

**From:** [Yu, Olivia, EMNRD](#)  
**To:** [Aaron Pachlhofer](#); [Groves, Amber](#)  
**Cc:** [Billings, Bradford, EMNRD](#); [Crosby, Faith](#); [Martin, Ed](#)  
**Subject:** RE: Report and invoice for Quail State 16  
**Date:** Thursday, October 19, 2017 7:51:00 AM  
**Attachments:** image001.png  
image002.png  
image008.png  
image004.png  
image006.png

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Mr. Pachlhofer:

Several points of clarification regarding 1RP-4232 specifically and in general.

1. Yes; the dates indicated are correct. Ms. Lynch on September 27, 2016 requesting laboratory results from the Cabot release (1RP-4298) and for Quail (1RP-4232). There is no apparent communication on October 13, 2016. On October 13, 2017, you wrote an email indicating that 1000 mg/kg chlorides is the target remediation level. There is no evidence that NMOCD agreed to 1000 mg/kg chlorides for remediation in 2016 or 2017.
2. Without written response from NMOCD regarding summaries of verbal communication, the Responsible Operator is presuming approval.
3. Regardless of whether or not Jamie Keyes or Tomáš Oberding intended to respond or forgot due to workload, all unresolved 1RPs are the responsibility of the current NMOCD Environmental Specialist.
4. The Responsible Operator needs to have like approval from all relevant agencies. As this release occurred on State surface, all communications should have been sent to both NMOCD and NMSLO simultaneously. Like approval is required. Tracking and recordkeeping of releases would be more easily facilitated by responding to both parties, each 1RP separately addressed, and in the same email thread.

Olivia

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**From:** Aaron Pachlhofer [mailto:[aaronp@forl.com](mailto:aaronp@forl.com)]  
**Sent:** Wednesday, October 18, 2017 1:33 PM  
**To:** Yu, Olivia, EMNRD <[Olivia.Yu@state.nm.us](mailto:Olivia.Yu@state.nm.us)>; Groves, Amber <[agroves@slo.state.nm.us](mailto:agroves@slo.state.nm.us)>  
**Cc:** Billings, Bradford, EMNRD <[Bradford.Billings@state.nm.us](mailto:Bradford.Billings@state.nm.us)>; Crosby, Faith <[fcrosby@slo.state.nm.us](mailto:fcrosby@slo.state.nm.us)>; Martin, Ed <[emartin@slo.state.nm.us](mailto:emartin@slo.state.nm.us)>  
**Subject:** RE: Report and invoice for Quail State 16

Olivia, are your dates correct?

I show that not all of the dates of email communications listed below are for 1RP-4232. Specifically email communications on 9/27/16 and 10/13/16 are related to a different release.

Furthermore, your use of 'presumed' is incorrect. My email communications to both Jamie Keyes and Tomas Oberding were a summaries of phone conversations and agreements made over the phone. In the situation that either Keyes or Oberding were not in agreement, then they would have

responded to the email detailing with the correct information.

Please advise.



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Environmental Coordinator  
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Midland, TX 79707  
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---

**From:** Yu, Olivia, EMNRD [<mailto:Olivia.Yu@state.nm.us>]  
**Sent:** Tuesday, October 17, 2017 6:10 PM  
**To:** Aaron Pachlhofer <[aaronp@forl.com](mailto:aaronp@forl.com)>; Groves, Amber <[agroves@slo.state.nm.us](mailto:agroves@slo.state.nm.us)>  
**Cc:** Billings, Bradford, EMNRD <[Bradford.Billings@state.nm.us](mailto:Bradford.Billings@state.nm.us)>; Crosby, Faith <[fcrosby@slo.state.nm.us](mailto:fcrosby@slo.state.nm.us)>; Martin, Ed <[emartin@slo.state.nm.us](mailto:emartin@slo.state.nm.us)>  
**Subject:** RE: Report and invoice for Quail State 16

Mr. Pachlhofer:

Under NMAC 19.15.29.11, NMOCD requires the Responsible Person to “complete division-approved corrective action for releases” and “address releases in accordance with a remediation plan submitted to and approved by the division”. Therefore, NMOCD must have sufficient and adequate data for evaluation: 1) release has been characterized in the form of delineation and 2) the proposed remedial activities have been conducted. Both corrective actions (the processes of delineation and remediation) require NMOCD approval. To facilitate determination, NMOCD requires these items, at a minimum, in one aggregated report for each stage: photo documentation, scaled map with sample locations marked and impacted area outlined, and laboratory analyses of soil samples using NMOCD approved methods.

