

From: [Yu, Olivia, EMNRD](#)
To: [Jim Foster](#); [Mann, Ryan](#)
Cc: [Ryan Mersmann](#); [Amir Sanker](#); [Hernandez, Christina, EMNRD](#)
Subject: RE: State OG SWD No. 2 – 1RP-4703
Date: Friday, October 19, 2018 1:35:00 PM
Attachments: image001.png

Mr. Foster:

Unless mistaken, the approved workplan for 1RP-4703 did not include a timeline. Have you ever submitted a report with a specified timeline? In general, NMOCD defaults to the Responsible Operator to resolve a release in an effective and timely fashion. A timeline was not specify under the previous 19.15.29 NMAC, while NMSLO's regulations specify an immediate clean up of any spills.

While the methods for chloride analyses may be equivalent for EPA Method 300 and EPA Method **9056**, the approved workplan and the submitted report, indicating an intent to use the revised 19.15.29 NMAC closure standards, both states EPA Method 300.

Vertical delineation of SB1/2 area will need to be completed. SB-3 is more than 50 ft. away from SB1/2 and could not be consider representative of that section of the release area.

Per 19.15.29 NMAC, a completed release characterization report with remediation plan is expected by November 12, 2018. Please be advised that only approved workplans, prior to the effective date of August 14, 2018, will allow emplacement of a liner. All remediation plans after August 14, 2018 will require a written request for a variance for any proposed use of a liner.

Thanks,
Olivia

From: Jim Foster <jim@teamtimberwolf.com>
Sent: Tuesday, October 9, 2018 1:20 PM
To: Yu, Olivia, EMNRD <Olivia.Yu@state.nm.us>; Mann, Ryan <rmann@slo.state.nm.us>
Cc: Ryan Mersmann <ryan@teamtimberwolf.com>; Amir Sanker <asanker@isramco-jay.com>; Hernandez, Christina, EMNRD <Christina.Hernandez@state.nm.us>
Subject: [EXT] RE: State OG SWD No. 2 – 1RP-4703

Olivia,

Please see our responses below in blue font below your comments.

Thank you,
Jim Foster

From: Yu, Olivia, EMNRD <Olivia.Yu@state.nm.us>
Sent: Thursday, September 06, 2018 5:54 PM
To: Jim Foster <jim@teamtimberwolf.com>; Mann, Ryan <rmann@slo.state.nm.us>

Cc: Ryan Mersmann <ryan@teamtimberwolf.com>; Amir Sanker <asanker@isramco-jay.com>; Hernandez, Christina, EMNRD <Christina.Hernandez@state.nm.us>

Subject: RE: State OG SWD No. 2 – 1RP-4703

Mr. Foster:

Notes:

- This release occurred on State surface and mineral ownerships. NMSLO must be included in all communications and submittals.
- Note NMAC 19.15.29.16. There was an approved workplan from July 3, 2017. Therefore, Table 1 does not apply. However, since the depth to groundwater is ≤ 50 ft., remediation values for 1RP-4703 are the same as before the revised NMAC 19.15.29 came into effect.
[Our understanding of NMAC 19.15.29.16 is this provision applies to Sites which have an approved corrective action plan with approved timelines. Our records reflect that only a Site Characterization Plan has been approved by the OCD.](#)
- Please be advised that a subsurface caliche layer is not an acceptable rationale for incompleteness of delineation or remediation.
[No caliche has been observed at the Site; however, consolidated rock is present.](#)
- EPA Method 300 is the approved method for chloride analyses.
[EPA Method 300 is drinking water method for determining anions by ion chromatography. The laboratory method 9058, as identified on the laboratory report, is a soil method for determining anions by ion chromatography. The methods are in parity.](#)

Please address the following concerns:

1. Please provide a rationale for the long timeline to address 1RP-4703. There are at least 6 months between sample events. Was initial corrective action completed at the release area? Data from May 22, 2017 show high chloride levels at the surface, which by November 9, 2017 have decreased.
[Soil samples were initially collected using a handauger. We revisited the Site in an attempt to vertically delineate using a backhoe; the total depth of excavations were approximately 1 ft and no samples were collected or submitted for laboratory analysis. Rig availability was also a contributing factor.](#)
2. Was vertical delineation completed for the area represented by SB3, when a drilling rig was mobilized to complete delineation for SB1/2 area?
[No. Since this is a surface release, delineation of SB1/2 is presumed to be representative of SB3 area.](#)
3. Area represented by SB9 will require both vertical and horizontal delineation to complete release characterization.
[We will horizontally delineate SB9. Vertical confirmation samples will be collected during excavation activities.](#)
4. For remedial measures, NMOCD requires removal of impacted material up to 4 ft. bgs with proper emplacement of a minimal 20 mil liner, if applicable. Have other mechanical means been utilized in the delineation process to determine effectiveness for remediation? Trackhoe? Hammertoe?
[We will excavated with a trackhoe to a depth of 4 ft below ground surface or refusal at](#)

bedrock. A 20 mil liner will be installed at the base of the excavation.

5. Submit soil bore logs.

Attached.

Thanks,
Olivia

From: Jim Foster <jim@teamtimberwolf.com>

Sent: Wednesday, August 15, 2018 2:35 PM

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

Cc: Ryan Mersmann <ryan@teamtimberwolf.com>; Amir Sanker <asanker@isramco-jay.com>

Subject: State OG SWD No. 2 – 1RP-4703

Olivia,

Please find the attached site assessment and remedial action plan for Jay Management's State OG SWD No. 2. Should you have any questions or comments please do not hesitate to contact us.

Thank you,

Jim Foster



1920 W. Villa Maria, Suite 205

Bryan, Texas 77807

979-324-2139

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SOIL BORING REPORT

Page 1 of 1

SB2A






| | |
|--|--|
| Client: Jay Management Company | Completion Date: 06/05/18 |
| Project Name: State OG SWD No. 2 | Logged By: Morgan Vizi, Russell Greer |
| Site Location: Lea County, NM | Drilled By: Enviro-Drill, Inc. |
| Project Number: 170052 | Drilling Method: Flight Auger 2" Split-spoon |
| Boring Coordinates: 33.37851,-103.62577 | Total Depth (ft): 25' |
| Ground Surface Elevation (ft, msl): \approx 4,300 ft | First Water Encountered (ft): NA |

| Depth (feet) | USCS | PID Reading (ppm) | Soil Sample | Soil Description | Well Completion |
|-----------------|------|-------------------------|----------------|------------------------|-----------------|
| | | | | | |
| | SW | | | | |
| 5 | | | | CONSOLIDATED SANDSTONE | |
| | | | | | |
| | SW | | | CONSOLIDATED SANDSTONE | |
| 10 | | | | | |
| | | | | | |
| | | | | CONSOLIDATED SANDSTONE | |
| 15 | | | | | |
| | | | | | |
| | SW | | | CONSOLIDATED SANDSTONE | |
| 20 | | | | | |
| | | | | | |
| | SW | | | CONSOLIDATED SANDSTONE | |
| 25 | | | | | |
| | | | | TD = 25' | |

Notes:

Well Completion: not applicable

Legend

-  - Hollow-stem auger
-  - No sample, cuttings only
-  - Split-spoon sample