

**From:** Patterson, Heather, EMNRD  
**To:** ["Bob Asher"](#)  
**Cc:** [Bratcher, Mike, EMNRD](#); [Katie Parker](#); [Griswold, Jim, EMNRD](#)  
**Subject:** RE: Work Plan (State CO SWD System)  
**Date:** Thursday, October 30, 2014 7:47:00 AM

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Bob,

The OCD does not consider this site to be delineated as it stands, nor does the OCD consider caliche to be a barrier for chlorides. The alternative to a 6' excavation would be a 4' excavation with liner.

The use of the pit rule is not applicable in cases of unplanned release events.

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.

If you have any questions or concerns, and for notification, please contact me.

Heather Patterson  
Environmental Specialist  
NMOCD District II  
(575)748-1283 ext.101

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**From:** Bob Asher [mailto:[BobA@yatespetroleum.com](mailto:BobA@yatespetroleum.com)]  
**Sent:** Tuesday, October 28, 2014 2:24 PM  
**To:** Patterson, Heather, EMNRD  
**Cc:** Bratcher, Mike, EMNRD; Katie Parker  
**Subject:** RE: Work Plan (State CO SWD System)

Heather,

Based on the delineation sampling the areas defined in green and orange show significant and continued decrease in chloride levels and though it does not show a cleanup level, it is trending towards lower chloride levels. With no chloride standards in the guidelines, Yates feels that we have shown evidence of chloride clean up with these results.

Yates is confident that excavating impacted soils to a depth of four (4) feet and backfill with 2 feet of compacted caliche and a 2 foot cap of top soil as we have in past projects in this area to create a barrier to halt any migration of chlorides remaining in the soils below four feet and reestablish vegetation.

Also with the current pit rules that allows chlorides left in-place for burial trenches at 80,000 mg/kg where depth to ground water is greater than 100', Yates feels that the work plan is remediating contamination (surface to a depth of four feet) and the chlorides below a depth of four feet do not pose a threat to ground water, surface water, human health or the

environment.

Thank you.

**Robert Asher**  
**Yates Petroleum Corporation**  
**NM Environmental Regulatory Supervisor**  
575-748-4217 (O)  
[boba@yatespetroleum.com](mailto:boba@yatespetroleum.com)

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**From:** Patterson, Heather, EMNRD [<mailto:Heather.Patterson@state.nm.us>]  
**Sent:** Tuesday, October 28, 2014 9:07 AM  
**To:** Bob Asher  
**Cc:** Bratcher, Mike, EMNRD; Katie Parker  
**Subject:** RE: Work Plan (State CO SWD System)

Thanks, that what we thought.

Your work plan is approved with the following exceptions:

- The OCD would like to see further delineation in the green and orange areas to show where they clean up;
- All three areas should be excavated to 6';
- Backfill with 4' of compacted caliche and 2' of clean top soil.

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.

If you have any questions or concerns, and for notification, please contact me.

Heather Patterson  
Environmental Specialist  
NMOCD District II  
(575)748-1283 ext.101

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**From:** Bob Asher [<mailto:BobA@yatespetroleum.com>]  
**Sent:** Tuesday, October 28, 2014 8:55 AM  
**To:** Patterson, Heather, EMNRD  
**Cc:** Bratcher, Mike, EMNRD; Katie Parker  
**Subject:** RE: Work Plan (State CO SWD System)

Wilbanks Land and Cattle.

Thank you.

**Robert Asher**  
**Yates Petroleum Corporation**  
**NM Environmental Regulatory Supervisor**  
575-748-4217 (O)  
[boba@yatespetroleum.com](mailto:boba@yatespetroleum.com)

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**From:** Patterson, Heather, EMNRD [<mailto:Heather.Patterson@state.nm.us>]  
**Sent:** Tuesday, October 28, 2014 8:53 AM  
**To:** Bob Asher  
**Cc:** Bratcher, Mike, EMNRD; Katie Parker  
**Subject:** RE: Work Plan (State CO SWD System)

Bob,

Who is the surface owner at this release site?

Heather Patterson  
Environmental Specialist  
NMOCD District II  
(575)748-1283 ext.101

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**From:** Bob Asher [<mailto:BobA@yatespetroleum.com>]  
**Sent:** Monday, October 27, 2014 11:48 AM  
**To:** Patterson, Heather, EMNRD  
**Cc:** Bratcher, Mike, EMNRD; Katie Parker  
**Subject:** RE: Work Plan (State CO SWD System)

Heather,

Based on enclosed results of chloride delineation, upon NMOCD approval, Yates will conduct remedial action per the Work Plan, Scope of Work (September 22, 2014), with four (4) feet of impacted soils being excavated and taken to an NMOCD approved facility, then backfill with two (2) feet of compacted caliche as a barrier to prevent vertical movement of chlorides then two (2) feet of like topsoil as a vegetation cover.

Thank you.

**Robert Asher**  
**Yates Petroleum Corporation**  
**NM Environmental Regulatory Supervisor**  
575-748-4217 (O)  
[boba@yatespetroleum.com](mailto:boba@yatespetroleum.com)

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**From:** Patterson, Heather, EMNRD [<mailto:Heather.Patterson@state.nm.us>]  
**Sent:** Thursday, October 02, 2014 8:40 AM  
**To:** Bob Asher  
**Cc:** Bratcher, Mike, EMNRD  
**Subject:** RE: Work Plan (State CO SWD System)

Mr. Asher,

The OCD needs to review the full delineation of chlorides before a final remedy can be approved for this site.

Heather Patterson  
Environmental Specialist  
NMOCD District II  
(575)748-1283 ext.101

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**From:** Bob Asher [<mailto:BobA@yatespetroleum.com>]  
**Sent:** Monday, September 22, 2014 5:00 PM  
**To:** Bratcher, Mike, EMNRD  
**Cc:** Patterson, Heather, EMNRD  
**Subject:** Work Plan (State CO SWD System)

Mike,

I will contact you for any questions concerning the scope of work within the attached work plan.

Thank you.

**Robert Asher**  
**NM Environmental Regulatory Supervisor**  
**Yates Petroleum Corporation**  
105 S. 4<sup>th</sup> Street  
Artesia, NM 88210  
575-748-4217 (Office)  
575-365-4021 (Cell)

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