

Bratcher, Mike, EMNRD

From: Randall Hicks <r@rthicksconsult.com>
Sent: Thursday, April 10, 2014 4:03 PM
To: Bratcher, Mike, EMNRD; Dawson, Scott, EMNRD
Cc: MHill@yatespetroleum.com; JimP@yatespetroleum.com; Travis Hahn; Katie Parker
Subject: Yates - Dagger Draw MWFM Pit
Attachments: April 2014REVISIONS.pdf

Mike

First – thanks for taking a quick look at the earlier transmission and catching those errors. This document is being printed now and will be mailed to you for your reading pleasure when you get back to the office on Tuesday.

The recent approval of the Mack Round Tank Pit resolved the issue of needing to test HDPE for chemical compatibility. Thus, unless I miss my guess, this permit is ready for OCD approval.

We know that the District denied the variance request to allow Yates to use the MWFM Pit for wells that do not yet have approved APDs. We will be speaking with Scott Dawson and others to determine the appropriate avenue to create an approval from OCD that allows Yates to use the pit for a defined period of time for a defined number of wells that are located within a specific area. At this time we do not know if this avenue will be:

1. Resubmittal of the request as an exception
2. A hearing on the denial of the variance
3. An administrative reversal of the District decision based upon a different interpretation of the Rule by OCD Counsel and/or the Director.

I have taken the liberty of sending a copy of this email to Mr. Dawson so when we speak to him next week, we can define the appropriate pathway to gain approval of the variance/exception.

Take care of that elbow and get well.

Randall Hicks
RT Hicks Consultants
Office: 505-266-5004
Cell: 505-238-9515