In addition to recent requests this past week, NMOCD and NMSLO have repeatedly requested these items on April 15 and 16, 2016; September 27, 2016; March 20, 2017; and March 24, 2017. However, communications from the Responsible Operator on April 15, 2016; May 16, 2016; April 6, 2017; May 16, 2017; and October 13, 2017 presumed approval for desired course of action. While NMOCD recognizes the Responsible Operator’s approach as a method to address releases in a timely manner, NMOCD retains the authority to determine whether the data and information provided are sufficient corrective actions.

Please be advised that if the Responsible Operator proceeds without clear and written approval for specified activity, the corrective action is conducted at risk. At this time, NMOCD would greatly appreciate if all written communications, laboratory results, and scaled maps be aggregated in chronological order for review. Written communication jointly sent to NMOCD and NMSLO would

contribute to effective resolution of 1RP-4232.

Thanks,

Olivia Yu  
Environmental Specialist  
NMOCD, District I  
[Olivia.yu@state.nm.us](mailto:Olivia.yu@state.nm.us)  
575-393-6161 x113

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:** Aaron Pachlhofer [<mailto:aaronp@forl.com>]  
**Sent:** Tuesday, October 17, 2017 3:45 PM  
**To:** Groves, Amber <[agroves@slo.state.nm.us](mailto:agroves@slo.state.nm.us)>; Yu, Olivia, EMNRD <[Olivia.Yu@state.nm.us](mailto:Olivia.Yu@state.nm.us)>  
**Cc:** Billings, Bradford, EMNRD <[Bradford.Billings@state.nm.us](mailto:Bradford.Billings@state.nm.us)>; Crosby, Faith <[fcrosby@slo.state.nm.us](mailto:fcrosby@slo.state.nm.us)>; Martin, Ed <[emartin@slo.state.nm.us](mailto:emartin@slo.state.nm.us)>  
**Subject:** RE: Report and invoice for Quail State 16

Yes, you sent me revegetation requirements. I have requested from our field personnel the seed mix that was used, and I will send that information to you once I have it. I had planned to revisit this area in the spring to see if vegetation has taken hold, and re-seed if it hasn't taken hold. Be advised that this area has a very, very shallow soil depth so getting vegetation to take hold might be difficult.



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---

**From:** Groves, Amber [<mailto:agroves@slo.state.nm.us>]  
**Sent:** Tuesday, October 17, 2017 4:30 PM  
**To:** Aaron Pachlhofer <[aaronp@forl.com](mailto:aaronp@forl.com)>; Yu, Olivia, EMNRD <[Olivia.Yu@state.nm.us](mailto:Olivia.Yu@state.nm.us)>

**Cc:** Billings, Bradford, EMNRD <[Bradford.Billings@state.nm.us](mailto:Bradford.Billings@state.nm.us)>; Crosby, Faith <[fcrosby@slo.state.nm.us](mailto:fcrosby@slo.state.nm.us)>; Martin, Ed <[emartin@slo.state.nm.us](mailto:emartin@slo.state.nm.us)>  
**Subject:** RE: Report and invoice for Quail State 16

Aaron,

I have the e-mail correspondence with Tomas on this location. As there was not a formal work plan submitted on this location, it was unknown what was done with the area in the pasture, as evidenced by my question. Also, please be advised that you will need to take photos of the area in the pasture and submit for closure of that area with SLO. I believe I sent you our revegetation requirements in a previous e-mail. As you have not remitted a revegetation plan, I will need to see the seed mixture that was used on this site. Please always submit a revegetation plan for any release in a pasture in the formal work plan that goes to NMOCD for approval.

