contamination around the site. WE have two domestic/livestock water supply wells located within 300 ft. of the spill area and are very concerned as to potential contamination. Thus this document is being submitted requesting information as to your agency requirements for the owner of the waste storage facility to clean up the spill area, return the soil that was removed from the area around the site to original condition and continue testing of both soil and water for future contamination. Please note that liability for any and all damages may be an issue.

Attached please find copies of file notes and letter to the United States Environmental Protection Agency regarding this matter. It is requested that after review of the documents we be advised of status of the situation and what future actions your agency will consider.

Thanking you in advance for your time and efforts, I am

Very truly yours

Robert C. Hull, P.E.
4880-Ellis Street
Golden, Colorado 80403
Cc: United States Environmental Protection Agency
Olson- Attorney at Law
Herrera- livestock