

NM - 13

**GENERAL  
CORRESPONDENCE**

**YEAR(S):**  
2000-1997

District I  
1625 N. French Dr., Hobbs, NM 88240  
District II  
811 South First, Artesia, NM 88210  
District III  
1000 Rio Brazos Road, Aztec, NM 87410  
District IV  
2040 South Pacheco, Santa Fe, NM 87505

State of New Mexico  
Energy Minerals and Natural Resources

Oil Conservation Division  
2040 South Pacheco  
Santa Fe, NM 87505

Form C-141  
Revised March 17, 1999

Submit 2 Copies to appropriate  
District Office in accordance  
with Rule 116 on back  
side of form

## Release Notification and Corrective Action

### OPERATOR

☒ Initial Report ☒ Final Report

Name: <b>Dynegy Midstream Services, L. P.</b>	Contact: <b>Cal Wrangham @ (915) 688-0542</b> <b>or Dave Harris @ (505) 394-2534 ext 25</b>
Address: <b>PO Box 1909 Eunice, NM 88231</b>	Telephone No. <b>(505) 394-2534</b>
Facility Name: <b>Eunice Plant Gathering System</b>	Facility Type: <b>Gas Plant Low Pressure Gathering Lines</b>

Surface Owner: <b>Millard Deck Estates</b>	Mineral Owner	Lease No.
--	---------------	-----------

### LOCATION OF RELEASE

Unit Letter	Section 28	Township 21S	Range 37E	Feet from the	North/South Line	Feet from the	East/West Line	County Lea
-------------	---------------	-----------------	--------------	---------------	------------------	---------------	----------------	---------------

### NATURE OF RELEASE

Type of Release <b>Natural Gas and Condensate</b>	Volume of Release <b>approx 3.240 mmcf and 10 bbls of condensates</b>	Volume Recovered
Source of Release <b>Pipeline</b>	Date and Hour of Occurrence <b>6/14/00 2:00 PM</b>	Date and Hour of Discovery <b>Same</b>
Was Immediate Notice Given? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Required	If YES, To Whom? <b>Donna Williams</b>	
By Whom? <b>Cal Wrangham</b>	Date and Hour <b>6/14/00 2:30 PM</b>	
Was a Watercourse Reached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If YES, Volume Impacting the Watercourse.	
If a Watercourse was Impacted, Describe Fully.*		
Describe Cause of Problem and Remedial Action Taken.* <b>A 12" Dynegy low pressure gathering pipeline was struck and pierced by a bull-dozer operated by Rhino Environmental Services Inc (505) 392-4498. The line was shut-in by Dynegy field personnel and a new section of pipe was installed.</b>		
Describe Area Affected and Cleanup Action Taken.* <b>The leak sprayed a fine mist of condensate over a several acre area. Rhino was contracted by Eddie Seay Consulting. Eddie Seay Consulting will remediate the site as an addendum to the Millard Deck Estates Action Plan already in place as discussed by Eddie Seay, Dynegy, and Donna Williams.</b>		
Describe General Conditions Prevailing (Temperature, Precipitation, etc.)* <b>Mid 80 degree daytime temperatures with dry conditions.</b>		
I hereby certify that the information given above is true and complete to the best of my knowledge and belief.	<b>OIL CONSERVATION DIVISION</b>	
Signature: <i>Cal Wrangham</i>	Approved by	
Printed Name: <b>Cal Wrangham</b>	District Supervisor:	
Title: <b>ES&amp;H Advisor</b>	Approval Date:	Expiration Date:
Date: <b>6/15/00</b>	Phone: <b>915 688-0542</b>	Conditions of Approval:
		Attached <input type="checkbox"/>

\* Attach Additional Sheets If Necessary

SP



NEW MEXICO ENERGY, MINERALS  
& NATURAL RESOURCES DEPARTMENT

CONSERVATION DIVISION  
DISTRICT I HOBBS  
PO BOX 1980, Hobbs, NM 88241  
(505) 393-6161  
FAX (505) 393-0720

Jennifer A. Salisbury  
CABINET SECRETARY

AUG 31 2000

# Memo

**To:** Martyne Kieling

**From:** Donna Williams

**CC:**

**Date:** 08/23/00

**Re:** Millard Deck Estates Remediation Project

Martyne,

Hi, hope everything's OK, I am sending you a copy of the C-141 sent in by Dynegy. I have had this in my office a couple of months (sorry!). but I am getting this in the mail today for your review.....these guys were suppose to put an addendum to the work plan on cleaning up the pit.....they punctured one of Dynegy's lines and caused a horrible mess.....I went out on it.....it sprayed for some distance.....if they didn't add this to the clean-up they were already performing let me know.....I will need to take care of this myself.

Thanks, until we speak again, ha ☺.

Donna Williams

CAMPBELL, CARR, BERGE & SHERIDAN, P.A.

LAWYERS

POST OFFICE BOX 2208

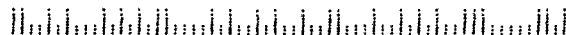
SANTA FE, NEW MEXICO 87504-2208



U.S. POSTAGE

Martyne Kieling  
Oil Conservation Division  
2040 South Pacheco Street  
Santa Fe, New Mexico 87505

87505X5472 57



CAMPBELL, CARR, BERGE  
& SHERIDAN, P.A.  
LAWYERS

MICHAEL B. CAMPBELL  
WILLIAM F. CARR  
BRADFORD C. BERGE  
MARK F. SHERIDAN  
MICHAEL H. FELDEWERT  
PAUL R. OWEN  
ANTHONY F. MEDEIROS

JACK M. CAMPBELL  
1916-1999

JEFFERSON PLACE  
SUITE 1 - 110 NORTH GUADALUPE  
POST OFFICE BOX 2208  
SANTA FE, NEW MEXICO 87504-2208  
TELEPHONE: (505) 988-4421  
FACSIMILE: (505) 983-6043  
E-MAIL: law@westofpecos.com

May 4, 2000

Roger C. Anderson  
Environmental Bureau Chief  
Oil Conservation Division  
New Mexico Department of Energy, Minerals and Natural Resources  
2040 South Pacheco Street  
Santa Fe, New Mexico 87505

Re: Millard Deck Estate  
Unlined Surface Impoundment Closure  
NW/4, NW/4, Section 21, Township 21 South, Range 37 East, NMPM, Lea County,  
New Mexico

Dear Mr. Anderson:

On March 3<sup>rd</sup> the Trust submitted a proposal to accommodate the OCD's desire to close the surface oil waste pit located on Miller Deck Trust property and eliminate the future liability concerns arising from waterfowl and public use of the pit. On March 17<sup>th</sup> the trust submitted at your direction the names and addresses of lease operators and contributors to the pit so that your office could contact them to demand cleanup.

To date we have not receive any response from the OCD. As a result, the Trust will assume the OCD is no longer interested in this oil waste pit and will proceed to alleviate the liability concerns as it deems fit.

Sincerely,



Michael H. Feldewert

MHF/ras

cc. Martyne Kieling ✓  
Lyn Hebert  
Tim Wolters

CAMPBELL, CARR, BERGE  
& SHERIDAN, P.A.  
LAWYERS

MICHAEL B. CAMPBELL  
WILLIAM F. CARR  
BRADFORD C. BERGE  
MARK F. SHERIDAN  
MICHAEL H. FELDEWERT  
PAUL R. OWEN  
ANTHONY F. MEDEIROS  
  
JACK M. CAMPBELL  
1916-1999

JEFFERSON PLACE  
SUITE 1 - 110 NORTH GUADALUPE  
POST OFFICE BOX 2208  
SANTA FE, NEW MEXICO 87504-2208  
TELEPHONE: (505) 988-4421  
FACSIMILE: (505) 983-6043  
E-MAIL: law@westofpecos.com

May 4, 2000

Roger C. Anderson  
Environmental Bureau Chief  
Oil Conservation Division  
New Mexico Department of Energy, Minerals and Natural Resources  
2040 South Pacheco Street  
Santa Fe, New Mexico 87505

Re: Millard Deck Estate  
Unlined Surface Impoundment Closure  
NW/4, NW/4, Section 21, Township 21 South, Range 37 East, NMPM, Lea County,  
New Mexico

Dear Mr. Anderson:

On March 3<sup>rd</sup> the Trust submitted a proposal to accommodate the OCD's desire to close the surface oil waste pit located on Miller Deck Trust property and eliminate the future liability concerns arising from waterfowl and public use of the pit. On March 17<sup>th</sup> the trust submitted at your direction the names and addresses of lease operators and contributors to the pit so that your office could contact them to demand cleanup.

To date we have not receive any response from the OCD. As a result, the Trust will assume the OCD is no longer interested in this oil waste pit and will proceed to alleviate the liability concerns as it deems fit.

Sincerely,



Michael H. Feldewert

MHF/ras

cc. Martyne Kieling  
Lyn Hebert  
Tim Wolters

CAMPBELL, CARR, BERGE & SHERIDAN, P.A.