Thank you,

**Amber Groves**

*Remediation Specialist*  
*Field Operations Division*  
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(575)263-3209 cell  
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2827 N. Dal Paso Suite 117  
Hobbs, NM 88240

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**From:** Aaron Pachlhofer [<mailto:aaronp@forl.com>]  
**Sent:** Tuesday, October 17, 2017 2:38 PM  
**To:** Groves, Amber <[agroves@slo.state.nm.us](mailto:agroves@slo.state.nm.us)>; Yu, Olivia, EMNRD <[Olivia.Yu@state.nm.us](mailto:Olivia.Yu@state.nm.us)>  
**Cc:** Billings, Bradford, EMNRD <[Bradford.Billings@state.nm.us](mailto:Bradford.Billings@state.nm.us)>; Crosby, Faith <[fcrosby@slo.state.nm.us](mailto:fcrosby@slo.state.nm.us)>; Martin, Ed <[emartin@slo.state.nm.us](mailto:emartin@slo.state.nm.us)>  
**Subject:** RE: Report and invoice for Quail State 16

Regarding Cabot:

I thought that I had responded to your information request that the area had been backfilled with new, clean fill and reseeded.

Again, this is a situation where a phone call would have gotten you immediate results....it would have been the response above.

Do you need my communication with Tomas Oberding again where he defers anything further until abandonment/retrofit?



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Environmental Coordinator  
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**From:** Groves, Amber [<mailto:agroves@slo.state.nm.us>]  
**Sent:** Tuesday, October 17, 2017 2:37 PM  
**To:** Aaron Pachlhofer <[aaronp@forl.com](mailto:aaronp@forl.com)>; Yu, Olivia, EMNRD <[Olivia.Yu@state.nm.us](mailto:Olivia.Yu@state.nm.us)>  
**Cc:** Billings, Bradford, EMNRD <[Bradford.Billings@state.nm.us](mailto:Bradford.Billings@state.nm.us)>; Crosby, Faith <[fcrosby@slo.state.nm.us](mailto:fcrosby@slo.state.nm.us)>; Martin, Ed <[emartin@slo.state.nm.us](mailto:emartin@slo.state.nm.us)>  
**Subject:** RE: Report and invoice for Quail State 16

Aaron,

Per my e-mail to you dated March 21, 2017 and another dated October 16, 2017, NMSLO does not approve of building berms with contaminated material. Also in the March 21, 2017 e-mail was my request to see NMOCD's approval of using this material for a berm. Below please find an excerpt from NMSLO's oil and gas rules relating to spills on state land:

**(4) Spills:**

- (a)** All new spills shall be treated and cleaned up immediately. All surface affected by such spills and leaks shall be reclaimed. Reclamation of the area involved shall be implemented in consultation with the state land office.
- (b)** All spills shall be reported in accordance with the regulations of the oil conservation division.

As you can see by the above, consultation with SLO is a requirement of your lease. Once again, Fasken does NOT nor has had permission to use the contaminated material for a berm on this location. Furthermore, this release has been open for more than a year and half with multiple e-mail requests being made by SLO personnel with no response. Update requests on this location were sent to you from SLO on 9/12/2017, 6/7/2017, and 5/16/2017 with no updates provided.

Please submit a work plan to NMOCD and NMSLO as soon as possible. I have copied Faith Crosby

and Ed Martin in our oil and gas division on this e-mail, as this will now need to go up the chain due to the non-responsive nature of all requests on this location. Also, please respond the multiple requests that I have made on the Cabot Q as well.

Thank you,

**Amber Groves**

*Remediation Specialist*

*Field Operations Division*

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**From:** Aaron Pachlhofer [<mailto:aaronp@forl.com>]

**Sent:** Tuesday, October 17, 2017 11:45 AM

**To:** Yu, Olivia, EMNRD <[Olivia.Yu@state.nm.us](mailto:Olivia.Yu@state.nm.us)>

**Cc:** Groves, Amber <[agroves@slo.state.nm.us](mailto:agroves@slo.state.nm.us)>; Billings, Bradford, EMNRD <[Bradford.Billings@state.nm.us](mailto:Bradford.Billings@state.nm.us)>

**Subject:** RE: Report and invoice for Quail State 16

Bases 600 mg/kg on what rule???

Furthermore, please note that this berm is on the well pad and will ultimately be reclaimed. It is not in the pasture area.



