

1R - 777

APPROVALS

YEAR(S):

2011-2012

Hansen, Edward J., EMNRD

From: Hansen, Edward J., EMNRD
Sent: Wednesday, November 07, 2012 11:31 AM
To: 'bjohnson@legacylp.com'
Cc: Leking, Geoffrey R, EMNRD; 'David Adkins'
Subject: Recommendations Approval – Implementation and Submittal Extension Approval (1R-777) - Legacy Monsanto '30' State #5 Release Site

**RE: 2011 Groundwater Monitoring Report for the Legacy Reserves Operating, L.P.'s
Monsanto '30' State #5 Release Site (1R-777)
Unit Letter O, Section 30, T16S, R37E, NMPM, Lea County, New Mexico
Recommendations Approval – Implementation and Submittal Extension Approval**

Dear Mr. Johnson:

The New Mexico Oil Conservation Division (OCD) has reviewed your request (dated November 6, 2012) for extension of the recommendations implementation and submittal of a ground water remediation plan for the Remediation Plan (1R-777) for the above-referenced site. The OCD hereby approves the request for extension of the recommendations implementation and submittal of a ground water remediation plan until **Tuesday, February 5, 2013**.

Please be advised that OCD approval of this extension does not relieve the owner/operator of responsibility should operations pose a threat to ground water, surface water, human health or the environment. In addition, OCD approval does not relieve the owner/operator of responsibility for compliance with any OCD, federal, state, or local laws and/or regulations.

If you have any questions regarding this matter, please contact me at 505-476-3489.

Edward J. Hansen
Hydrologist
Environmental Bureau



November 6, 2012

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Attention: Mr. Edward J. Hansen
Hydrologist, Environmental Bureau NMOCD

Subject: 2011 Groundwater Monitoring Report, Legacy Reserves Operating, LP's
Monsanto '30' State No. 5 Release Site (1R-777)
Unit Letter O, Section 30, Township 16 South, Range 37 East
NMPM, Lea County, New Mexico
Recommendations Approval – Extension Request

Dear Mr. Hansen,

On behalf of Legacy Reserves Operating, LP, we respectfully request a 3-month extension to finalize the approved recommendations for the Monsanto '30' State No. 5 Release Site (1R-777). These recommendations include the installation two groundwater monitoring wells, survey of identified wells and submittal of a remediation plan for pumping and disposal of impacted groundwater to the NMOCD for review. August 7, 2012 was the original date set by the NMOCD for these activities to be completed. However our client, Legacy Reserves, has not yet received the required permits from the New Mexico State Lands Office due to legal matters regarding the surface and subsurface rights of the site. With NMOCD approval, the recommendations will be completed and a remediation plan will be submitted to the NMOCD for review. Should you have any questions or if further information is required, please do not hesitate to contact David Adkins of Talon/LPE at 575.746.8768 or 575.441.4835. Thank you for your time and consideration in this matter.

Respectfully submitted,

David J. Adkins
District Manager
Talon/LPE, Artesia, New Mexico

Hansen, Edward J., EMNRD

From: Hansen, Edward J., EMNRD
Sent: Monday, July 30, 2012 9:49 AM
To: 'bjohnson@legacylp.com'
Cc: Leking, Geoffrey R, EMNRD; mlanders@talonlpe.com
Subject: Implementation and Submittal Extension Approval (1R-777) - Monsanto '30' State #5 Release Site

**RE: 2011 Groundwater Monitoring Report for the Legacy Reserves Operating, L.P.'s
Monsanto '30' State #5 Release Site (1R-777)
Unit Letter O, Section 30, T16S, R37E, NMPM, Lea County, New Mexico
Recommendations Approval – Implementation and Submittal Extension Approval**

Dear Mr. Johnson:

The New Mexico Oil Conservation Division (OCD) has reviewed your request for extension of the recommendations implementation and submittal of a ground water remediation plan for the Remediation Plan (1R-777) for the above-referenced site. The OCD hereby approves the request for extension of the recommendations implementation and submittal of a ground water remediation plan until **Monday, November 5, 2012**.