LAWYERS

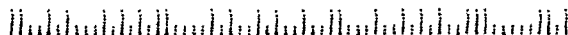
POST OFFICE BOX 2208

SANTA FE, NEW MEXICO 87504-2208



Roger C. Anderson  
Environmental Bureau Chief  
Oil Conservation Division  
2040 South Pacheco Street  
Santa Fe, New Mexico 87505

87505-8472 57

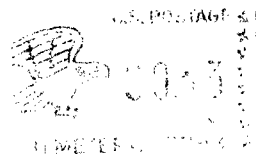


CAMPBELL, CARR, BERGE & SHERIDAN, P.A.

LAWYERS

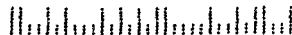
POST OFFICE BOX 2208

SANTA FE, NEW MEXICO 87504-2208



Ms. Martyne Kieling  
New Mexico Oil Conservation Division  
2040 South Pacheco  
Santa Fe, New Mexico 87504

87505+3472



CAMPBELL, CARR, BERGE  
& SHERIDAN, P.A.  
LAWYERS

MICHAEL B. CAMPBELL  
WILLIAM F. CARR  
BRADFORD C. BERGE  
MARK F. SHERIDAN  
MICHAEL H. FELDEWERT  
PAUL R. OWEN  
ANTHONY F. MEDEIROS

JACK M. CAMPBELL  
1916-1999

RECEIVED  
MAR - 6 2000  
OIL CONSERVATION DIVISION  
JEFFERSON PLAZA  
SUITE 1 - 110 NORTH GUADALUPE  
POST OFFICE BOX 2208  
SANTA FE, NEW MEXICO 87504-2208  
TELEPHONE: (505) 988-4421  
FACSIMILE: (505) 983-6043  
E-MAIL: law@westofpecos.com

March 3, 2000

Roger C. Anderson  
Environmental Bureau Chief  
Oil Conservation Division  
New Mexico Department of Energy, Minerals and Natural Resources  
2040 South Pacheco Street  
Santa Fe, New Mexico 87505

Re: Millard Deck Estate  
Unlined Surface Impoundment Closure  
NW/4, NW/4, Section 21, Township 21 South, Range 37 East, NMPM, Lea County,  
New Mexico

Dear Mr. Anderson:

After our meeting on Monday, I discussed with the Trustee Bank your suggestions for resolving the problems posed by the surface oil waste pit located on Miller Deck Trust property. In an attempt to eliminate the future liability concerns expressed in my February 22<sup>nd</sup> letter in a manner which accommodates the OCD's desire to close this pit, the Bank is willing to immediately perform the following tasks at the Trust's expense:

- A. Remove all fluids and gross visual contaminated soil from the pit;
- B. Spread the removed material in a suitable area adjacent to the pit and disk the removed material into the soil;
- C. Fill the pit with new material to a point where it is level with the surrounding terrain.

The Bank is also willing to allow onsite land farming, monitoring, and testing, but the Trust is not obligated or in a position to fund such efforts.

Furthermore, the Trust's proposed action is contingent on receiving a prior release of liability from the OCD and the New Mexico Attorney General which acknowledges that the Trust's efforts are undertaken to avoid future potential liability arising from waterfowl and public use of the pit, that

Roger C. Anderson  
March 3, 2000  
Page 2

the Trust is under no obligation or responsibility to close the pit, that the Trust's actions will not be considered by the OCD as an admission of liability for the pit, and that the Trust's action will not qualify the Bank or the Trust as an owner, operator, generator, contributor, or potentially responsible party for the substances removed from or remaining within the pit.

Please let me know if these terms are acceptable so that the Bank can immediately undertake the tasks outlined herein upon receipt of an appropriate release of liability.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael H. Feldewert", written in a cursive style.

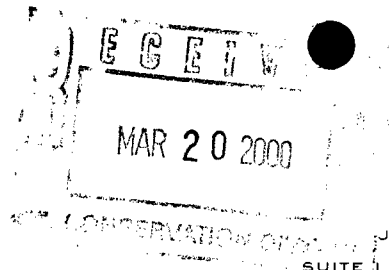
Michael H. Feldewert

MHF/ras

cc. Martyne Kieling ✓  
Lyn Hebert  
Tim Wolters

CAMPBELL, CARR, BERGE  
& SHERIDAN, P.A.  
LAWYERS

MICHAEL B. CAMPBELL  
WILLIAM F. CARR  
BRADFORD C. BERGE  
MARK F. SHERIDAN  
MICHAEL H. FELDEWERT  
PAUL R. OWEN  
ANTHONY F. MEDEIROS  
  
JACK M. CAMPBELL  
1916-1999



JEFFERSON PLACE  
SUITE 110 NORTH GUADALUPE  
POST OFFICE BOX 2208  
SANTA FE, NEW MEXICO 87504-2208  
TELEPHONE: (505) 988-4421  
FACSIMILE: (505) 983-6043  
E-MAIL: law@westofpecos.com

March 17, 2000

Roger C. Anderson  
Environmental Bureau Chief  
Oil Conservation Division  
New Mexico Department of Energy, Minerals and Natural Resources  
2040 South Pacheco Street  
Santa Fe, New Mexico 87505

Re: Millard Deck Estate  
Unlined Surface Impoundment Closure  
NW/4, NW/4, Section 21, Township 21 South, Range 37 East, NMPM, Lea County,  
New Mexico

Dear Mr. Anderson:

I have attached for your convenience a highlighted map showing the area where the surface oil waste pit is located in the NW/4, NW/4 of Section 21, Township 21 South, Range 37 East in Lea County, New Mexico. I also attached OCD records pulled from your district office in Hobbs that indicate Well #2 was drilled on this property in 1947 by Trinity Drilling Company. *See* attached Notice of Intention to Drill. These records further identify the lease operator from 1954-1991 as:

N.B. Hunt  
700 Mercantile Bank Building  
Dallas, Texas

*See* attached Certificate of Compliance. A 1983 Sundry Notice for this well approved by OCD District Supervisor Jerry Sexton (attached) sets forth the following address for this operator:

N.B. Hunt  
406 N. Big Spring  
Midland, Texas 79701

OCD records reflect that in 1991 the lease operator for Well #2 was changed to:

Roger C. Anderson  
March 3, 2000  
Page 2

Stephens & Johnson Operating Company  
P.O. Box 2249  
Wichita Falls, Texas 76307-2249

Given that the surface oil waste pit on the Millard Deck property dates back twenty to thirty years, it is likely that N.B. Hunt, as operator of the property from 1951 through 1991, constructed the pit and was a major contributor to the waste deposited in that pit. It is also likely that Stephens & Johnson Operator Company, the lease holder since 1991, contributed to and netted the pit.

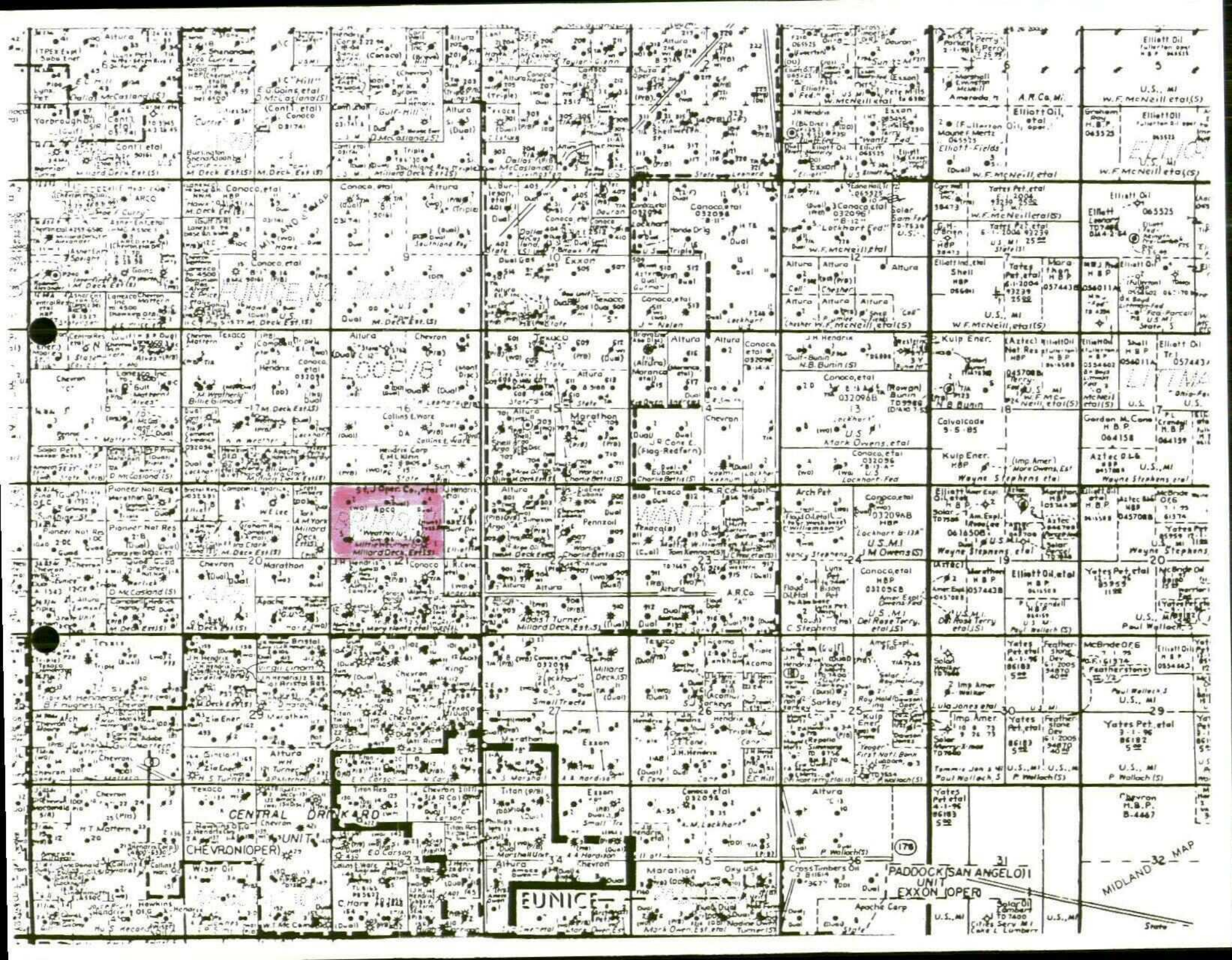
Does your office intend to contact these companies to demand cleanup of the pit?