Aaron Pachlhofer, P.G.

Environmental Coordinator

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**From:** Yu, Olivia, EMNRD [<mailto:Olivia.Yu@state.nm.us>]  
**Sent:** Tuesday, October 17, 2017 12:41 PM  
**To:** Aaron Pachlhofer <[aaronp@forl.com](mailto:aaronp@forl.com)>  
**Cc:** [agroves@slo.state.nm.us](mailto:agroves@slo.state.nm.us); Billings, Bradford, EMNRD <[Bradford.Billings@state.nm.us](mailto:Bradford.Billings@state.nm.us)>  
**Subject:** RE: Report and invoice for Quail State 16

Mr. Pachlhofer:

NMOCD bases the chloride limit of 600 mg/kg allowed to remain in situ due to vegetation and concentration permissible for landfarms.

Olivia

---

**From:** Aaron Pachlhofer [<mailto:aaronp@forl.com>]  
**Sent:** Monday, October 16, 2017 2:55 PM  
**To:** Yu, Olivia, EMNRD <[Olivia.Yu@state.nm.us](mailto:Olivia.Yu@state.nm.us)>  
**Subject:** RE: Report and invoice for Quail State 16

Olivia, what is the justification for 600 mg/kg?



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---

**From:** Yu, Olivia, EMNRD [<mailto:Olivia.Yu@state.nm.us>]  
**Sent:** Friday, October 13, 2017 4:28 PM  
**To:** Aaron Pachlhofer <[aaronp@forl.com](mailto:aaronp@forl.com)>  
**Cc:** [agroves@slo.state.nm.us](mailto:agroves@slo.state.nm.us)  
**Subject:** RE: Report and invoice for Quail State 16

Mr. Pachlhofer:

Please clarify these points regarding 1RP-4232:

1. From the email dated May 16, 2017, no additional delineation was done or will be done based on whose decision and what data?
2. Laboratory results of soil samples from the berm is above the permissible chloride levels of

600 mg/kg. Soil used for the berms needs to be replaced with soil with  $\leq 600$  mg/kg chloride levels.

3. Please provide all previous written documentation from Dr. Oberding, Jamie Keyes, or a previous contact with NMOCD, indicating approval for delineation or remediation proposals.

Thanks,  
Olivia

---

**From:** Aaron Pachlhofer [<mailto:aaronp@forl.com>]  
**Sent:** Friday, October 13, 2017 2:08 PM  
**To:** Yu, Olivia, EMNRD <[Olivia.Yu@state.nm.us](mailto:Olivia.Yu@state.nm.us)>; Groves, Amber <[agroves@slo.state.nm.us](mailto:agroves@slo.state.nm.us)>  
**Subject:** RE: Report and invoice for Quail State 16

Please see attached for the two grab samples obtained from the bermed soil at the Quail battery.



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---

**From:** Yu, Olivia, EMNRD [<mailto:Olivia.Yu@state.nm.us>]  
**Sent:** Friday, October 13, 2017 2:44 PM  
**To:** Groves, Amber <[agroves@slo.state.nm.us](mailto:agroves@slo.state.nm.us)>; Aaron Pachlhofer <[aaronp@forl.com](mailto:aaronp@forl.com)>  
**Subject:** RE: Report and invoice for Quail State 16

Mr. Pachlhofer:

NMOCD requests a status update on 1RP-4232 as well.

Thanks,  
Olivia

---

**From:** Groves, Amber [<mailto:agroves@slo.state.nm.us>]  
**Sent:** Tuesday, September 12, 2017 4:23 PM  
**To:** Aaron Pachlhofer <[aaronp@forl.com](mailto:aaronp@forl.com)>  
**Cc:** Oberding, Tomas, EMNRD <[Tomas.Oberding@state.nm.us](mailto:Tomas.Oberding@state.nm.us)>; Yu, Olivia, EMNRD <[Olivia.Yu@state.nm.us](mailto:Olivia.Yu@state.nm.us)>  
**Subject:** RE: Report and invoice for Quail State 16

Aaron,

My records reflect that I have yet to receive any of the requested information with the Quail State 16 or the Cabot Q. When can this information be expected?

