

HOBBS OCD

DEC 22 2015

RECEIVED

December 15, 2015

Governor Susana Martinez, Governor State of New Mexico
490-Old Santa Fe Trail
State Capitol-room 400
Santa Fe, New Mexico 87501

This is submitted to thank you for your letter of December 8, 2015 expressing your concerns and cooperation concerning an environmental issue related to a spill of hazard/toxic liquids onto grounds in Lea County New Mexico. We do sincerely appreciate you efforts and response.

At your recommendation we will be in contact with the New Mexico Environment Department, Office of the Cabinet Secretary as well as again attempting to contact the New Mexico Oil Conservation Division-Compliance Division in Lea County; Office of the State Engineer of New Mexico and the United States Department of Environmental Protection, to obtain information as to how the incident is being monitored to meet New Mexico environmental standards.

As I stated in my letter of December 1, 2015, our primary concerns are not only the cleanup of the spill area, but the obvious potential contamination of groundwater in the area. It is of additional personal concerns, and should be of concerns of the New Mexico Environmental Department, as to the how the amount of hazard material and chemical contents of the fluids injected into the earth have potentially effected the geological structure of the grounds underlying the area.

Again my thanks for your reply and concerns, I am

Robert C. Hull, P.E.
4880-Ellis Street
Golden, Colorado 80403



State of New Mexico

Susana Martinez
Governor

December 9, 2015

Robert Hull
4880 Ellis Street
Golden, Colorado 80403-1761

Dear Robert:

Thank you for your recent correspondence regarding your concerns. I appreciate you bringing this to my attention.

Given the nature of your inquiry, I have forwarded your letter to the Environment Department, office of the Cabinet Secretary. This office can be reached at (505) 827-2855. I have also forwarded to the Office of the State Engineer. This office can be reached at (505) 827-6175.

I trust that you will be hearing from the Environment Department in the near future to help address your concerns. Thank you again for contacting me and allowing me the opportunity to be of service.

Sincerely,

A handwritten signature in black ink that reads "Martinez". The signature is stylized with a large, flowing "M" and a cursive "Martinez".

Susana Martinez
Governor

SM/gc

December 15, 2015

Secretary Ryan Flynn-Cabinet Secretary-Environment Department
Harold L. Runnels Building
1190-St. Francis Drive-suite N4050
Santa Fe, New Mexico 87505

Secretary Flynn;

Our family owns lands in Section 6, Township 14 South, Range 36 East, Lea County New Mexico wherein we have several irrigation and livestock/domestic water supply wells, thus our submittal of this document with attached copy of a letter from Governor Susana Martinez, expressing her interest in our concerns.

On October 4, 2015 a large hazard waste material storage and injection facility apparently owned and operated by DKD-swd of Tatum, New Mexico, being located in the NW4NW4 Sec. 4, Township 14 South, Range 36 East, NMPM in Lea County New Mexico, with said facility being storage of liquid hazard and toxic waste material prior to injection into underground formations underlying the area was destroyed by fire of unknown source. Certain above ground fiberglass storage tanks on site were destroyed allowing several thousand gallons of the hazard material to spill onto the ground around the facility. Apparently the original containment area was not designed to store the volume of fluids and a unlined berm was formed outside the original area by use of natural soil with the said temporary containment area not being lined thus contaminated fluids were allowed to percolate into the soil and potentially into the shallow groundwater. Our research to date cannot find where anyone reported the event to your office and several attempts to contact the New Mexico Oil Conservation Division-Compliance Office in Hobbs, New Mexico have been unanswered.

Our concerns are not only monitoring of the cleanup of the spill area, including soil testing as well as groundwater quality testing as to potential contamination of groundwater in the area. It is of additional concern as to the how the amount of toxic/hazard fluids as well as chemical contents of the fluids that have been injected into the earth over the past 20 years have affected the geological structure of the formations underlying the area.

We would very much appreciate your involvement in this matter and providing us with any available information as to how the State of New Mexico will monitor the cleanup of the site including soil tests as well as groundwater quality monitoring.