Sincerely,

A handwritten signature in black ink, appearing to read "Michael H. Feldewert", with a stylized flourish at the end.

Michael H. Feldewert

MHF/ras  
Enclosure  
cc. Martyne Kieling  
Lyn Hebert  
Tim Wolters



# NOTICE OF INTENTION TO DRILL

Notice must be given to the Oil Conservation Commission or its proper agent and approval obtained before drilling begins. If changes in the proposed plan are considered advisable, a copy of this notice showing such changes must be returned to the sender. Submit this notice in triplicate. One copy will be returned following approval. See additional instructions in Rules and Regulations of the Commission.

Dallas, Texas

March 24, 1947

Place

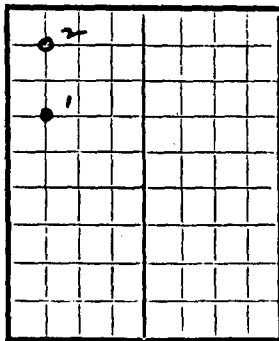
Date

OIL CONSERVATION COMMISSION,  
Santa Fe, New Mexico,

Gentlemen:

You are hereby notified that it is our intention to commence the drilling of a well to be known as  
**TRINITY DRILLING COMPANY** **Mittie Weatherly** Well No. **2** in **NW 1 NW 1**

Company or Operator **Lease**  
of Sec. **21**, T **21S**, R **37E**, N. M., P. M., **Drinkard** Field, **Lea** County.



AREA 640 ACRES

LOCATE WELL CORRECTLY

The well is **660** feet **(N)** (S.) of the **North** line and **660** feet (E.) **(W)** of the **West** line of **Section 21**

(Give location from section or other legal subdivision lines. Cross out wrong directions.)

If state land the oil and gas lease is No. **No** Assignment No. \_\_\_\_\_

If patented land the owner is **Mittie Weatherly**  
**Abilene, Texas**

If government land the permittee is **No**

Address \_\_\_\_\_

The lessee is \_\_\_\_\_

Address \_\_\_\_\_

We propose to drill well with drilling equipment as follows: **Rotary**

The status of a bond for this well in conformance with Rule 39 of the General Rules and Regulations of the Commission is as follows: **On File Blanket Bond**

We propose to use the following strings of casing and to land or cement them as indicated:

Size of Hole	Size of Casing	Weight Per Foot	New or Second Hand	Depth	Landed or Cemented	Sacks Cement
19-3/4	16	55#	New	250	Cemented	250
12	8-5/8	32#	New	2800	"	600
8-3/4	5 1/2	17#	New	6650	"	750

If changes in the above plan become advisable we will notify you before cementing or landing casing. We estimate that the first productive oil or gas sand should occur at a depth of about **6,650** feet.

Additional information:

Approved **APR 22**, 19\_\_\_\_, 19\_\_\_\_  
except as follows:

Sincerely yours,

**TRINITY DRILLING COMPANY**

Company or Operator

By \_\_\_\_\_

Position **Secretary-Treasurer**

Send communications regarding well to

Name **Trinity Drilling Company**

Address **1202 Kirby Bldg-Dallas 1, Texas**

OIL CONSERVATION COMMISSION,

By **R. R. Spudis**

Title **R. R. SPUDIS**

## NEW MEXICO OIL CONSERVATION COMMISSION

Santa Fe, New Mexico

It is necessary that Form C-104 be approved before this form can be approved an initial allowable be assigned to any completed Oil or Gas well. Submit this form in **QUADRUPLICATE**.

# **CERTIFICATE OF COMPLIANCE AND AUTHORIZATION TO TRANSPORT OIL AND NATURAL GAS**

Company or Operator N. B. HUNT Lease Weatherly 2-7

Address 700 Mercantile Bank Bldg., Dallas, Texas  
(Local or Field Office) (Principal Place of Business)

Unit D-6-1, Well(s) No. 2, Sec. 21, T. 21S, R. 37E, Pool Drinkard

County Lea Kind of Lease: Patented

If Oil well Location of Tanks On lease

Authorized Transporter Skelly Oil Company Address of Transporter

Tulsa, Oklahoma  
(Local or Field Office) (Principal Place of Business)

Per cent of ~~Oil or Natural Gas~~ <sup>Casinghead</sup> to be Transported 100% Other Transporters authorized to transport ~~Oil or Natural Gas~~ <sup>XXX</sup>  
 from this unit are None

REASON FOR FILING: (Please check proper box)

NEW WELL ☐ CHANGE IN OWNERSHIP ☒

CHANGE IN TRANSPORTER ☐ OTHER (Explain under Remarks) ☐

REMARKS: N. B. Hunt purchased the above property from Trinity Production Company, effective date of responsibility for State Reports is August 1, 1954.

The undersigned certifies that the Rules and Regulations of the Oil Conservation Commission have been complied with.

Executed this the 8th day of September 19 54

N. B. HUNT

Approved \_\_\_\_\_, 19\_\_\_\_

OIL CONSERVATION COMMISSION

By [Signature]

Title Agent

By \_\_\_\_\_

Title \_\_\_\_\_

DISTRIBUTION		
SANTA FE		
FILE		
U.S.G.S.		
LAND OFFICE		
OPERATOR		

# NEW MEXICO OIL CONSERVATION COMMISSION

Supersedes Old  
C-102 and C-103  
Effective 1-1-65

5a. Indicate Type of Lease
State <input type="checkbox"/> Fee <input type="checkbox"/>
5. State Oil & Gas Lease No.

## SUNDRY NOTICES AND REPORTS ON WELLS

(DO NOT USE THIS FORM FOR APPLICATIONS TO ABANDON OR TO REOPEN OR PLUG BACK TO A DIFFERENT RESERVOIR.  
USE APPLICATION FOR ABANDONMENT (NMOCC Form 1) FOR SUCH PROPOSALS.)

OIL WELL <input checked="" type="checkbox"/> GAS WELL <input type="checkbox"/> OTHER <input type="checkbox"/>
Name of Operator
N. B. Hunt
Address of Operator
406 N. Big Spring, Midland, Texas 79701
Location of Well
UNIT LETTER <u>D</u> <u>660</u> FEET FROM THE <u>North</u> LINE AND <u>660</u> FEET FROM
THE <u>West</u> LINE, SECTION <u>21</u> TOWNSHIP <u>21S</u> RANGE <u>37E</u> N.M.P.M.

7. Unit Agreement Name
8. Farm or Lease Name
Weatherly
9. Well No.
2
10. Field and Pool, or With Unit
Eunice Drinkard & Pool
12. County
Lea

15. Elevation (Show whether DF, RT, GR, etc.)
DF 3,474' GR 3,465'

Check Appropriate Box To Indicate Nature of Notice, Report or Other Data  
NOTICE OF INTENTION TO: SUBSEQUENT REPORT OF:

PERFORM REMEDIAL WORK <input type="checkbox"/>	PLUG AND ABANDON <input type="checkbox"/>	REMEDIAL WORK <input checked="" type="checkbox"/>	ALTERING CASING <input type="checkbox"/>
TEMPORARILY ABANDON <input type="checkbox"/>	CHANGE PLANS <input type="checkbox"/>	COMMENCE DRILLING OPNS. <input type="checkbox"/>	PLUG <del>XXXXXXX</del>
PULL OR ALTER CASING <input type="checkbox"/>	OTHER <input type="checkbox"/>	CASING TEST AND CEMENT JOBS <input type="checkbox"/>	
zone only			

17. Describe Proposed or Completed Operations (Clearly state all pertinent details, and give pertinent dates, including estimated date of starting any proposed work) SEE RULE 1103.

