

**From:** [Pruett, Maria, EMNRD](#)  
**To:** ["Joel Lowry"; Bratcher, Mike, EMNRD](#)  
**Cc:** [cwilhoit@legacylp.com](mailto:cwilhoit@legacylp.com)  
**Subject:** Conditional Approval RE: 2RP-4917 - Andrew Arnquist Estate Battery - Site Assessment Report and Deferral Request  
**Date:** Thursday, November 29, 2018 4:01:00 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)

---

Hello Mr. Lowry,

OCD has received the C-141 Remediation Plan, thank you! This plan is conditionally approved with the following:

Conditions of approval:

1. Remediation of area under destroyed/moved tanks before new or repaired liner is installed. (Excavation minimum 2'.)
2. Sample collection approved.
3. GPS stamped photos of liner and site required for closure.

Deferral approved for tanks that are not going to be moved.

Please let me know if you have any questions.

Best Regards,

*Maria Pruett*

Environmental Specialist  
N.M. Oil Conservation Division  
District 2  
811 S. 1<sup>st</sup> Street  
Artesia, NM 88210  
Desk: 575 748-1283 X 101  
Cell: 575 840-5963  
Fax: 575748-9720

*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:** Joel Lowry <[joel@lowryenvironmental.com](mailto:joel@lowryenvironmental.com)>  
**Sent:** Wednesday, November 14, 2018 7:40 AM  
**To:** Pruett, Maria, EMNRD <[Maria.Pruett@state.nm.us](mailto:Maria.Pruett@state.nm.us)>; Bratcher, Mike, EMNRD <[mike.bratcher@state.nm.us](mailto:mike.bratcher@state.nm.us)>

**Cc:** cwilhoit@legacyp.com

**Subject:** [EXT] FW: 2RP-4917 - Andrew Arnquist Estate Battery - Site Assessment Report and Deferral Request

Ms. Pruett,

I received your message and I apologize for having missed your call. In this instance, it was our intention to go ahead and defer the approximate 2 ft. of impacted soil directly beneath the affected liner until the tank battery is relocated or at time of abandonment (TOA), so that we might get the facility back into operation in a more timely matter. Based on the location of the soil impacts (within the tank battery margins), the shallow depth of impacts (<2 ft. bgs), the relatively small volume of soil inferred to be impacted above the Closure Criteria (<150 cy), and the depth to groundwater (>100 ft.), I thought that this Site might be a good candidate for a deferral. We were hoping to avoid the need to deconstruct the existing Tank Battery infrastructure and infringe on the steel tanks to the east. Once the liner is repaired, threats to human health, the environment and/or groundwater, if any, will be further minimized. I would anticipate a thorough environmental investigation will be conducted once the tank battery is decommissioned regardless of our current actions. This deferral request will document and provide record of soil impacts requiring future remediation.

If you have any questions or need any additional information, please feel free to contact me by phone or email. Thanks Maria!

Respectfully,

**Joel Lowry**

Environmental Professional



PO Box 896  
Lovington, NM 88260  
Direct 432-466-4450

*The content of this email may be confidential and/or privileged. If you are not the intended recipient, or an authorized representative of the intended recipient, please notify Lowry Environmental and delete this email from your system at your earliest convenience. Dissemination or copying of this email, its content or its attachments is prohibited.*

---

**From:** Joel Lowry

**Sent:** Tuesday, November 13, 2018 10:47 AM

**To:** [maria.pruett@state.nm.us](mailto:maria.pruett@state.nm.us); [mike.bratcher@state.nm.us](mailto:mike.bratcher@state.nm.us)

**Cc:** [cwilhoit@legacyp.com](mailto:cwilhoit@legacyp.com)

**Subject:** 2RP-4917 - Andrew Arnquist Estate Battery - Site Assessment Report and Deferral Request

Ms. Pruett and Mr. Bratcher,

Please find attached the *Site Assessment Report and Deferral Request* that has been prepared for Legacy's Andrew Arnquist Estate Battery Release Site. The Release Site is located in Unit Letter "F", Section 29, Township 18 South, Range 26 East on private land. If you have any questions or need any additional information, please feel free to contact me by phone or email. Thanks!

Respectfully,

**Joel Lowry**

Environmental Professional



PO Box 896  
Lovington, NM 88260  
Direct 432-466-4450

*The content of this email may be confidential and/or privileged. If you are not the intended recipient, or an authorized representative of the intended recipient, please notify Lowry Environmental and delete this email from your system at your earliest convenience. Dissemination or copying of this email, its content or its attachments is prohibited.*