

Dena

From: Groves, Amber <agroves@slo.state.nm.us>
Sent: Thursday, July 13, 2017 9:13 AM
To: Dena
Cc: 'Phillip Sanders (psanders@oilfieldwaterlogistics.com)'; Oberding, Tomas, EMNRD; Billings, Bradford, EMNRD; Yu, Olivia, EMNRD
Subject: RE: Jal Remediation Site

Good Morning,

I am available on July 25th. I have copied Olivia Yu on this e-mail as she will be included in the meeting so she can check her availability as well.

Thank you,

Amber Groves
Remediation Specialist
Field Operations Division
(575)392-3697
(575)263-3209 cell
New Mexico State Land Office
2827 N. Dal Paso Suite 117
Hobbs, NM 88260



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From: Dena [mailto:dena@kjenvironmental.com]
Sent: Wednesday, July 12, 2017 2:35 PM
To: Groves, Amber <agroves@slo.state.nm.us>
Cc: 'Phillip Sanders (psanders@oilfieldwaterlogistics.com)' <psanders@oilfieldwaterlogistics.com>; Oberding, Tomas, EMNRD <Tomas.Oberding@state.nm.us>; Billings, Bradford, EMNRD <Bradford.Billings@state.nm.us>
Subject: RE: Jal Remediation Site

Good afternoon, Amber!

Would you be available for the meeting on Tuesday, July 25? Thank you.



DENA M. VANDENBERG, REM, LEED AP

Director of Environmental Services

500 Moseley Road Cross Roads, Texas 76227

M (214)364-7627 O (940)387-0805 F (940)387-0830

From: Groves, Amber [<mailto:agroves@slo.state.nm.us>]

Sent: Thursday, June 29, 2017 6:09 PM

To: Dena <dena@kjenvironmental.com>

Cc: 'Phillip Sanders (psanders@oilfieldwaterlogistics.com)' <psanders@oilfieldwaterlogistics.com>; Oberding, Tomas, EMNRD <Tomas.Oberding@state.nm.us>; Billings, Bradford, EMNRD <Bradford.Billings@state.nm.us>

Subject: RE: Jal Remediation Site

Dena,

I need a full update on what has been done to date on 1RP-4497. I will review the work plan that is currently available online, but will need any other documents for my files. Please be advised that OWL is not allowed to backfill the excavation for this release until I have issued approval on the work plan. Also, you will need to update the work plan that was submitted to NMOCD to include a revegetation plan that is a requirement for any remediation activities on State Trust Land.

I would like to further request a meeting to discuss all activities that have been done here as well as any other issues in the area with NMOCD.

Phillip-I was unable to find a granted right-of-way with our office. I need to see the grant that would have been sent to OWL once approval was issued through our office to lay the line.

Thank you,

Amber Groves

Remediation Specialist

Field Operations Division

(575)392-3697

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From: Dena [<mailto:dena@kjenvironmental.com>]
Sent: Thursday, June 29, 2017 1:31 PM
To: Groves, Amber <agroves@slo.state.nm.us>
Cc: 'Phillip Sanders (psanders@oilfieldwaterlogistics.com)' <psanders@oilfieldwaterlogistics.com>
Subject: Jal Remediation Site

Good afternoon, Amber!

We understand that you visited the active remediation site in Jal today. We wanted to touch base with you to find out what information you will need going forward. Thank you!



DENA M. VANDENBERG, REM, LEED AP
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Dena

From: Oberding, Tomas, EMNRD <Tomas.Oberding@state.nm.us>
Sent: Wednesday, July 26, 2017 5:10 PM
To: Phillip Sanders
Cc: Dena; Kevin Ware; Groves, Amber
Subject: RE: Currently Issues With Approved Remediation Plans

Phillip,

Thank you for the email.

I have been following the involvement and updates.

The SLO are landowners and hence even if a plan is approved by the OCD to meet our regulator expectations, the landowners have rights outside of our jurisdiction.