- 1.) Moved in & R/U Completion rig on 10-31-83. POOH w/packer & tubing.
- 2.) Set CIBP at 3940'.
- 3.) Set packer @ 3480'. Squeezed off Grayburg perforations (3738'-90') w/50 sx Class "C" + 2% CaCl<sub>2</sub> and 50 sx Class "C" neat.
- 4.) Tagged cement at 3574'. Drilled 230' of hard cement. Pressure tested squeeze. Could not pump into well. Drilled CIBP at 3940'.
- 5.) Set CIBP @ 6420'.
- 6.) Perforated Blinebry zone w/4" csg gun. 5639'-47' (18), 5653'-62' (20), 5668'-78' (22), 5730'-36' (14), 5802'-06' (10).
- 7.) Acidized Blinebry perforated intervals separately. 5802'-06' (500 gals. 15% HCL), 5730'-36' (500 gals. 15% HCL), 5629'-78' (2000 gals. 15% HCL).
- 8.) Fractured Blinebry perforations w/48,300 gals. gelled wtr, 18,000# 100 mesh sand, and 57,500# 20/40 sand.
- 9.) Set Baker Model "D" packer at 6100' w/"R" nipple & 2 - 10' pup subs below packer.
- 10.) WIH w/2-3/8" production tubing w/latch-in seal assembly, on-off tool, sliding sleeve, & "F" nipple.
- 11.) Set plug in "R" nipple below packer to temporarily shut off Drinkard formation.
- 12.) WIH w/pump & rods (11-17-83). Started well producing into test facilities.

Note: The Blinebry zone (only) will continue to be produced until approval is granted by NMOCC

I hereby certify that the information above is true and complete to the best of my knowledge and belief.

to commingle the Drinkard & Blinebry zones. Upon approval, the plug will be recovered & the zones will be commingled.

SIGNED Thomas Rogers TITLE Petroleum Engineer DATE 12-02-83

APPROVED BY JERRY SEXTON  
DISTRICT 1 SUPERVISOR

TITLE \_\_\_\_\_

DATE DEC 5 1983

CONDITIONS OF APPROVAL, IF ANY:

CAMPBELL, CARR, BERGE  
& SHERIDAN, P.A.  
LAWYERS

MICHAEL B. CAMPBELL  
WILLIAM F. CARR  
BRADFORD C. BERGE  
MARK F. SHERIDAN  
MICHAEL H. FELDEWERT  
PAUL R. OWEN  
ANTHONY F. MEDEIROS  
  
JACK M. CAMPBELL  
1916-1999

RECEIVED  
MAR - 6 2000  
CONSERVATION DIVISION  
SUITE 1110 NORTH GUADALUPE  
POST OFFICE BOX 2208  
SANTA FE, NEW MEXICO 87504-2208  
TELEPHONE: (505) 988-4421  
FACSIMILE: (505) 983-6043  
E-MAIL: law@westofpecos.com

March 3, 2000

Roger C. Anderson  
Environmental Bureau Chief  
Oil Conservation Division  
New Mexico Department of Energy, Minerals and Natural Resources  
2040 South Pacheco Street  
Santa Fe, New Mexico 87505

Re: Millard Deck Estate  
Unlined Surface Impoundment Closure  
NW/4, NW/4, Section 21, Township 21 South, Range 37 East, NMPM, Lea County,  
New Mexico

Dear Mr. Anderson:

After our meeting on Monday, I discussed with the Trustee Bank your suggestions for resolving the problems posed by the surface oil waste pit located on Miller Deck Trust property. In an attempt to eliminate the future liability concerns expressed in my February 22<sup>nd</sup> letter in a manner which accommodates the OCD's desire to close this pit, the Bank is willing to immediately perform the following tasks at the Trust's expense:

- A. Remove all fluids and gross visual contaminated soil from the pit;
- B. Spread the removed material in a suitable area adjacent to the pit and disk the removed material into the soil;
- C. Fill the pit with new material to a point where it is level with the surrounding terrain.

The Bank is also willing to allow onsite land farming, monitoring, and testing, but the Trust is not obligated or in a position to fund such efforts.

Furthermore, the Trust's proposed action is contingent on receiving a prior release of liability from the OCD and the New Mexico Attorney General which acknowledges that the Trust's efforts are undertaken to avoid future potential liability arising from waterfowl and public use of the pit, that

Roger C. Anderson  
March 3, 2000  
Page 2

the Trust is under no obligation or responsibility to close the pit, that the Trust's actions will not be considered by the OCD as an admission of liability for the pit, and that the Trust's action will not qualify the Bank or the Trust as an owner, operator, generator, contributor, or potentially responsible party for the substances removed from or remaining within the pit.

Please let me know if these terms are acceptable so that the Bank can immediately undertake the tasks outlined herein upon receipt of an appropriate release of liability.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael H. Feldewert", written in a cursive style.

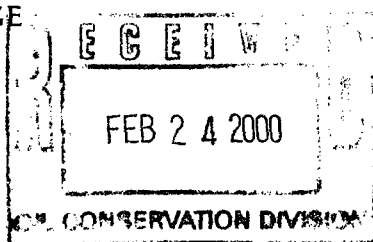
Michael H. Feldewert

MHF/ras

cc. Martyne Kieling  
Lyn Hebert  
Tim Wolters

CAMPBELL, CARR, BERGE  
& SHERIDAN, P.A.  
LAWYERS

MICHAEL B. CAMPBELL  
WILLIAM F. CARR  
BRADFORD C. BERGE  
MARK F. SHERIDAN  
MICHAEL H. FELDEWERT  
PAUL R. OWEN  
ANTHONY F. MEDEIROS  
  
JACK M. CAMPBELL  
1916-1999



JEFFERSON PLACE  
SUITE 1 - 110 NORTH GUADALUPE  
POST OFFICE BOX 2208  
SANTA FE, NEW MEXICO 87504-2208  
TELEPHONE: (505) 988-4421  
FACSIMILE: (505) 983-6043  
E-MAIL: ccbspa@ix.netcom.com

February 22, 2000

Roger C. Anderson  
Environmental Bureau Chief  
Oil Conservation Division  
New Mexico Department of Energy, Minerals and Natural Resources  
2040 South Pacheco Street  
Santa Fe, New Mexico 87505

Re: Millard Deck Estate  
Unlined Surface Impoundment Closure  
Deck-General Petroleum, Inc.  
NW/4, NW/4, Section 21, Township 21 South, Range 37 East, NMPM, Lea County,  
New Mexico

Dear Mr. Anderson:

It was a pleasure meeting with you and Ms. Kieling this past Friday, at which time I presented the results of the Bank's effort to identify parties who contributed to or operated the surface oil waste pit located on Miller Deck Trust property. This included a list dating back to the 1950's of the oil and gas lessees/operators of the property on which the pit is located which was extracted from an abstract office. Please further note that the Division's summary of the November 4, 1998, inspection (which you provided to me on Friday) indicates Wayne Price stated that the "the former owner of the pit had filed bankruptcy." We have also been informed that Mr. Price is a former resident of the area and may be familiar with this waste oil pit, its operators, and contributors. I also note that the inspection report identifies an oil well located near the pit.

I understand from our meeting that the Division apparently feels that since the Miller Deck Estate Trust (for which the Bank is trustee) is the surface owner, the Trust should undertake cleanup responsibility. We respectfully disagree.

My review of the regulation you mentioned (19 NMAC 15.1.711) reveals no authority for the OCD to hold the Trust responsible for closing or absorbing the cost of closing this surface pit. Neither the Trust nor its predecessors qualify as a generator, permittee or operator of the pit. Further, because there is no evidence of surface or subsurface water contamination, the Division has not initiated procedures for the development of an "abatement plan" under 19 NMAC 15.A.19. Even if an abatement plan was required, it is not at all clear why the Trust would qualify as a "responsible

Roger C. Anderson  
February 22, 2000  
Page 2

person" under the applicable regulations, since neither the Trust nor its predecessors engaged in any development, drilling, or production from any pool or producing property at or near the pit.

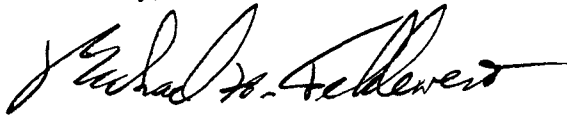
If the Division still maintains that the Miller Deck Trust is responsible for cleanup of the surface oil waste pit, please provide the statutory and/or regulatory authority for that position.

