

From: [wayne price](#)
To: [Bratcher, Mike, EMNRD](#)
Cc: [Billings, Bradford, EMNRD](#); waprice23@hotmail.com; [Bobby Sisson](#); [Larry Gandy](#); [Patterson, Heather, EMNRD](#)
Subject: Re: BKE-Progress Report
Date: Thursday, July 16, 2015 4:07:03 PM

Dear Mike,

Our plans are still basically the same as described, as most importantly we are not asking for closure at this time, just acknowledgment that we are working to remove the majority of contamination. Once we have removed contamination, we will perform the delineation as more or less described and compare to background as you recommended.

Once we collect that data, it is imperative that we fill in this 4-5 foot excavated area with the new liner and get it compacted. So we will proceed at risk on this part of the project, understanding additional investigation may be in order for this particular spill. We should be performing the compaction test probably next Tuesday before we backfill.

Depending upon what we find will most likely determine our path forward with OCD.

Thanks and have a safe trip.

Wayne Price-Price LLC

On Jul 16, 2015, at 3:43 PM, Bratcher, Mike, EMNRD wrote:

Wayne,

It has been a busy day, so sorry for not getting back with you sooner. OCD is going to require the vertical and horizontal delineation as was previously discussed and I thought agreed to. The following is an excerpt from your 7/9/15 Plan of Action:

Starting on this coming Tuesday July 14, 2015, Key Energy is planning on removing the bulk of the contamination in the spill footprint area which will consist of removing approximately 350 yards of contaminated material down to a clay layer found at about 4-5 ft deep. Once that material has been removed, the vertical extent will be continued to determine if contaminants breached the natural clay barrier. Our protocol will be to collect samples every 2-3 ft using a field chloride test kit and compare the results with the background samples. Vertical extent will stop, when or if we reach the numerical background samples values, or the extent of the backhoe is reached, or if we encounter water. Bottom hole samples (either soil or water) will be collected and analyzed for BTEX, TPH and Chlorides for lab submittal

OCD has reason to believe that contamination at this site extends laterally, well beyond the bounds of the former tank battery area and/or the area defined as having been impacted by the release discovered on 11/10/14 as noted on the initial C-141. Vertical extent is unknown, as is any potential ground water impact. While I do understand your speculation concerning ground water at the site, OCD cannot close a remediation project without data to back it up, including potentially, performing a ground water investigation.

I will be out of the office, after 5:00 PM today, until Tuesday morning at 6:30 AM. I already have plans to be in the Carlsbad area Tuesday morning, so will tentatively plan on being at the Key site around 10:00 AM.

Mike Bratcher
NMOCD District 2
811 S. First Street
Artesia, NM 88210
O: 575-748-1283 X108
C: 575-626-0857
F: 575-748-9720

From: wayne price [<mailto:wayneprice77@earthlink.net>]
Sent: Thursday, July 16, 2015 10:51 AM
To: Bratcher, Mike, EMNRD
Cc: Billings, Bradford, EMNRD; waprice23@hotmail.com; Bobby Sisson; Larry Gandy
Subject: Re: BKE-Progress Report

Good Morning Mike,

I would like for you to re-consider your request for the following reasons:

1. The action plan now is we are utilizing a window of opportunity to utilize all of the Gandy-Marley Long-haul belly dumps and their operators, as we choose to haul to the best lined and permitted landfill. We could have gone to CRI but as a company we do not feel this is the best choice when it comes to the environment, even though it is presently permitted. We are receiving a special cost in doing this. Any stoppage or interruption would default our deal with them.
2. We are addressing albeit, more or less, of the the original spill footprint. This concept allows Key to go forward in completing the newly re-built station and provides both Key, OCD the best opportunity to prevent further contamination of the site. The vertical migration is the preferential pathway, not with standing that some of the contaminants may have leached horizontally into the berm. We had already decided to take out the berm for this reason.
3. Currently, we have found an existing natural clay layer below the site, which may have prevented a majority of contamination to remain on top. We have decided not to penetrate this barrier, other than to scrape as much contamination off as possible on the top side of it. Once we do that, then we will take a five point bottom hole sample and run a field test for chlorides and we will collect a sample for the lab for BTEX, TPH & Chlorides.

4. Then we were going to complete our vertical extent as previously described, Try and find a bottom that matches the background sample taken earlier. If we do find a clean or background bottom, we will stop and collect a Lab Sample for BTEX, TPH and Chlorides. If we do not find a clean bottom, then it is imperative that we be allowed to go ahead and install the liner to stop or impede any further migration especially due to the amount of rain we are getting and forthcoming.

5. Then we plan on placing a 6-8" red bed liner, Red bed is already on site, water, compact and run a Proctor Density test to be conducted by Pettigrew, probably Monday or Tuesday. We will then backfill with Caliche so we can utilize this part of the facility.

6. What we can do now, per your request, once we get dug out, we will take a side wall composite for verification for your records.

We respectfully request to continue the job without lab verification delays and would consider doing this at Risk as it provides both Key and OCD the best opportunity to stop contamination. Once Complete Key stands ready to investigate any further contamination that was caused by this incident.

Your immediate response and approval would be appreciated.

Wayne Price-Price

On Jul 16, 2015, at 6:47 AM, Bratcher, Mike, EMNRD wrote:

Wayne,

OCD will need to evaluate the vertical and horizontal delineation results prior to installation of any liner.

Thank you,

Mike Bratcher
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From: wayne price [<mailto:wayneprice77@earthlink.net>]
Sent: Wednesday, July 15, 2015 10:38 PM
To: Bratcher, Mike, EMNRD
Cc: Billings, Bradford, EMNRD
Subject: Fwd: BKE-Progress Report

FYI

Begin forwarded message:

From: wayne price <wayneprice77@earthlink.net>
Date: July 15, 2015 10:36:39 PM MDT
To: Bobby Sisson <bsisson@keyenergy.com>
Cc: Larry Gandy <lgandy@gandycorporation.com>, waprice23@hotmail.com
Subject: BKE-Progress Report

To Bobby Sessions-Key Area Manager-

Just got a field report and it appears there was a lot more contamination as first calculated, both horizontal/vertical. We have hauled off about 400 yards with another 300-400 yd estimated to be hauled. This includes cleaning up a lot of material around the site. Either Friday or Monday, we should be ready to run the compaction test on the red bed liner. It does appear the blue-grey existing clay layer did hold most of the contamination. We will verify that once we get it clean enough so we don't risk cross contamination.

Also, it does appear there was an old high pressure line that went directly under the site. Wayne Jr. shut the job down until we could verify the location by having a line/depth finder used to check it out. The first One Call ID was apparently not correct, so we have been extra cautious in this area.

Wayne Price-Price LLC