We are happy to meet and discuss the situation. The decision makers in Santa Fe are not plural, I still have reasonability for this project. Please call as you signature file does not provide a phone number and we can discuss and arrange further meetings if the phone discussion is not satisfactory.

Mahalo

-Doc

Tomáš 'Doc' Oberding PhD
Hydrologist, Adv-District 1
Oil Conservation Division, EMNRD
(505) 476-3403
E-Mail: tomas.oberding@state.nm.us
一期一会

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.

-----Original Message-----

From: Phillip Sanders [mailto:psanders@oilfieldwaterlogistics.com]
Sent: Wednesday, July 26, 2017 9:54 AM
To: Oberding, Tomas, EMNRD <Tomas.Oberding@state.nm.us>
Cc: dena@kjenvironmental.com; kevin@kjenvironmental.com
Subject: Currently Issues With Approved Remediation Plans

Tomas,

I would like to start by thanking you for all the cooperation you have gave OWL SWD Operating, LLC from the first report of the two releases that occurred on from our pipeline. However since others are involved now it's hindering the completion of the remediation. The plan was approved by you, and we have followed the plan as you requested. The new involvement of people is going against the approve plan, almost an year later. This involvement is costing unnecessary money that shouldn't be spent. If filed all documents and have done everything as you and the OCD has requested. I'm hoping you can resolve this at your level, if not we would like a meeting with the decision makers in Santa Fe , New Mexico. Could you please respond to us on your status of helping resolve this issue, or if you can schedule a meeting within the next two weeks.

Thank you,

Phillip Sanders

Sent from my iPhone

Dena

From: Groves, Amber <agroves@slo.state.nm.us>
Sent: Tuesday, August 1, 2017 9:11 AM
To: Kevin Ware; Nevin Bannister; Dena; Phillip Sanders
Cc: Naranjo, Mark; Billings, Bradford, EMNRD; Oberding, Tomas, EMNRD; Yu, Olivia, EMNRD
Subject: RE: OWL Pipeline
Attachments: Revegetation and Noxious Weed Management Plan.pdf

Mr. Ware,

You may find my responses to your questions in blue below.

Thank you,

Amber Groves
Remediation Specialist
Field Operations Division
(575)392-3697
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New Mexico State Land Office
2827 N. Dal Paso Suite 117
Hobbs, NM 88260



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From: Kevin Ware [mailto:kevin@kjenvironmental.com]
Sent: Monday, July 31, 2017 7:55 AM
To: Groves, Amber <agroves@slo.state.nm.us>; Nevin Bannister <nbannister@oilfieldwaterlogistics.com>; Dena <dena@kjenvironmental.com>; Phillip Sanders <psanders@oilfieldwaterlogistics.com>
Subject: OWL Pipeline

Greetings Ms. Groves

My name is Kevin Ware and I am a principal for KJE. I want to apologize for not being able to make the meeting last week. I had a prior engagement I could not get out of.

As I understand, there is some additional action items/information that you are seeking regarding the remediation efforts on the OWL pipeline spill from November 2016. Internally, we have talked a little a bit about some of the issues, and have some questions.

- 1) It is our understanding that you have requested that the target remediation goal for the chlorides be lowered to 800 ppm, instead of 1000 ppm. We have been coordinating with the OCD on this matter and they seem to be comfortable with the 1000 ppm and we have completed a substantial amount of work to this date that is related to that goal. We were wondering as to the technical concern/regulatory thought on lowering the goal .
The technical concern with 1000 ppm cl is that 800 ppm cl is more conducive to regrowth of vegetation. NMSLO appreciates that OWL has been working with NMOCD, however it is located on State Trust Land and SLO should have been involved in all submittals to NMOCD. The current excavation does not cover a substantial amount of the release and Phillip Sanders stated during the meeting last week that the excavation is actually located outside of the release area.
- 2) We also understand that you have requested a re-vegetation plan for the impacted areas and we are concerned about the ability to revegetate in these areas for the following reasons:
 - a. The soil matrix in the area of the pipeline is extremely sandy and if OWL was to 'seed' the areas of the impact, there is not a local source of clean water within a 5 mile radius that would be available to establish a reliable, routine growth basis.
 - b. Additionally, in the area of the impacted part of the right-of-way related to the direct pipeline area, the code for pipeline safety does not allow large, deep vegetation (ie, shrubs, trees) to grow on top of the pipeline as the root system may reach into the pipeline joints.