The Bank and the Trust remain willing to assist with the Division's efforts to locate parties who operated, generated or contributed to the surface oil waste pit. However, the Trust simply does not have the funds, and is not legally required to have the funds, to perform the closure plan the Division requires.

Finally, the Bank and the Trust remain concerned about the liability exposure presented by any future illegal use of the pit and harm to migratory waterfowl. Re-netting the pit is expensive, provides no assurances that waterfowl will not be harmed, and provides no barrier to illegal use. Because of these liability concerns, the Trust intends to bulldoze the pit to provide as much closure as possible. If the Division has an alternative suggestion, please apprise.

Thank you for your time in this matter. If you have any questions or if I can be of any further assistance, please feel free to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael H. Feldewert", with a long horizontal flourish extending to the right.

Michael H. Feldewert

MHF/ras  
cc. Tim Wolters

## Kieling, Martyne

---

**From:** Dickey, Sylvia  
**Sent:** Friday, February 18, 2000 3:28 PM  
**To:** Kieling, Martyne  
**Cc:** Wink, Gary  
**Subject:** REPLY TO QUESTIONS REGARDING DECK ESTATE PIT

1. Eddy Seay said he had an arial picture of this before anything was put in it. He thinks this dates back to mid 60's. It was originally a caliche pit, and over the years people started dumping oil in it (or whatever).

2. Unknown.

3. According to Jerry Sexton, Jimmy Cooper netted it. Jerry said he had Eddie request the netting of the pit. Jerry thinks Jimmy Cooper netted pit. Eddie said he didn't. Martyne I couldn't find any netting exemption information. You might want to talk to Donna Williams.

4. Around 84 or 85 Otto Wink sited Petro Thermo for dumping fluids in pit.

Martyne, Eddie Seay seems to know more about the history of the pit. I'm sure you are aware Eddie is working for Deck Estate on the closure of this pit. Sorry, I don't know anymore about this.

*Michael . . .  
Feldewert with Bill Carr Office . -*

## **Kieling, Martyne**

---

**From:** Kieling, Martyne  
**Sent:** Thursday, February 17, 2000 5:14 PM  
**To:** Wink, Gary  
**Cc:** Williams, Chris; Anderson, Roger; Williams, Donna  
**Subject:** Deck Trust

Gary:

We have limited information regarding the Deck Estate -Trust land that contains the Pit 2 miles north of Euncie. Location NW/4, NW/4 of section 21, Township 21 Sough, Range 37 East, NMPM, Lea County New Mexico. When you get some time could you as long time resident of the area write down the history you know regarding the site:

1. When the pit was first constructed,
2. What company or person constructed the pit,
3. Who netted the pit ... Did anyone request a netting exemption and was denied?, and
4. Anything else you know about the pits history.

We were also tossing around the Idea of having a formal meeting with the son of Millard Deck ..(is it Gary Deck?) on one of our next visits. This would be to see if he has any documentation or knowledge regarding authorizing the use of the pit on the Deck land.

Give me a call if you want to talk about this. This request comes after a meeting with Lori, Roger, Wayne and my self.

Thanks  
Martyne Kieling

**RECEIVED**

OCT 16 1998

Environmental Bureau  
Oil Conservation Division

**Deltec Environmental Services**  
1302 Petroleum Drive, Bldg. B  
Abilene, Texas 79602-7959  
915.695.6400  
Fax: 915.692.1587

October 10, 1998

Ms. Martyne Kieling  
OCD Environmental Bureau  
204 South Pacheco  
Santa Fe, New Mexico 87505

**RE: Proposal For Closure of Unlined Surface Impoundment  
Problem Oil Pit  
Deck-General Petroleum, Inc.  
Eunice, New Mexico**

Ladies and Gentlemen:

#### Introduction

Herein contains a proposal for the closure of an unlined surface impoundment. It is submitted on behalf of NationsBank of Texas, N.A., Midland Trust Real Estate Department for the Miller Deck Trust. The surface impoundment is located on the property known as Miller Deck Trust on County Road 33 just west of Eunice, New Mexico (OCD POP file: Deck-General Petroleum, Inc.). It is estimated that the unlined surface impoundment has been in existence for approximately thirty years. The unlined surface impoundment was used over the years for the placement of exploration, production, and processing waste generated by the oil/gas operators leasing the property. Historical information suggests that General Petroleum, Inc. (now known as Lucky Oil Co. of Eunice, New Mexico) constructed and operated the impoundment. The intention of this proposal is to provide closure of the unlined surface impoundment in a manner that assures protection of fresh waters, public health, and the environment.

#### I. Site Assessment

Prior to final closure, an assessment will be performed to determine the extent to which soils and/or ground water may have been impacted by the operation of the impoundment. The assessment results will form the basis of any required remediation. The site will be assessed for the severity of contamination and potential environmental and public health threats using a risk based ranking system outlined in the New Mexico Oil Conservation Division (NMOCDD) document, Unlined Surface Impoundment Closure Guidelines.

The following characteristics will be determined in order to evaluate the sites potential risks, the need for remedial action and, if necessary, the level of cleanup required at the site:

**Property Transactions 1945-1991**  
**Millard Deck Estate**  
**NW/4, NW/4, Section 21, Township 21 South, Range 37 East, NMPM**  
**Lea County, New Mexico**

<u>date filed</u>	<u>Grantor</u>	<u>Grantee</u>	<u>Instr.</u>	<u>Bk/Pg</u>
07-18-45	Trinity Drig.	Phillips Pet.	CGC	31/140
02-01-46	Trinity Drig.	Phillips	CGC	32/2
07-31-47	Trinity Drig.	Skelly	CGC	34/454
11-10-47	J.W. Owens	Shell	R/W	95/308
03-01-48	Phillips Pet.	Trinity Drig.	Rel CGC	36/522
12-23-48	Trinity Drig.	Phillips	CGC	42/250
02-19-49	Trinity Drig.	Trinity Prod. Co.	Assign Oil/Gas Lease	76/143
10-13-49	Trinity Drig.	C.T. Smith	Agree	50/85
09-10-54	Trinity Drig.	Joe L. Rush	Assign Oil/Gas Lease	120/63
09-10-54	Joe L. Rush	N.B. Hunt	A/PP	120/115
09-10-54	Joe L. Rush	John C. Stricker	A/PP	90/171
10-13-55	N.B. Hunt	Phillips Pet.	CGC	102/215
11-09-56	John C. Stricker	N.B. Hunt	Rel	114/431
03-08-57	N.B. Hunt	1st Nat. Bank of Dallas	Mtg	130/196
01-29-60	Lamar Hunt	1st Nat. Bank of Dallas	Mtg	173/54
03-05-62	N.B. Hunt	1st Nat. Bank of Dallas	Agreement Renewal	196/565
06-11-62	W.H. Hunt	1st Nat. Bank of Dallas	Mtg	200/59
02-18-66	N.B. Hunt	1st Nat. Bank of Dallas	Lien Renewal & Extension	254/405
05-04-66	1st Nat. Bank of Dallas	W.H. Hunt	Mtg Extension	255/803
01-19-68	Lamar Hunt	1st Nat. Bank of Dallas	Mtg Extension & Renewal	260/552
01-27-70	N.B. Hunt	1st Nat. Bank of Dallas	Mtg Extension & Renewal	279/742
06-14-72	N.B. & W.H. Hunt	Lamar Hunt/Int. Pet. Co.	Assign Oil/Gas Lease	278/140
01-10-77	Hunt Int. Pet. Co. (UK)	NB, WH, & Lamar Hunt	Mtg	330/169
01-10-77	Hunt Int. Pet. Co. (UK)	Placid Oil Co.	Assign Mtg	330/181
10-01-79	Placid Oil	NB, WH, & Lamar Hunt	Trans Lien	368/930
04-11-80	Hunt Int.	NB, WH, & Lamar Hunt	Oil/Gas Assign	325/803
02-07-85	Eurotex Corp.	Eurotex Corp.	Assign Oil/Gas	380/478
01-09-91	Stephen S. Turoff	S & J Oper.	Spec W/D & B/S	
02-07-91	Lamar Hunt	S & J Oper.	Spec W/D & B/S	469/696
04-16-91	S & J Op.	Fred Stephens	Assign Oil/Gas	462/129



NEW MEXICO ENERGY, MINERALS  
& NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION  
2040 South Pacheco Street  
Santa Fe, New Mexico 87505  
(505) 827-7131

January 24, 2000

**CERTIFIED MAIL**  
**RETURN RECEIPT NO. Z-559-572-263**

Mr. Paul R. Owen  
Camble, Carr, Berge, & Sheridan, P.A.  
P.O. Box 2208  
Santa Fe, NM 87504-2208

**Re: Unlined Surface Impoundment Closure  
Deck-General Petroleum, Inc.  
NW/4, NW/4 of Section 21, Township 21 South, Range 37 East, NMPM  
Lea County, New Mexico**

Mr. Owen:

The New Mexico Oil Conservation Division has received your letter dated December 14, 1999 requesting an extension of time from the December 6, 1999 deadline to March 6, 2000 for the submittal of a cleanup progress report and to allow time for further investigation into the above referenced location. The extension request is hereby granted.

