

**From:** Tucker, Shelly  
**To:** [Heather Patterson](mailto:Heather.Patterson@keyenergy.com); [Austin Weyant](mailto:Austin.Weyant@keyenergy.com); [rgraham01@keyenergy.com](mailto:rgraham01@keyenergy.com); [kellis@keyenergy.com](mailto:kellis@keyenergy.com); [jgutierrez03@keyenergy.com](mailto:jgutierrez03@keyenergy.com)  
**Cc:** [Yu, Olivia, EMNRD](mailto:Yu.Olivia@keyenergy.com); [Yolanda Jordan](mailto:Yolanda.Jordan@keyenergy.com)  
**Subject:** Failure to comply with Federal Regulations  
**Date:** Tuesday, March 20, 2018 12:48:13 PM  
**Attachments:** image.png

Key Energy & SMA,

NMOCD has copied the BLM on two releases which occurred on 01.15.2017 & 02.01.2017 on federal surface at the Athea SWD.

BLM never received official notification from Key Energy in regards to these releases. The only communication BLM received, was from SMA requesting emergency archaeology clearance for the release which occurred in January.

*Hello,*

*I am asking on behalf of Key Energy to get a emergency Arc clearance for a dig. They had a release and are needing to excavate and repair. We will be doing onsite delineation of the release tomorrow if possible.*

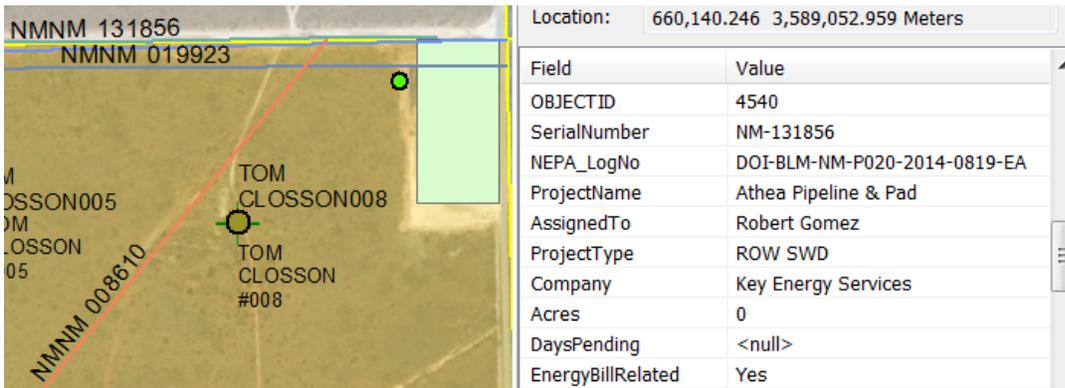
*Approximate location  
Athea SWD  
S6, T22S R36E  
32.428058 -103.297332*

*Lucas Middleton  
Staff Scientist  
(575) 689-5351 (mobile)*

BLM granted clearance based on the statement it was an emergency, but this does not constitute as a notification. This facility is located on BLM surface as part of a federal ROW. Yolanda Jimenez in the ROW dept should have been contacted immediately after the initial request for archaeology clearance for further guidance. Her contact information is 575.234.5916 or [yjordan@blm.gov](mailto:yjordan@blm.gov).

Per federal regulations, any release or remedial action which involves a federal ROW, federal lease, federal surface or federal minerals is reportable to the BLM. All releases which involve a ROW is reported to Yolanda in our Realty dept and all releases which involve a lease are reported to me in Environmental Protection dept.

It is not the NMOCD's responsibility to keep the BLM in the loop, it is the Operator's responsibility.



The screenshot shows a GIS application interface. On the left is a map with several labels: 'NMNM 131856', 'NMNM 019923', 'CLOSSON005', 'CLOSSON 05', 'NMNM 008610', 'TOM CLOSSON008', and 'TOM CLOSSON #008'. A green dot is marked on the map. On the right is a data table with the following fields and values:

Field	Value
OBJECTID	4540
SerialNumber	NM-131856
NEPA_LogNo	DOI-BLM-NM-P020-2014-0819-EA
ProjectName	Athea Pipeline & Pad
AssignedTo	Robert Gomez
ProjectType	ROW SWD
Company	Key Energy Services
Acres	0
DaysPending	<null>
EnergyBillRelated	Yes

I have rejected the closure report based on the fact the jurisdiction over this release falls within the ROW dept and this release, including any remedial proposals, were not submitted to Yolanda at the BLM for authorization.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

*Shelly J Tucker*

Environmental Protection Specialist  
O&G Spill/Release Coordinator

Bureau of Land Management  
620 E. Greene St  
Carlsbad, NM 88220

575.234.5905 - Direct  
575.361.0084 - Cellular  
575.234.6235 - Emergency Spill Number

[stucker@blm.gov](mailto:stucker@blm.gov)

The **BLM acceptance/approval does not** relieve the operator of liability should their operations have failed to adequately investigate and remediate contamination that may pose a threat to groundwater, surface water, human health or the environment or if the location fails to reclaim properly. In such an event that the location does not revegetate, or future issues with contaminants are encountered, the operator will be asked to address the issues until the contaminant issues are fully mitigated and the location is successfully reclaimed. In addition, BLM approval does not relieve the operator of responsibility for compliance with any other federal, state or local laws/regulations.

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