Thank you,

**Amber Groves**

*Remediation Specialist*

*Field Operations Division*

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---

**From:** Groves, Amber

**Sent:** Wednesday, June 07, 2017 7:08 AM

**To:** 'Aaron Pachlhofer' <[aaronp@forl.com](mailto:aaronp@forl.com)>

**Cc:** Oberding, Tomas, EMNRD <[Tomas.Oberding@state.nm.us](mailto:Tomas.Oberding@state.nm.us)>; 'Yu, Olivia, EMNRD' <[Olivia.Yu@state.nm.us](mailto:Olivia.Yu@state.nm.us)>

**Subject:** RE: Report and invoice for Quail State 16

Good Morning, Aaron,

I am still in need of the results of the grab samples that were requested on the Quail State 16.

Also, I reviewed the Cabot Q again and need some clarification. The C-141 states that 5,000 square feet of pasture was affected. I need to know what kind of work was done on that area and I will be needing a re-vegetation plan for it. I have attached our requirements for revegetation for convenience.

Thank you,

**Amber Groves**

*Remediation Specialist*

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**From:** Aaron Pachlhofer [<mailto:aaronp@forl.com>]  
**Sent:** Tuesday, May 16, 2017 9:52 AM  
**To:** Groves, Amber <[agroves@slo.state.nm.us](mailto:agroves@slo.state.nm.us)>  
**Subject:** RE: Report and invoice for Quail State 16

Correct. There was no further delineation completed.

I will forward the lab report from the two grab samples as soon as i get backnin front of my computer.

Happy Connecting. Sent from my Sprint Samsung Galaxy S® 5

----- Original message -----

**From:** "Groves, Amber" <[agroves@slo.state.nm.us](mailto:agroves@slo.state.nm.us)>  
**Date:** 5/16/17 10:36 AM (GMT-06:00)  
**To:** Aaron Pachlhofer <[aaronp@forl.com](mailto:aaronp@forl.com)>, "Oberding, Tomas, EMNRD" <[Tomas.Oberding@state.nm.us](mailto:Tomas.Oberding@state.nm.us)>  
**Cc:** "Yu, Olivia, EMNRD" <[Olivia.Yu@state.nm.us](mailto:Olivia.Yu@state.nm.us)>  
**Subject:** RE: Report and invoice for Quail State 16

Aaron,

I am hoping that I can get an update on the status of the two grab samples from the berm. Also, I just want to make sure, the further delineation, that was requested by Jaime Keys will not be

completed?

Thank you,



**Amber Groves**

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---

**From:** Aaron Pachlhofer [<mailto:aaronp@forl.com>]  
**Sent:** Thursday, April 06, 2017 3:11 PM  
**To:** Groves, Amber <[agroves@slo.state.nm.us](mailto:agroves@slo.state.nm.us)>; Oberding, Tomas, EMNRD <[Tomas.Oberding@state.nm.us](mailto:Tomas.Oberding@state.nm.us)>  
**Subject:** FW: Report and invoice for Quail State 16

Amber,

Please find my last communication with you on this subject below. Please also note that this was also my last communication with Jaime Keyes about this spill—he did not comment or respond further. I checked with Tomas Oberding to see if he had any communication from Jaime after my last email to him on April 15, 2016, but he does not. Tomas and I discussed the spill and the sample results. As per our discussion, I will collect two grab samples from the berm and submit for chlorides. I anticipate that I will collect these samples next week.

The lab report is included as an attachment.



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**From:** Aaron Pachlhofer  
**Sent:** Monday, May 16, 2016 10:53 AM  
**To:** Groves, Amber <[agroves@slo.state.nm.us](mailto:agroves@slo.state.nm.us)>  
**Subject:** FW: Report and invoice for Quail State 16

Amber, here is the spill area outlined with sample locations as I sent it to Jamie Keyes. As you can see, the release went to the edge of our pad, but not into the pasture. Sample results showed that the S1 location was elevated for chlorides, but the others were fairly low. Since the drainage of the area is to the east, we have re-used the affected soil to ensure the any potential future release does not leave the pad by building a berm on the eastern edge of the pad.



Aaron Pachlhofer, P.G.  
Environmental Coordinator

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