I will refer to our rights-of-ways rules to answer this question: **19.2.10.28 RECLAMATION AND**

RESTORATION: Any person who enters upon trust lands for purposes of surveying or constructing an easement or right of way shall take all steps necessary to preserve and protect the natural environmental conditions of the land, including reclamation of disturbed areas by leveling or terracing and reasonable attempts at re-vegetation where appropriate. Re-vegetation shall include the establishment of suitable grasses and forbs in accordance with applicable state land office rules and policies. The grantee of any right of way or easement shall consult with the commissioner regarding reclamation prior to undertaking reclamation and shall make reasonable attempts at restoration.
[19.2.10.28 NMAC - Rp, 19.2.10.27 NMAC, 06/30/04]

In addition to the above on the pipeline right-of-way, OWL is also using the area as an un-authorized roadway. Here is the rule with reclamation requirements on roads: **19.2.20.12 ROAD ABANDONMENT AND RECLAMATION:** All roads no longer needed, as determined by the grantee or lessee and the commissioner, shall be reclaimed to approximate natural contours, unless, as provided herein, the New Mexico state land office elects to allow a road to remain based on recommendations from the SLO LUS. Upon reclamation all road improvements and debris shall be removed, unless approved otherwise by the SLO LUS. Reclaimed roads will have the roadbeds ripped, scarified and otherwise roughened as directed by the SLO LUS to ensure increased water infiltration and a properly prepared seedbed; and then reseeded. Parallel-road berms are to be removed and recontoured. Berms or gates will be used to block access to the reclaimed road. Water bars will be used on sloping surfaces and spaced so as to minimize erosion and control surface runoff. For reseeding, the New Mexico state land office will approve seeding rates and seed mixtures or approve site-specific recommendations. When possible, the New Mexico state land office will recommend such approved rates and mixtures, but will not require seed varieties in its mixtures which are not in common use in the area. Reseeding shall be planned and completed with a goal of revegetation consistent with local natural vegetation density. After a failed attempt to revegetate an area, a second reseeding may be required by the New Mexico state land office, but in no event shall such second reseeding be required more than two (2) years after the initial one. Reclamation responsibility of a grantee or lessee terminates upon acceptance of the reclamation of a site by the SLO LUS.
[12/31/99; 19.2.20.12 NMAC – Rn, 19 NMAC 2. SLO 20.12, 09/30/02]

I have also attached revegetation requirements for releases on State Trust Land that are required to be included on work plans submitted to NMOCD.

- 3) We also understand that you requested the excavation to be completed directly around and under the pipelines. According to code, any large scale excavation under/or directly up against the pipeline will result in

the integrity of the line being comprised because of disturbance of the compacted bedding of the lines that was created when initially installed. That is why we requested with OCD to complete the remediation outside of a 10' buffer against the pipelines as not to potentially create a more problematic situation.

I asked Phillip Sanders during the meeting if any of the lines were high pressure lines and his response was that they are not. I would understand a 10' buffer in the event that any of the lines were high pressure. As OWL has chloride contamination around the pipelines, and since common practice is to excavate around pipelines that are not high pressure, my request for a more comprehensive work plan stands.

We look forward to resolving these matters as soon as possible so that OWL may continue to complete the remediation activities, and to keep the project from developing more cost/time delays. The longer the un-treated, un-remediated material sits on the site not being remediated, the longer the contamination has time to migrate.