Thanking you in advance for your time and efforts, I am

Robert C. Hull
4880-Ellis Street
Golden, Colorado
cc-Governor Susana Martinez
Olson- Attorney at Law
New Mexico State Engineer

December 5, 2015

New Mexico Environmental Department
Harold Runnels Building-suite N4050
Santa Fe, New Mexico 87505

On October 4, 2015 a large hazard waste storage facility located in the NW4NW4 Section 5, Township 14S, Range 36E. Lea County, NM and reported to be owned and operated by DKD-swd of Tatum, New Mexico, was partially destroyed by fire, with several thousand gallons of liquid waste material of unknown chemical content dumped onto and into a surface dirt containment pond.

Apparently the containment area was not designed to hold the volume of waste material involved and a secondary containment was dug on private land outside the area involved wherein liquid from the original containment spilled into the temporary holding pond. The second dirt containment had no seal or liner. The original containment area may or may not have had a liner of some sort. Based on knowledge of the area involved it is very likely that some of the waste fluid percolated into the soil and possibly into the shallow groundwater underlying the site.

Our family owns adjacent lands and two domestic/livestock/irrigation water supply wells located within approximately 200 ft. of the waste fluid spill and are very concerned as to contamination to the groundwater and soil from percolation of the waste fluids. This document is submitted as a request for your agency to investigate the incident and advise as to cleanup requirements, soil and water sampling requirement and construction of lined contamination holding basin. We are also most interested in how the rules and regulation for this type of hazard waste storage facility, surface PVC piping of the waste fluids from the site to the injection well and metering of the total volume of fluids into the disposal well is monitored as well as future testing of the groundwater and soils around the site.

Thanking you for your time and consideration, I am

Robert C. Hull, P.E.
4880-Ellis Street
Golden, Colorado 80403

November 6, 2015

File report: Hazard/toxic fluid- Sec. 5- Report for file and future reference

This is written for file information –future reference concerning potential contamination to soil and groundwater in Sec. 5 and Sec. 6, Twp. 14 S., Rng. 36 E. NMPM Lea County New Mexico. The notes are from field observations by the writer and information provided by Paul Herrera (land use –cattle) and others and do not reflect all actual events time line that may or may not have occurred. The hazard waste disposal/storage facility is owned by record by DKD-swd-DKD,LLC. Of 816-W. Broadway, Tatum, New Mexico 88267.

On October 4, 2015 fire of unknown origin destroyed most of the hazard/toxic waste storage and pumping facility located in the NW4NW4 Sec. 5, Twp. 14S. Rng. 36E. NMPM, including apparently all pumping equipment , electrical controls and storage tanks with the exception of possibly older steel tanks. Apparently all fluids held within the fiberglass storage tanks, with storage volume unknown, was released within the original containment area around the site with percolation into the soil extent unknown as a containment area liner status is unavailable. Apparently the volume of hazard waste, and fire fighting water exceeded the containment area dam and a second temporary containment area was constructed outside the fenced area of the DKD facility by way of plowing up dirt/soil from areas around the said facility causing serious damage to the ground around the site all unauthorized by the land owner and land lease user. An unknown volume of hazard waste fluid was spilled into the temporary second containment area and allowed to percolate into the ground. Due to the fact that the fluid involved is considered toxic and contaminated the soil and grass used for livestock production the entire leased area within Sec. 5 was secured by Mr. Paul Herrera and inspected by the writer, to allow no access by livestock or personnel until safe soil/grazing grass conditions exist.