Please be advised that OCD approval of this extension does not relieve the owner/operator of responsibility should operations pose a threat to ground water, surface water, human health or the environment. In addition, OCD approval does not relieve the owner/operator of responsibility for compliance with any OCD, federal, state, or local laws and/or regulations.

If you have any questions regarding this matter, please contact me at 505-476-3489.

Edward J. Hansen
Hydrologist
Environmental Bureau



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**RE: 2011 Groundwater Monitoring Report for the Legacy Reserves Operating, L.P.'s
Monsanto '30' State #5 Release Site (1R-777)
Unit Letter O, Section 30, T16S, R37E, NMPM, Lea County, New Mexico
Recommendations Approval – Extension Request**

Mr. Hansen,

Legacy Reserves Operating (Legacy) respectfully requests an additional 90 days to finalize the approved recommendations for the Monsanto '30' State #5 release site (1R-777). These recommendations include installation of two wells, survey of specified wells, and submittal of a remediation plan for pumping and disposal of impacted ground water to the NMOCD for review. August 7, 2012 was the original date set by the NMOCD for these activities to be completed, however Legacy has not yet received permits for the wells from the New Mexico State Lands Office due to legal matters regarding the surface and subsurface rights of the site. With NMOCD approval, the approved recommendations will be completed and a remediation plan will be submitted to the NMOCD for review. If you have any questions or require additional information please contact Cole Landers with Talon/LPE at (432)522-2133.

Respectfully,

Cole Landers
Project Manager
Cell: 432.425.8660
Office: 432.522.2133
Fax: 432.522.2180
Emergency: 866.742.0742
mlanders@talonlpe.com
www.talonlpe.com



Hansen, Edward J., EMNRD

From: Hansen, Edward J., EMNRD
Sent: Monday, April 09, 2012 5:02 PM
To: 'Berry Johnson'
Cc: Leking, Geoffrey R, EMNRD; Kyle Waggoner; 'Steve Killingsworth'
Subject: Recommendations Approval (1R-777) - Legacy Monsanto '30' State #5 Release Site

**RE: 2011 Groundwater Monitoring Report for the Legacy Reserves Operating, L.P.'s
Monsanto '30' State #5 Release Site (1R-777)
Unit Letter O, Section 30, T16S, R37E, NMPM, Lea County, New Mexico
Recommendations Approval**

Dear Mr. Johnson:

The New Mexico Oil Conservation Division (OCD) has received the 2011 Groundwater Monitoring Report (including Recommendations) for the Monsanto '30' State #5 Release Site, dated April 3, 2012, and has conducted a review of the recommendations. The proposed activities indicate that Legacy Reserves Operating, L.P. (Legacy) has met the requirements of 19.15.29 NMAC (Rule 29; formerly, Rule 116) for a remediation plan. Therefore, the OCD hereby conditionally approves the recommendations as proposed for above-referenced site in accordance with 19.15.29 NMAC:

Legacy must implement the proposed "Recommendations" including continued quarterly ground water sampling. The other recommendations must be implemented by **Tuesday, August 7, 2012**, including well(s) installation (one 4" well and one 2" well), survey of specified wells, and the submittal to the OCD for review and approval a remediation plan for pump and disposed of impacted ground water.

Please be advised that OCD approval of these recommendations does not relieve the owner/operator of responsibility should operations pose a threat to ground water, surface water, human health or the environment. In addition, OCD approval does not relieve the owner/operator of responsibility for compliance with any OCD, federal, state, or local laws and/or regulations.

If you have any questions regarding this matter, please contact me at 505-476-3489.

Edward J. Hansen
Hydrologist
Environmental Bureau

Hansen, Edward J., EMNRD

From: Hansen, Edward J., EMNRD
Sent: Tuesday, April 03, 2012 5:50 PM
To: 'Steve Killingsworth'
Cc: Kyle Waggoner; 'Berry Johnson'
Subject: RE: Corrective Action Plan (1R-441 & 1R-777) Approval - Legacy Monsanto '30' State #4 & #5 Sites

Dear Mr. Killingsworth:

Please submit the respective annual reports for the above-referenced sites by **Thursday, April 12, 2012**. If additional time is needed to ensure that they incorporate reports for the recommended tasks and proposed remediation plans, please contact me regarding a suggested submittal date.

