

## Bratcher, Mike, EMNRD

---

**From:** Mark Weatherly [mark@sbenergy.com]  
**Sent:** Friday, September 09, 2011 2:17 PM  
**To:** Bratcher, Mike, EMNRD  
**Cc:** Steve Collins  
**Subject:** RE: Notice of Illegal Discharges/Vandalism - Area Southwest of Loco Hills, NM  
**Attachments:** Initial\_C-141.doc

Mr. Bratcher,

As requested, Report Form attached.. Please advise if you would like any additional data..

Respectfully,  
Mark Weatherly

---

**From:** Bratcher, Mike, EMNRD [<mailto:mike.bratcher@state.nm.us>]  
**Sent:** Thursday, September 08, 2011 9:27 AM  
**To:** [Mark@SBEnergy.com](mailto:Mark@SBEnergy.com); [sheriff@co.eddy.nm.us](mailto:sheriff@co.eddy.nm.us)  
**Cc:** Tom Womelsdorf; [james\\_amos@nm.blm.gov](mailto:james_amos@nm.blm.gov); Sanchez, Daniel J., EMNRD; Dade, Randy, EMNRD  
**Subject:** RE: Notice of Illegal Discharges/Vandalism - Area Southwest of Loco Hills, NM

Mark,

For reporting purposes, this email will suffice for initial notification for NMOCD. We would also request a Form C-141 be submitted for documentation. I am including Jim Amos with Carlsbad BLM office in this exchange since the release was on Federal property.

Unfortunately, OCD would have no recourse with the perpetrator unless they can be identified. If there was a witness to the illegal dumping event, or strong enough evidence to show the trucking company responsible, OCD could go so far as to revoke their authority to legally transport oilfield waste and/or product in the State of New Mexico. The Sheriff's office may have some recourse directly with the driver. Typically, it is hard to pursue guilty parties in these type events because it happens in the middle of the night, in the middle of nowhere. If the event occurs in an area that has few wells, especially few that use transports to move produced fluids, it may be possible to narrow it down to a trucking company, and then request run tickets, and/or operator records of fluid movement.

Again unfortunately, since the release occurred on a lease operated by Southern Bay, as operator of record, OCD would request Southern Bay take responsibility for the remediation. If the guilty party can be identified, typically the trucking company will pay for the cleanup, or the operator may have recourse in a civil suit to recover costs incurred.

NMOCD is willing to aid, as possible, and, to the extent of our authority, in identifying those responsible for unauthorized dumping events.

If you have any questions or concerns, please contact me.

*Mike Bratcher*  
NMOCD District 2  
811 S. First Street  
Artesia, NM 88210

575-748-1283 Ext. 108  
575-626-0857  
[mike.bratcher@state.nm.us](mailto:mike.bratcher@state.nm.us)