Thank you for your thoughts on the matter and please do not hesitate to call or email with any questions!

Regards

Kevin Ware, MS Env Engineering, QEP, REM

Principal

KJE

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Dena

From: Dena
Sent: Wednesday, August 16, 2017 9:22 PM
To: Kevin Ware
Subject: SLO Meeting Summary

The following summarizes the on-site visit between the New Mexico State Land Office (SLO), KJE, and OWL on August 15, 2017. In attendance were Amber Groves and Mark Naranjo from the New Mexico State Land Office, Kevin Ware and Dena Vandenberg from KJE, and Cody from OWL.

Kevin Ware verbally outlined the email requests from Amber Groves, including: achieving a Chloride remediation goal of 800 ppm rather than the OCD-approved 1,000 ppm, revegetation of the spill area, and remediation of the soil surrounding the pipelines.

Kevin questioned the scientific basis for the request for 800 ppm rather than the OCD-approved 1,000 ppm Chloride remediation goal. Amber stated that in her experience, grass would not grow in soil with a level of 1,000 ppm Chlorides, unless they were salt-tolerant grasses.

Kevin questioned the ability to have vegetation grow in the on-site environment, with no water available. Amber said they could provide the information regarding a seed mix that would be deemed acceptable, and that we would need to provide a Revegetation Plan, in addition to a revised Remediation Plan. Amber stated that revegetation would not be required in the road right-of-way (if granted), but would be required in the pipeline right-of-way.

Kevin questioned the safety and engineering concerns related to the excavation of the pipeline and challenges for acquiring the required permissions from the pipeline owners other than OWL for the excavation of their pipelines. Amber stated that people excavate pipelines regularly and that if they are not high-pressure lines, then it should be no problem; and that stands could be used to stabilize the exposed pipelines. Amber also stated that she isn't necessarily requesting that the soil surrounding the pipelines be excavated; however, she is requesting that SOMETHING be done to address the Chloride levels in the pipeline area. Kevin asked what she suggested. Amber stated that she didn't have any specific suggestions, but she wanted something better than leaving the soil in-place, and we could make suggestions to her for consideration.

Dena suggested that rather than committing to remediate in the area of the pipelines, collecting more recent samples by hand auger in the area of the pipeline to establish existing levels, as the current data is from nearly one year ago and current levels may not exceed 800 ppm. Amber stated that she would consider the results, but would have concerns with the downward movement of the Chlorides if current levels are below 800 ppm. Amber asked what the depth to groundwater was in the site area. KJE stated that depth to groundwater, based on available well data, is approximately 200 feet bgs. Amber stated that she would be concerned with the wicking up of Chlorides in the future (possibly 5 years from now). Kevin questioned how the Chlorides would wick up with no hydrostatic pressure in the area. Amber stated that it was still possible.

Amber stated that three permits are required for OWL's operations, which are not currently in OWL's possession. The permits include a pipeline right-of-way, a road right-of-way, and a Right of Entry permit to complete the remediation work. The Right of Entry Permit will need to be coordinated with Conrad Cagle of the NM SLO, and will need to be renewed every 6 months. The pipeline right-of-way will extend 15' from the pipeline on each side, and the road right-of-way can be either 20 or 30 feet in width.

Kevin questioned whether, in the current absence of the appropriate permits, if a cease and desist order is imminent. Amber and Mark stated that was a legal decision and was at the discretion of Clyde Ward, Assistant Commissioner for the SLO and their attorney, who are in the Santa Fe office.

Amber questioned the reasoning for the excavated areas north of the pipeline. Dena stated that the excavated areas match up with the remediation areas identified on the Remediation Plan. Amber agreed that that looked to be in those locations and requested that the liner be replaced, as it was torn.

Please let me know if you have any questions, or if we can help with anything further. Thank you!