If you have any questions, please contact Martyne Kielling at (505) 827-7153.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger C. Anderson".

Roger C. Anderson  
Environmental Bureau Chief

xc: Hobbs OCD Office  
Tim Wolters, Bank of America

CAMPBELL, CARR, BERGE  
& SHERIDAN, P.A.  
LAWYERS

MICHAEL B. CAMPBELL  
WILLIAM F. CARR  
BRADFORD C. BERGE  
MARK F. SHERIDAN  
MICHAEL H. FELDEWERT  
PAUL R. OWEN  
ANTHONY F. MEDEIROS  
  
JACK M. CAMPBELL  
1916-1999

JEFFERSON PLACE  
SUITE 1 - 110 NORTH GUADALUPE  
POST OFFICE BOX 2208  
SANTA FE, NEW MEXICO 87504-2208  
TELEPHONE: (505) 988-4421  
FACSIMILE: (505) 983-6043  
E-MAIL: ccbspa@ix.netcom.com

December 14, 1999

**HAND-DELIVERED**

Roger C. Anderson  
Environmental Bureau Chief  
Oil Conservation Division  
New Mexico Department of Energy,  
Minerals and Natural Resources  
2040 South Pacheco Street  
Santa Fe, New Mexico 87505

OIL CONSERVATION DIV.  
99 DEC 14 PM 3:53

Re: ***Millard Deck Estate  
Unlined Surface Impoundment Closure  
Deck-General Petroleum, Inc.  
NW/4, NW/4, Section 21, Township 21 South, Range 37 East, NMPM, Lea  
County, New Mexico.***

Dear Mr. Anderson:

We represent Bank of America, formerly Nations Bank ("the Bank"), which has been ordered by the New Mexico Oil Conservation Division ("the Division") to clean up the above-referenced unlined surface impoundment, and to file a pit closure reflecting such cleanup.

You will recall that on October 10, 1998, on behalf of the Bank, Deltec Environmental Services submitted a closure plan for the pit. Following further discussions with the Division, and further testing, the Bank submitted a second closure plan on July 16, 1999. Upon receipt of the Division's July 23, 1999 approval of that plan, the Bank began investigating the ownership of the property and who might be a "responsible party" for the pit contamination, as defined by Division regulations.

As indicated in the Bank's August 19 and September 8, 1999, the Bank does not have

Roger C. Anderson  
December 14, 1999  
Page 2

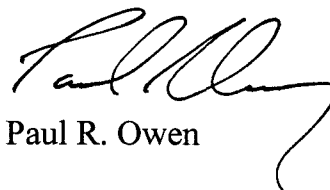
sufficient resources to accomplish the pit closure as required by the Division. The Bank has worked with the Division to develop an appropriate pit closure plan, and to determine how remediation of the pit should be accomplished.

It is our understanding that the Bank is the surface owner of the property on which the pit is located, and that it is not a "responsible party" for purposes of Division regulations. We are reviewing the Division's and the Bank's files to confirm this fact, and to determine who might be a responsible party.

We request a 90-day extension of the December 6, 1999 deadline set forth in your November 1, 1999 letter to Tim Wolters of the Bank. During that time we will attempt to determine who might be a responsible party, and will work with the Division in this matter.

If you have any questions, please call. We look forward to confirmation that the December 6, 1999 deadline has been extended by 90 days, to March 6, 1999.

Very truly yours,



Paul R. Owen

cc: Mr. Tim Wolters  
Vice President, Real Estate Services  
Bank of America Private Bank  
Post Office Box 270  
Midland, Texas 79702-0270

CAMPBELL, CARR, BERGE & SHERIDAN, P.A.

LAWYERS

POST OFFICE BOX 2208

SANTA FE, NEW MEXICO 87504-2208

HAND-DELIVERED

Roger C. Anderson  
Environmental Bureau Chief  
Oil Conservation Division  
New Mexico Department of Energy,  
Minerals and Natural Resources  
2040 South Pacheco Street  
Santa Fe, New Mexico 87505

MEMORANDUM OF MEETING OR CONVERSATION

<input checked="" type="checkbox"/> Telephone	<input type="checkbox"/> Personal	Time 2:30	Date 11-23-99
<u>Originating Party</u> Mark Sanchez (505) 397-6551 Hobbs Attorney For Bank of America		<u>Other Parties</u> Martyne Kiehl, Roger Anderson, Randal	
<u>Subject</u> Deck Estate Pit North of Eunice			
<u>Discussion</u> Questions Concerning OLD NOV 1, 1999 letter. Depth to Groundwater in Monument Draw at this location is 56' to 80' feet. Randal Requested the trust Agreement to see who the Estate Recipients are.			
<u>Conclusions or Agreements</u> Someone Bank of America or Mark Sanchez will Get Back with us.			
<u>Distribution</u>		Signed Martyne J Kiehl	



NEW MEXICO ENERGY, MINERALS  
& NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION  
2040 South Pacheco Street  
Santa Fe, New Mexico 87505  
(505) 827-7131

November 1, 1999

**CERTIFIED MAIL**  
**RETURN RECEIPT NO. P.326-936-657**

Tim Wolters  
Nations Bank  
P.O. Box 270  
Midland, TX 79702-0270

**RE: Unlined Surface Impoundment Closure**  
**Deck-General Petroleum, Inc.**  
**NW/4, NW/45 Section 21, Township 21 South, Range 37 East, NMPM**  
**Lea County, New Mexico**

Dear Mr. Wolters:

The New Mexico Oil Conservation Division (OCD) received the Bank of America letter dated September 8, 1999 concerning the above-referenced pit investigation and closure plan approval. On September 2, 1999 the OCD approved the investigation and cleanup outline with the following Conditions:

1. Points e, f and g from Option (I) outline shall be added to the Option (II) outline.
2. Tasks a, b and may begin immediately and shall be completed by December 36, 1999.
3. The remainder of the tasks shall be completed by March 8, 2000.

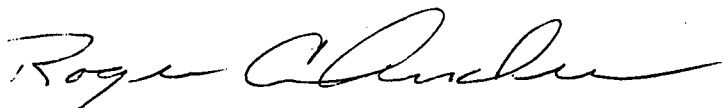
Investigation and clean up shall follow the approved August 19, 1999 closure plan with conditions. Bank of America shall not cover the pit. Bank of America on behalf of Deck-General Petroleum, Inc. shall provide an update on the cleanup progress by **December 6, 1999**. The final pit closure report shall be submitted to the OCD Santa Fe office and a copy to the Hobbs District office by **March 38, 1999**.

Failure to submit the requested information by December 6, 1999 will result in the issuance of a notice of violation.

Mr. Tim Wolters  
November 1, 1999  
Page 2

If you have any questions, please contact Martyne Kieling at (505) 827-7153.

Sincerely,

A handwritten signature in cursive script, appearing to read "Roger C. Anderson".

Roger C. Anderson  
Environmental Bureau Chief

RCA/mjk

xc: Hobbs OCD Office

# Bank of America



SEP 22 1999

Bank of America Private Bank  
Real Estate Services-Farm and Ranch  
TX3-522-02-03  
PO Box 270  
Midland, TX 79702-0270

Tel 915.685.2064  
Fax 915.685.2293

September 8, 1999

Martyne J. Kieling  
Environmental Geologist  
Oil Conservation Division  
2040 South Pacheco Street  
Santa Fe, New Mexico 87505

Re: Millard Deck Estate  
Unlined Surface Impoundment Closure  
Deck-General Petroleum, Inc.  
NW/4, NW/45 Section 21, Township 21 South, Range 37 East, NMPM  
Lea county, New Mexico

Dear Ms. Kieling:

We are in receipt of your letter dated September 2, 1999 granting OCD's approval for the captioned pit closure. However, the estimated cost for closure, submitted by Eddie Seay Consulting firm, makes it impossible to proceed. The Trust does not have funds for such a large expenditure.

We have acted in good faith in an attempt to find the rightful owners by researching the records at the OCD office in Hobbs New Mexico by Deltec Environmental Services. We tested the contents of the site and have found that the pit contains non-hazardous material confirmed by the OCD in your letter to me dated April 13, 1999. We then consulted with Eddie Seay Consulting to determine our options and estimated cost to close this pit.

Our research indicates there were many owners of this lease over the years and the Trust never authorized its opening or use of this pit and we maintain the Trust has no responsibility for its closing or absorbing any cost for closure.