Thank you for your cooperation in this matter. If you have any questions regarding this matter, please contact me at 505-476-3489.

Edward J. Hansen
Hydrologist
Environmental Bureau

From: Steve Killingsworth [mailto:skillingsworth@talonlpe.com]
Sent: Tuesday, April 03, 2012 6:18 AM
To: Hansen, Edward J., EMNRD
Cc: Kyle Waggoner; 'Berry Johnson'
Subject: RE: Corrective Action Plan (1R-441 & 1R-777) Approval - Legacy Monsanto '30' State #4 & #5 Sites

Mr. Hansen:

The previous annual report, that was submitted on behalf of Legacy Reserves, included groundwater monitoring events that occurred in March, June, September of 2010 and March of 2011. The first three events were performed by another consultant, there was no 4th quarter 2010 event conducted during lease transfer, and Talon conducted the event in March of 2011. Since the data in the previous annual report submitted to the NJMOCD included March 2011, Talon was under the impression that the March 2012 event would mark the end of four quarters and we would submitted the next annual report after the data was collected in March of 2012. We apologize for the misunderstanding and will complete the annual reports for all of the 2011 data by the end of the week.

Respectively requested,
Steve Killingsworth

Steven R. Killingsworth, P.G.
Senior Project Manager

Phone: 432-522-2133
Fax: 432-522-2180
Cell: 432-528-6214
Emergency: 866-742-0742

Hansen, Edward J., EMNRD

From: Hansen, Edward J., EMNRD
Sent: Tuesday, August 30, 2011 5:15 PM
To: 'Berry Johnson'
Cc: Kyle Waggoner; 'Steve Killingsworth'
Subject: RE: Corrective Action Plan (1R-441 & 1R-777) Approval - Legacy Monsanto '30' State #4 & #5 Sites

Dear Mr. Johnson:

Yes, routine separate annual reports are still required for both sites (1R-441 & 1R-777). However, the OCD assumed that the recommendations outlined in the last reports could be accomplished within 120 days. Apparently, additional time is needed to complete these tasks. Therefore, Legacy may incorporate the reports for these recommended tasks and proposed remediation plans in the respective 2011 annual reports (due to be submitted to the OCD by **April 2, 2012**).

Thank you for your cooperation in this matter. If you have any questions regarding this matter, please contact me at 505-476-3489.

Edward J. Hansen
Hydrologist
Environmental Bureau

From: Steve Killingsworth [<mailto:skillingsworth@talonlpe.com>]
Sent: Monday, August 29, 2011 4:30 PM
To: Hansen, Edward J., EMNRD
Cc: Kyle Waggoner; 'Berry Johnson'
Subject: RE: Corrective Action Plan (1R-777) Approval - Legacy Monsanto '30' State #5 Site

Mr. Hansen:

Talon has submitted two annual groundwater monitoring reports at the end of March for the Monsanto State '30' #4 & #5. The recommendation sections of those reports outlined the next steps of the correction action plan, i.e. install two 4" MWs (one at each site) and perform pump tests. The data from the pump tests is necessary to design remediation systems pursuant to the corrective action plan.

Since those reports have been submitted, Talon has performed another groundwater monitoring event in June 2011 at both sites. We would be happy to submit the results of those events; however, we were under the impression that annual reports were required.

On behalf of Legacy, Talon has submitted applications to the NMOSE and NMSLO for permits to install the wells, for ROE, and for non-consumptive use of water so we can continue with the plan to perform pump tests. To date, the permits have not been issued.

