

## Bratcher, Mike, EMNRD

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**From:** Bratcher, Mike, EMNRD  
**Sent:** Thursday, January 8, 2009 10:06 AM  
**To:** 'Bob Asher'  
**Cc:** Jerry Fanning; Bonham, Sherry, EMNRD  
**Subject:** RE: Mitchell IN SWD #2  
**Attachments:** DSC00993.JPG; DSC01010.JPG; IMG\_0246.JPG; IMG\_0255.JPG; DSC01270.JPG; DSC01273.JPG

Dear Mr. Asher,

The NMOCD has several concerns with closing this site. The first being that samples obtained from this site on 10/20/08 labeled GS/Comp-004 and GS/Comp-005 were "confirmation" samples, but were not tested by a NMCOD approved lab. NMCOD will not accept analytical data for closure that has not been obtained from an approved lab. Also, the photos obtained from this site (attached) indicate that released fluids were allowed to remain in the release area for some period of time, and at present, it does not appear that any contaminated material was removed from this site. Photos 0993 and 1010 were taken on September 19, 2008 (16 days after discovery of the release). Photos 0246 and 0255 were taken October 28, 2008, and, photos 1270 and 1273 were taken November 20, 2008. Based on the visual evidence as exhibited in the photos, the lack of laboratory confirmed analytical data, and elevated chloride levels as determined in the 10/6/08 sampling event, this closure request, as presented, has been denied.

Sincerely,

Mike Bratcher  
NMOCD District 2  
(575)748-1283 Ext.108

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**From:** Bob Asher [mailto:BobA@yatespetroleum.com]  
**Sent:** Wednesday, January 07, 2009 9:06 AM  
**To:** Bratcher, Mike, EMNRD  
**Cc:** Jerry Fanning  
**Subject:** Mitchell IN SWD #2

Mike,

A Final Report C-141 was submitted for the Mitchell IN SWD #2/30-015-22242, to your office on October 20, 2008, I saw on OCD Online that the C-141 was "Denied". Can you find out for me why it was denied and what is needed to do to reverse the "Denied" status.

Thank you.

**Robert Asher**  
**Yates Petroleum Corporation**  
**boba@yatespetroleum.com**  
**575-748-4217 (Office)**  
**575-365-4021 (Cell)**  
**575-748-4662 (Fax)**

And Joshua said unto the people,  
Sanctify yourselves: for to morrow the  
LORD will do wonders among you. Joshua 3:5

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