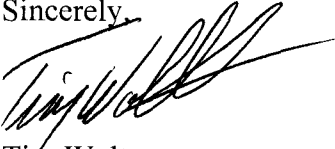
A recent ruling by a federal judge, Judge Ducas Fitzpatrick of the U.S. District Court in Macon, Ga., ruled that a bank that is operating as a trustee for a business in accordance with the terms of a will is merely carrying out its fiduciary duties and is not considered an owner of the enterprise. Because it is not an owner the bank is not liable for

environmental cleanup.

This presents a dilemma for us, however we would like to at least to use a dozer to close the pit thereby eliminating further illegal use of the pit. Of course by doing so we assume no liability, responsibility or ownership for this pit.

Please respond as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Wolters', with a long horizontal flourish extending to the right.

Tim Wolters  
Vice President  
Real Estate Services

TW

Gene Dunbar  
Scott Slocum



NEW MEXICO ENERGY, MINERALS  
& NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION  
2040 South Pacheco Street  
Santa Fe, New Mexico 87505  
(505) 827-7131

September 2, 1999

**CERTIFIED MAIL**

**RETURN RECEIPT NO. P-326-936-574**

**RETURN RECEIPT NO. P-326-936-575**

Mr. Tim Wolters  
Nations Bank  
P.O. Box 270  
Midland, TX 79702-0270

Mr. Eddie Seay  
Eddie Seay Consulting  
601 W Illinois  
Hobbs, NM 88242

**RE: Unlined Surface Impoundment Closure**  
Deck-General Petroleum, Inc.  
NW/4, NW/45 Section 21, Township 21 South, Range 37 East, NMPM  
Lea County, New Mexico

Dear Messrs. Wolters and Seay:

The New Mexico Oil Conservation Division (OCD) has reviewed the letter and enclosed options proposed in the Eddie Seay Consulting letter dated August 19, 1999. Option one (I) remediation outline is approved. Option two (II) remediation outline is approved with the following conditions:

1. Tasks e, f and g from Option (I) outline shall be added to the Option (II) outline.

Tasks a, b and c may begin immediately and shall be completed by **December 6, 1999**. The remainder of the tasks shall be completed by **March 8, 2000**. The final report shall be submitted to the OCD Santa Fe office for review and a copy to the Hobbs District office.

If you have any questions please call me at (505) 827-7153

Sincerely,

Martyne J. Kieling  
Environmental Geologist

xc: Hobbs OCD Office

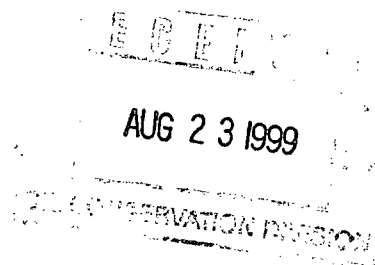
601 W. ILLINOIS  
HOBBS, NEW MEXICO 88242

# EDDIE SEAY CONSULTING

ENVIRONMENTAL,  
GEOLOGICAL & REGULATORY  
SPECIALISTS

PHONE (505) 392-2236  
FAX (505) 392-6949  
MOBILE (505) 390-2454

August 19, 1999



NMOCD Environmental Bureau  
ATTN: Martyne J. Kieling  
2040 South Pacheco Street  
Santa Fe, NM 87505

RE: Unlined pit - Deck - General Petroleum Inc.

Dear Mrs. Kieling:

Due to the extreme economic slump in the industry, the Deck estates does not have the funds to perform a total closure at this time. It is the desire of the estate and its managers to work on the closure in phases.

\* We would like to perform task a, b and c as outlined in the previously submitted options, within 180 days, and have final closure within 1 year. The area will be kept secure and posted.

In the meanwhile, we will continue searching records to determine the responsible parties for this site.

Your consideration in this matter is greatly appreciated.

Sincerely,

A handwritten signature of Eddie W. Seay is present, followed by a long horizontal line.

Eddie W. Seay, Agent

## OPTION I

### Offsite disposal for remediation

- a. all fluids must be removed and properly disposed of.
- b. determine the vertical and horizontal extent of contamination.
- c. conduct groundwater investigation.
- d. excavate contaminated soil from pit and haul to an approved OCD facility.
- e. remove fence, trash, and debris, and dispose of properly.
- f. backfill with clean ambient soil.
- g. seed and contour as needed.
- h. file final report.

## OPTION II

### Onsite remediation - landfarming

- a. remove all fluids and properly dispose of same.
- b. determine the vertical and horizontal extent of contamination.
- c. conduct groundwater investigation.
- d. find a suitable site for landfarming, close by.
- e. excavate contaminated soil, spread in 6 in lifts in remediation site, disk, water and monitor every other week until an approved level of remediation has been met.
- f. test and monitor on a quarterly basis.
- g. file final report.



**NEW MEXICO ENERGY, MINERALS  
& NATURAL RESOURCES DEPARTMENT**

OIL CONSERVATION DIVISION  
2040 South Pacheco Street  
Santa Fe, New Mexico 87505  
(505) 827-7131

July 23, 1999

**CERTIFIED MAIL**

**RETURN RECEIPT NO. P-326-936-558**

**RETURN RECEIPT NO. P-326-936-559**

Tim Wolters  
Nations Bank  
P.O. Box 270  
Midland, TX 79702-0270

Mr. Eddie Seay  
Eddie Seay Consulting  
601 W Illinois  
Hobbs, NM 88242

**RE: Unlined Surface Impoundment Closure**  
Deck-General Petroleum, Inc.  
NW/4, NW/45 Section 21, Township 21 South, Range 37 East, NMPM  
Lea County, New Mexico

Dear Messrs: Wolters and Seay:

The New Mexico Oil Conservation Division (OCD) has reviewed the letter and enclosed options proposed in the Eddie Seay Consulting letter dated July 16, 1999. Option one (I) remediation outline is approved. Option two (II) remediation outline is approved with the following conditions:

1. Points e, f and g from Option (I) outline shall be added to the Option (II) outline.

A pit closure plan shall be submitted **no later than August 25, 1999** to the OCD Santa Fe office for review and a copy to the Hobbs District office.

If you have any questions please call me at (505) 827-7153.

Sincerely,

Martyne J. Kielsing  
Environmental Geologist

xc: Hobbs OCD Office

601 W. ILLINOIS  
HOBBS, NEW MEXICO 88242

# EDDIE SEAY CONSULTING

ENVIRONMENTAL,  
GEOLOGICAL & REGULATORY  
SPECIALISTS

PHONE (505) 392-2236  
FAX (505) 392-6949  
MOBILE (505) 390-2454

July 16, 1999

JUL 22 1999

NMOCD Environmental Bureau  
ATTN: Martyne J. Kieling  
2040 S. Pacheco  
Santa Fe, NM 87505

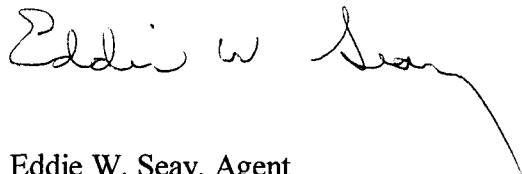
RE: Unlined pit on Deck Estates, Eunice, NM

Dear Mrs. Kieling:

The Bank of America and Mr. Tim Walters, Manager of the Deck properties, has asked me to prepare a closure plan for remediation of the pit left on the Deck properties. I have listed two options of remediation for your review. At your earliest convenience, please let me know which option the OCD would prefer. Once we have had approval from the State of New Mexico, funding and a time table for completion of this task will be acquired.

Thank you for your consideration in this matter. Looking forward to hearing from you.

Sincerely,



Eddie W. Seay, Agent

## OPTION I

### Offsite disposal for remediation

- a. all fluids must be removed and properly disposed of.
- b. determine the vertical and horizontal extent of contamination.
- c. conduct groundwater investigation.
- d. excavate contaminated soil from pit and haul to an approved OCD facility.
- e. remove fence, trash, and debris, and dispose of properly.
- f. backfill with clean ambient soil.
- g. seed and contour as needed.
- h. file final report.

## OPTION II

### Onsite remediation - landfarming

- a. remove all fluids and properly dispose of same.
- b. determine the vertical and horizontal extent of contamination.
- c. conduct groundwater investigation.
- d. find a suitable site for landfarming, close by.
- e. excavate contaminated soil, spread in 6 in lifts in remediation site, disk, water and monitor every other week until an approved level of remediation has been met.
- f. test and monitor on a quarterly basis.
- g. file final report.

*100 feet or so off the Road.  
Deck land.....*

MEMORANDUM OF MEETING OR CONVERSATION



Telephone



Personal

Time

10:16

Date

7-2-99

Originating Party

Other Parties

Tim Walters Nations Bank

Manlyre Kieley

Subject

Deck Property Pit

To Submit a New Plan ASAP For DCD Review & Approval.

