

## Kerry Egan

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**From:** Riggs, Justin SPA <Justin.C.Riggs@usace.army.mil>  
**Sent:** Tuesday, November 18, 2014 6:55 AM  
**To:** Kerry Egan  
**Cc:** Lucas Middleton  
**Subject:** RE: [EXTERNAL] 4 mile Draw Spill notice (UNCLASSIFIED)  
**Attachments:** NWP 20 Summary 2012.pdf

Classification: UNCLASSIFIED

Caveats: NONE

Mr. Egan

I am sorry I have been hard to get a hold of I am in Alabama this week. The nationwide permit you will need is NWP 20 for oil and gas cleanup. As long as the draw you are impacting is ephemeral in nature you do not have to report to the Corps of engineers to do that work. It is considered a permissive permit or a no reporting permit, as long as the draw is ephemeral you can just go out and do what you need to do. If you require a letter from the Corps you just need to fill out our application form and send in the supporting documentation but understand if your draw is ephemeral you can just go out and do what you need to do under the NWP 20.

I have attached the summary for NWP 20. If you have any questions feel free to shoot me an email.

Thank you so much

Justin Riggs

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

**From:** Kerry Egan [mailto:KEgan@yatespetroleum.com]  
**Sent:** Monday, November 17, 2014 3:40 PM  
**To:** Riggs, Justin SPA  
**Cc:** Lucas Middleton  
**Subject:** RE: [EXTERNAL] 4 mile Draw Spill notice (UNCLASSIFIED)

Mr. Riggs,

Just based on my initial observations of the site, I'm fairly certain that we will have to excavate and replace at least some soil. Out of caution I would rather pursue the necessary permits, and have them in place, in case we are forced to remove and replace soil. Am I correct in assuming that we can't conduct any dirt work at the sight until we have the necessary permits in hand?

If you would contact myself and Mr. Middleton regarding permitting requirements, at your earliest convenience, I would appreciate it.

Thanks,  
Kerry Egan  
Engineering Tech  
Agave Energy Company  
KEgan@yatespetroleum.com

Cell: (575) 513-8988  
Office: (575) 748-4469

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

From: Riggs, Justin SPA [mailto:Justin.C.Riggs@usace.army.mil]  
Sent: Monday, November 17, 2014 2:18 PM  
To: Kerry Egan  
Cc: 'Lucas Middleton'  
Subject: RE: [EXTERNAL] 4 mile Draw Spill notice (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Ms. Egan

If you are excavating the soil, depending on how you do that you may not need a permit for that activity. However, if you plan on placing soil back in that will require a permit most definitely. I recommend contacting me about the possible permits and the application process. I am currently in training and will be only available by email until the first week of December.

Justin

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

From: Kerry Egan [mailto:KEgan@yatespetroleum.com]  
Sent: Monday, November 17, 2014 1:32 PM  
To: Riggs, Justin SPA  
Cc: 'Lucas Middleton'  
Subject: RE: [EXTERNAL] 4 mile Draw Spill notice (UNCLASSIFIED)

Mr. Riggs,

At this point Agave Energy will be handling the cleanup. We will most likely excavate and remove contaminated soil and replace it with clean soil. We will look at remediating in place but that will depend on the sampling results, which we anticipate having back by the end of the week. Agave has contacted Souder, Miller and Associates to assist in acquiring any necessary permits, on our behalf, from the Corps of Engineers and any other applicable agencies.

Assuming that we will be excavating and replacing the contaminated soil, what are our permitting requirements?

Thanks,  
Kerry Egan  
Engineering Tech  
Agave Energy Company  
KEgan@yatespetroleum.com  
Cell: (575) 513-8988  
Office: (575) 748-4469

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

From: Riggs, Justin SPA [mailto:Justin.C.Riggs@usace.army.mil]  
Sent: Monday, November 17, 2014 1:23 PM  
To: Lucas Middleton  
Cc: Kerry Egan  
Subject: RE: [EXTERNAL] 4 mile Draw Spill notice (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Mr. Middleton

Thank you for the email but the only time I become a player in regards to this is when you decide to clean it up. Depending on how you plan to deal with the spill, you may or may not need a permit. Do you have an idea how you want to clean up this spill?

Justin Riggs  
575-652-3708

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

From: Lucas Middleton [mailto:lucas.middleton@soudermiller.com]  
Sent: Monday, November 17, 2014 10:40 AM  
To: Riggs, Justin SPA  
Cc: kegan@yatespetroleum.com  
Subject: [EXTERNAL] 4 mile Draw Spill notice

Justin Riggs,

I am Lucas Middleton from Souder Miller & Associates on behalf of Agave Energy Company. I am reporting a discovery of a historic spill.

The spill was discovered on 11/14/14 on a right-of-way for a natural gas pipeline that has been decommissioned.

The historical spill is located is next to 4- Mile Draw (See Figure 1).

The location of the area is T19S R24E Section 12.

The draw connects downstream to Lake McMillian (Figure2) which is a nexus for the water of the US.

Lucas Middleton

Souder Miller & Associates

575-499-9244

Lucas.middleton@soudermiller.com

sma

Classification: UNCLASSIFIED

Caveats: NONE

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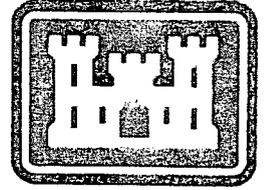
Classification: UNCLASSIFIED

Caveats: NONE

**Justin C. Riggs**  
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Southern NM and West TX

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Engineers, Albuquerque  
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