

**From:** Kerry Egan  
**To:** [Patterson, Heather, EMNRD](#)  
**Subject:** RE: COA's for C-141  
**Date:** Monday, November 28, 2016 2:08:21 PM  
**Attachments:** 2016Nov14\_CatclawBattery\_SiteDiagram.pdf  
2016Nov8\_Catclaw\_SampleSummary.xlsx

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Heather,

I wanted to touch base with you briefly about the Conditions for Approval of the C-141 and documentation that I submitted earlier this month for **2RP-3975**.

As I stated in the initial notification documentation the release occurred inside of the caliche berm at EOG's Catclaw battery. Agave had personnel in the immediate vicinity and were aware of the release as soon as it began and were able to take measures to stop it. They were also able to have a vacuum truck on site very quickly to recover liquids. The release was completely isolated within the northeast corner, and only to the top few inches of the caliche. This saturated caliche was then excavated by hand, and samples collected. The questions that I have are regarding two statements in the COA's that you provided me:

- "Soil Sampling must be both within the impacted area and beyond." (found at the end of Paragraph 5)
- "At least ten vertical feet of soils with contaminant concentrations at or below these values must be demonstrated as existing above the water table." (found at the end of Paragraph 6)

In regards to the first statement, knowing the definite horizontal extents of the release, being contained within the berm, is it required that we sample outside of the impacted area? I understand the necessity of this in instances where the contamination was not contained, and we're trying to find the extent of horizontal migration, but I'm not sure I see the benefit in sampling outside of the berm in this situation. I'm aware that the COA document is a standard document attached to all spills, so I wanted to check with you and see if you are alright with Agave sampling only the affected area. I've attached a sampling diagram and summary for the location for you to review.

As far as the second statement, having been able to recover the free standing liquid and excavate the contaminated soil expediently we know that the contamination did not migrate very far vertically into the soil. So far I have excavated the top 3"-6" of caliche from within the berm. The samples I collected were from this new surface level. The area at its largest extent was approximately 40' x 20', and I collected samples from five locations spaced 10' laterally. The initial samples showed contamination levels at points #2-#4 to exceed the Recommended Remediation Action Levels (RRAL), and we proceeded to excavate these areas to 6" in depth. I collected additional samples at points #2-#4 to confirm that we would now meet the RRALs for this location. Please review the attached sampling documents, if you think everything is acceptable I'll submit the final C-141 form and request closure on this release.

Please let me know if you have any questions.

Thanks,  
Kerry Egan

EH&S Department



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**From:** Patterson, Heather, EMNRD [mailto:Heather.Patterson@state.nm.us]

**Sent:** Thursday, November 10, 2016 7:01 AM

**To:** Kerry Egan <KEgan@agaveenergy.com>

**Cc:** Bratcher, Mike, EMNRD <mike.bratcher@state.nm.us>; Weaver, Crystal, EMNRD <Crystal.Weaver@state.nm.us>; agroves@slo.state.nm.us

**Subject:** COA's for C-141

**RE: Agave Energy \* Catclaw Battery \* fAB1630845765 \* 2RP-3975 \* DOR: 10/28/2016**

Kerry,

Attached are the Conditions of Approval for your recently submitted C-141.

Thank you,

Heather Patterson  
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NMOCD District II  
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