Respectively,

Steve

Steven R. Killingsworth, P.G.
Senior Project Manager

Phone: 432-522-2133
Fax: 432-522-2180
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"Talon/LPE #5 on 2006 Inc 100 list"

Better Business Bureau Torch Award for Marketplace Ethics: 2010 Winner, 2009 Finalist
Staples Foundation for Learning Hall of Fame Recipient: 2010
ICIC and Business Week- Top 100: 2010, 2009, 2008, 2007, 2006
Inc. 500/5000: 2009, 2008, 2007

From: Hansen, Edward J., EMNRD [<mailto:edwardj.hansen@state.nm.us>]
Sent: Monday, August 29, 2011 5:06 PM
To: bjohnson@legacylp.com
Cc: Leking, Geoffrey R, EMNRD; Steve Killingsworth; Kyle Waggoner
Subject: RE: Corrective Action Plan (1R-777) Approval - Legacy Monsanto '30' State #5 Site

Berry,
Just a reminder: OCD is expecting a report and plan sometime this week.
Edward J.

From: Hansen, Edward J., EMNRD
Sent: Wednesday, April 20, 2011 1:44 PM
To: 'bjohnson@legacylp.com'
Cc: Leking, Geoffrey R, EMNRD; 'Steve Killingsworth'; 'kwaggoner@talonlpe.com'
Subject: Corrective Action Plan (1R-777) Approval - Legacy Monsanto '30' State #5 Site

**RE: Corrective Action Plan for the Legacy Reserves Operating L.P.'s
Monsanto '30' State #5 Site
Unit Letter O, Section 30, T16S, R37E, NMPM, Lea County, New Mexico
Corrective Action Plan (1R-777) Approval**

Dear Mr. Johnson:

The New Mexico Oil Conservation Division (OCD) has received the corrective action plan for the Monsanto '30' State #5 Site, dated March 28, 2011, and has conducted a review of the Plan. The Plan indicates that Legacy Reserves Operating, L.P. (Legacy) has met the requirements of 19.15.29 NMAC (Part 29; formerly, Rule 116) for a remediation plan. Therefore, the OCD hereby conditionally approves the corrective action plan as proposed for above-referenced site in accordance with 19.15.29 NMAC:

Legacy must submit to the OCD an initial report of the corrective actions and a plan for groundwater recovery within 120 days.

Please be advised that OCD approval of this plan does not relieve the owner/operator of responsibility should operations pose a threat to ground water, surface water, human health or the environment. In addition, OCD approval does not relieve the owner/operator of responsibility for compliance with any OCD, federal, state, or local laws and/or regulations.

If you have any questions regarding this matter, please contact me at 505-476-3489.

Edward J. Hansen
Hydrologist
Environmental Bureau

Hansen, Edward J., EMNRD

From: Hansen, Edward J., EMNRD
Sent: Wednesday, April 20, 2011 1:44 PM
To: 'bjohnson@legacylp.com'
Cc: Leking, Geoffrey R, EMNRD; 'Steve Killingsworth'; 'kwaggoner@talonlpe.com'
Subject: Corrective Action Plan (1R-777) Approval - Legacy Monsanto '30' State #5 Site

**RE: Corrective Action Plan for the Legacy Reserves Operating L.P.'s
Monsanto '30' State #5 Site
Unit Letter O, Section 30, T16S, R37E, NMPM, Lea County, New Mexico
Corrective Action Plan (1R-777) Approval**

Dear Mr. Johnson:

The New Mexico Oil Conservation Division (OCD) has received the corrective action plan for the Monsanto '30' State #5 Site, dated March 28, 2011, and has conducted a review of the Plan. The Plan indicates that Legacy Reserves Operating, L.P. (Legacy) has met the requirements of 19.15.29 NMAC (Part 29; formerly, Rule 116) for a remediation plan. Therefore, the OCD hereby conditionally approves the corrective action plan as proposed for above-referenced site in accordance with 19.15.29 NMAC:

Legacy must submit to the OCD an initial report of the corrective actions and a plan for groundwater recovery within 120 days.

Please be advised that OCD approval of this plan does not relieve the owner/operator of responsibility should operations pose a threat to ground water, surface water, human health or the environment. In addition, OCD approval does not relieve the owner/operator of responsibility for compliance with any OCD, federal, state, or local laws and/or regulations.

If you have any questions regarding this matter, please contact me at 505-476-3489.

Edward J. Hansen
Hydrologist
Environmental Bureau