

## Oberding, Tomas, EMNRD

---

**From:** Oberding, Tomas, EMNRD  
**Sent:** Wednesday, April 06, 2016 3:09 PM  
**To:** 'Patrick'  
**Cc:** coombescattleco@aol.com; Michael Wilson (mwilson@aspen-oil.com)  
**Subject:** RE: Garth Coombes/ Aspen Gainer #1 CAP 1RP2903  
**Attachments:** IMG\_5691.JPG; IMG\_5693.JPG; IMG\_5695.JPG

Aloha Mr. Wilson, Mr. McMahon et al,

Thank you for your time and patience in this regard.

Based upon the field visit, review of the images provided, and significant age of the corrective action plan, the OCD herewith suspends the approval of the 2014 pending further delineation and review of the new data.

The images provided and those attached are not indicative of fresh rain water.  
A meeting to discuss a plan forward on the remediation of this site is requested.

Please contact me to arrange discussions regarding this site.

Mahalo

-Dr. Oberding

Tomáš 'Doc' Oberding PhD  
Hydrologist, Adv-District 1  
Oil Conservation Division, EMNRD  
(505) 476-3403  
E-Mail: [tomas.oberding@state.nm.us](mailto:tomas.oberding@state.nm.us)

一期一会

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.

---

**From:** Patrick [mailto:hsncpbm@leaco.net]  
**Sent:** Wednesday, March 23, 2016 10:25 AM  
**To:** Oberding, Tomas, EMNRD <Tomas.Oberding@state.nm.us>  
**Cc:** coombescattleco@aol.com  
**Subject:** Garth Coombes/ Aspen Gainer #1 CAP 1RP2903

Dear Tomas:

Thank you for taking the time to meet with me and Mr. Garth Coombes on March 16, 2016 regarding the above referenced site. As we discussed, my client is concerned that the corrective action plan for this site does not adequately address issues regarding leaks and spills at the battery associated with this location.

As you observed, the soils inside the battery exhibit gross staining from hydrocarbons. My client is concerned that the battery presents a significant threat to the health and welfare of the public and the environment including groundwater at this site. The leak that you saw on the 16<sup>th</sup> is one of several that Mr. Coombes has observed.

In fact, on October 13, 2015 I sent an email to Mr. Mike Wilson of Aspen Operating with photographs of this battery. The photos showed standing hydrocarbon inside the berm area. I expressed Mr. Coombes' concerns that the tank battery posed an ongoing significant risk due to the continuing leaks. Mr. Wilson wrote back that the standing liquid was not hydrocarbon but was in fact clear rain water. Attached for your review is my email/photos of October 13, 2015 to Mr. Wilson and his response.

Also attached for your review is a December 2, 2015 email that I sent to counsel for Aspen Operating, Mr. James Nutall. In this email I emphasized Mr. Coombes' concerns regarding the CAP and the battery site. As of this date I have not heard from Mr. Nutall.

Through this letter I am requesting the following: First I am asking that the approval for the CAP for this site be revoked. Second, that NMOCD meet with Mr. Coombes and Aspen Operating to formulate a proper assessment of this site and appropriate CAP. Lastly, I am requesting that NMOCD address with Mr. Wilson his October 21, 2015 remark regarding the clear rain water.

I look forward to hearing from you.

Patrick B. McMahon  
Heidel, Samberson, Cox & McMahon  
311 North First  
P.O. Drawer 1599  
Lovington, New Mexico 88260