After several telephone conversations and receipt of photos of the DKD site fire and site from Paul Herrera: on November 3, 2015, the writer and Sammy arrived on site for personal observations of the site and to obtain water sampled of groundwater from nearby wells and observe the potential damage to soil and grounds around the DKD hazard waste site. It was observed that considerable damage to the soil had occurred outside the area of the DKD site apparently by use of earth moving equipment digging and dozing soil to construct a second fluid containment around the DKD hazard waste site. An unknown volume of fluid was spilled into the unlined second containment area outside the DKD site- with percolation into the soil unrestricted. It was observed and confirmed that large amounts of contaminated soil from the original site was being removed and hauled to an unknown hazard waste disposal site. It was also noted that apparently remains of the pumping equipment, discharge piping into the above ground pipeline to an injection well, electrical controls etc. had been removed for disposal at unknown site. By use of industry standard water sampling devices and techniques, water samples were obtained from existing irrigation and livestock/domestic water supply well located approximately 200 ft. west of the DKD site with water from the sampling to be analyzed by a lab in the Denver area. Photos were taken of the DKD site, water sampling and general area involved with specific note of the damage to the soil outside the original containment site and DKD facility. Existing static fluid levels were measured by electronic devices. A detail inspection was made of the fencing and secure gate to make sure no livestock or personnel could obtain access into Sec. 5 wherein grazing of grass outside the DKD site could cause health damage to any livestock or personnel. There was not opportunity to inspect the above ground pipeline extending from the DKD site to the injection well.

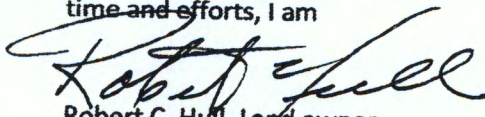
October 19, 2015

United States Department of Environmental Protection
1445-Ross Ave
Fountain Place -12th floor
Dallas, Texas 75202-2733

On October 4, 2015 a large hazard waste material storage facility, apparently owned and operated by DKD-swd of Tatum, New Mexico, being located in the SW4SW4, Section 5, Township 14South, Range 36East, NMPM in Lea County New Mexico, with said facility being for storage of liquid hazard and toxic waste material prior to injection into underground formations, was destroyed by a fire. Certain of the above ground storage tanks on site were completely destroyed allowing several thousand gallons of the hazard material to spilled onto the ground around the storage facility. From on site description of the event the containment area around the facility did not contain all the toxic material and a separate temporary containment was constructed by use of soil from private lands, leased by the writer, outside of the original containment area thus toxic material was spilled onto and leached into lands underlying the said area. Our research to date cannot find where anyone reported the event for analysis by your agency nor have we received any reply from the owners as to response for analysis of soils and contamination of shallow groundwater.

Our family owns adjacent lands and two domestic/livestock water supply wells located within approximately 200 ft. of the hazard fluid spill and are very concerned as to contamination to the groundwater as well as contamination of the soil. Thus our request for your agency to investigate the incident and advise what efforts are being made by the hazard waste site owner to clean up the area as well as monitor the contamination to the soil and potential contamination to the valuable ground water supply.

WE also request your acknowledgement to receipt of this document. Thanking you in advance for your time and efforts, I am



Robert C. Hull. Land owner-
4880-Ellis Street
Golden, Colorado 80403
Email-rhull80403@aol.com
Cc; Olsen- Attorney at Law
Paul Herrera-Tatum. NM
Key-Yuba City, California

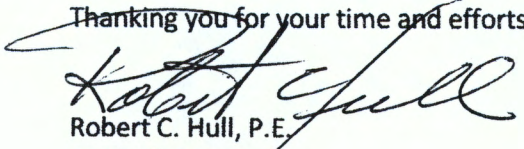
December 1, 2015

New Mexico Oil Conservation Division
Compliance Division
1625-North French Drive
Hobbs, New Mexico 88240

Reference: Liquid waste spill
NW4NW4 Sec. 5, Twp.14S, Rng. 36E-Lea County

Attached please find copies of previously submitted request for information as to how your office of the New Mexico Oil Conservation Division is monitoring the ongoing cleanup and future monitoring for potential damage to the shallow groundwater underlying the hazard waste storage site, with location noted above owned by DKD-swd, with the incident of Oct.4, 2015 noted several thousand gallons of liquid hazard waste being spilled on the ground with potential percolation into the ground and shallow groundwater. Please note our concern for contamination to the groundwater that is the source for domestic and livestock water from existing wells located within 300 ft. of the spill area. Thus our request for acknowledgement of the previous submitted letters and file notes.

Thanking you for your time and efforts, I am



Robert C. Hull, P.E.

4880-Ellis Street

Golden, Colorado 80403

cc-Olson-Attorney at Law

United States Environmental Protection Agency
New Mexico Governor Office