

**From:** [Bratcher, Mike, EMNRD](#)  
**To:** "Jennifer Knowlton"  
**Cc:** [Janney, Carolyn](#); [Charles Lock](#); [Lupe Carrasco](#); [Pruett, Maria, EMNRD](#)  
**Subject:** RE: Kaiser Francis Williams Fee 2RP-4806  
**Date:** Thursday, September 13, 2018 11:50:00 AM

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RE: 2RP-4806

Jennifer,

In consideration of the circumstances of this release, this modification request is approved. Once the release has been remediated per NMOCD rules/guidelines, and appropriate documentation filed, the site will be approved for closure and the landowner may backfill as he deems appropriate for his future use of the property. It is OCD's understanding that this agreement has been made between Kaiser Francis Oil Company (KFOC) and Mr. Tiller (surface owner).

If there are any questions or concerns, please contact me.

Thank you,

Mike Bratcher  
NMOCD District 2  
811 South First Street  
Artesia, NM 88210  
575-748-1283 Ext 108

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.

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**From:** Jennifer Knowlton <jknowlton@hrlcomp.com>  
**Sent:** Wednesday, September 12, 2018 3:26 PM  
**To:** Bratcher, Mike, EMNRD <mike.bratcher@state.nm.us>  
**Cc:** Janney, Carolyn <cjanney@fdlaw.com>; Charles Lock <CharlesL@kfoc.net>; Lupe Carrasco <lcarrasco@hrlcomp.com>  
**Subject:** Kaiser Francis Williams Fee 2RP-4806

Mike,

To follow up on our conversation earlier today, KOFC would like to modify the approved work plan slightly to allow the responsibility for backfilling and laser leveling to be on the landowner and not KOFC.

Any future claim that soil was not clean/OCD compliant (or that backfill / laser leveling not correct) would be brought against landowner and NOT KFOC. KFOC's obligation terminates upon excavation and proper disposal of contaminated soil (proof of proper excavation being HRL soil testing) and proof of proper disposal being receipts from OCD approved disposal facility.

If you agree, please respond. KOFC wishes to close this matter as quickly as possible.

If you have any questions, please do not hesitate to call me!

Thank you,

**Jennifer Knowlton, PE** | Regional Manager-Permian  
HRL Compliance Solutions, Inc.  
112 S. 6th Street | Artesia, NM 88210  
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