Discussion

Conclusions or Agreements

Distribution

Signed



**NEW MEXICO ENERGY, MINERALS  
& NATURAL RESOURCES DEPARTMENT**

OIL CONSERVATION DIVISION  
2040 South Pacheco Street  
Santa Fe, New Mexico 87505  
(505) 827-7131

April 13, 1999

**CERTIFIED MAIL**  
**RETURN RECEIPT NO. P-326-936-530**

Mr. Tim Wolters  
Nations Bank  
P.O. Box 270  
Midland, TX 79702-0270

**RE: Unlined Surface Impoundment Closure**  
Deck-General Petroleum, Inc.  
NW/4, NW/4, Section 21, Township 21 South, Range 37 East, NMPM  
Lea County, New Mexico

Dear Mr. Wolters:

The New Mexico Oil Conservation Division (OCD) has reviewed the analytical test results dated March 11, 1999 which were submitted on behalf of Nations Bank for the Miller Deck Trust by their consultant Deltec Environmental Services. The test results show that the non-exempt material in the Deck pit is **non-hazardous**.


Nations Bank may proceed with the pit closure plan approved by the OCD on November 2, 1998. Please be advised, if the approved closure plan is changed or modified by Peak Consulting Services/Environmental Land Services the new closure plan must be submitted to the OCD Santa Fe Office for approval.

If you have any questions please call me at (505) 827-7153.

Sincerely,

Martyne J. Kieling  
Environmental Geologist

xc: Hobbs OCD Office  
Eddie Seay, Peak Consulting Services

NationsBank  
Private Client Group/ Estate  
TX3-522-02-03  
P. O. Box 270  
Midland, TX 79702-0270

Tel 915 685-2064  
Fax 915 685-2293

APR 12 1999

**NationsBank**

April 9, 1999

Martyne Kieling  
Oil Conservation Division  
2040 South Pacheco  
Santa Fe, NM 87505

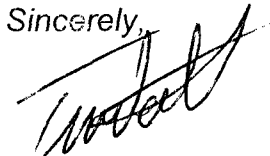
Re: Millard Deck Estate  
Unlined Surface Impoundment Closure  
Section 21, T21S, R37E, NMPM  
Lea County, New Mexico

Dear Ms. Kieling:

This is to inform the OCD that NationsBank, N.A. will be using the services of Peak Consulting Services / Environmental Land Services to close the captioned pit. We will not be using Deltec Environmental Services.

In addition, I received a copy of your letter dated November 2, 1998 to Deltec confirming our proposal to clean up the pit provided we do some other test for hazardous material before removing any material. Deltec performed the test and submitted the results to the OCD March 11, 1999. We have not received an official response from the OCD concerning the findings of their report. We need to know if the OCD agrees with Deltec that the pit does not contain hazardous material and we can proceed with on site remediation under the "Surface Impoundment Closure Guidelines."

Sincerely,



Tim Wolters  
Vice President and PCG R/E Manager

TW

MEMORANDUM OF MEETING OR CONVERSATION

<input checked="" type="checkbox"/> Telephone	<input type="checkbox"/> Personal	Time 9:15	Date 4-8-99
<u>Originating Party</u> Martyne Kieling		<u>Other Parties</u> Tim Wolter Fax# (915) 685-2293 Phone (915) 685-2064	
<u>Subject</u> Deck Pit			
<u>Discussion</u> Will Not Be using Delta Environmental Will Probably Use Peak Consulting Eddie Seay.			
<u>Conclusions or Agreements</u>			
<u>Distribution</u>		Signed	

**Deltec Environmental Services**

1302 Petroleum Drive, Bldg. B

Abilene, Texas 79602-7959

915.695.6400

Fax: 915.692.1587

March 11, 1999

APR - 2 1999

Ms. Martyne Kieling, Environmental Geologist  
OCD Environmental Bureau  
204 South Pacheco  
Santa Fe, New Mexico 87505

**RE: Analytical Test Results  
Deck-General Petroleum, Inc.  
NW/4, NW/4, Section 21, Township 21 South, Range 37 East, NMPM  
Lea County, New Mexico**

Ladies and Gentlemen:

This letter is submitted on behalf of our client, Nations Bank Of Texas, Midland Trust Real Estate Division, Midland, Texas in reference to activities performed at the above-referenced site. The following are the results of the testing of a waste sample collected from the unlined oil pit located on the referenced property. It was requested in your letter dated November 2, 1998, that the waste contained in the unlined oil pit be tested for RCRA Hazardous Characteristics according to 40 CFR 261. As a result, on January 22, 1999, Deltec Environmental Services collected a composite sample of the waste contained in the unlined oil pit. Mr. Gary Wink and Ms. Donna Williams, Field Representatives with the OCD District Office in Hobbs, New Mexico, were present to witness and aided-in the sampling event.

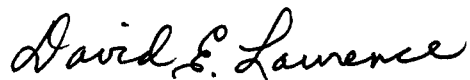
The sample was placed in a clean, pre-decontaminated glass jar and secured with a Teflon-lined lid. Upon collection, the sample was placed on ice and transported to Deltec's offices where it was stored in a refrigerator until it was shipped on ice to a laboratory. The sample was submitted to a qualified laboratory and tested for RCRA Hazardous Characteristics according to 40 CFR 261. Results of the analytical testing revealed all analyzed constituents to be below method detection limits and regulatory levels with the exception of total petroleum hydrocarbons (TPH) concentrations, which was indicated to be 6,960 mg/kg. Since the waste contained in the pit is obviously a hydrocarbon, an elevated TPH level was anticipated. Attached is a copy of the laboratory analytical reports and chain-of-custody documentation.

New Mexico OCD Environmental Bureau  
Deck-General Petroleum, Inc.  
Lea County, New Mexico  
Page 2

Please do not hesitate to call me at (915) 695-6400 if you have any questions or should you require any further information at this time.

Respectfully yours,

DELTEC ENVIRONMENTAL SERVICES

A handwritten signature in cursive script that reads "David E. Laurence".

David E. Laurence

Enclosure

- cc: Mr. Chris Williams, District Supervisor  
New Mexico Oil Conservation Division  
Environmental Bureau District Office, Hobbs, N.M.
- cc: Mr. Tim Wolters, Vice President  
Nations Bank of Texas, N.A.  
Midland Trust Real Estate Division  
Midland, Tx.



February 17, 1999

1/4

Deltec Environmental Services  
1302 Petroleum Drive, Bldg. B  
Abilene, TX 79602-7959

Date Collected: 1/22/99  
Date Received: 2/3/99  
Project #: Nations Bank  
Client ID #: Oil Pit Composite #1  
Laboratory ID #: 99278-01  
Matrix: Sludge  
Extraction Method: 1311  
Date of Analysis: 2/4/99

12

✓

**TCLP Metals**

<b><u>Parameter</u></b>	<b><u>Detection Limit</u></b> <b><u>(mg/l)</u></b>	<b><u>Results</u></b> <b><u>(mg/l)</u></b>	<b><u>Regulatory Level</u></b> <b><u>(mg/l)</u></b>
Silver	0.01	< 0.01	5
Lead	0.1	< 0.1	5
Cadmium	0.005	< 0.005	1
Chromium	0.05	< 0.05	5
Arsenic	0.01	< 0.01	5
Mercury	0.002	< 0.002	0.2
Barium	1.0	< 1.0	100
Selenium	0.02	< 0.02	1

Laboratory Manager: Bassam Youssef

This report may not be reproduced except in full. The results were only representative of the samples received. Conditions can vary at different times and at different sampling conditions.



February 17, 1999

2/4

Deltec Environmental Services  
1302 Petroleum Drive, Bldg. B  
Abilene, TX 79602-7959

Date Collected: 1/22/99  
Date Received: 2/3/99  
Project #: Nations Bank  
Client ID #: Oil Pit Composite #1  
Laboratory ID #: 99278-01  
Matrix: Sludge  
Extraction Method: 1311  
Date of Analysis: 2/8/99

✓  
✓

**TCLP Volatiles**

<b><u>Parameter</u></b>	<b><u>Detection Limit</u></b> <b><u>(mg/l)</u></b>	<b><u>Results</u></b> <b><u>(mg/l)</u></b>	<b><u>Regulatory</u></b> <b><u>Level (mg/l)</u></b>
Benzene	0.1	< 0.1	0.5
Carbon tetrachloride	0.1	< 0.1	0.5
Chlorobenzene	0.1	< 0.1	100
Chloroform	0.1	< 0.1	6
1,2-Dichloroethane	0.1	< 0.1	0.5
1,1-Dichloroethene	0.1	< 0.1	0.7
2-Butanone (MEK)	2.0	< 2.0	200
Tetrachloroethene	0.1	< 0.1	0.7
Trichloroethene	0.1	< 0.1	0.5
Vinyl Chloride	0.2	< 0.2	0.2

Laboratory Manager: Bassam Youssef

A handwritten signature in black ink, appearing to read "Bassam Youssef", is written over a horizontal line.



February 17, 1999

3/4

Deltec Environmental Services  
1302 Petroleum Drive, Bldg. B  
Abilene, TX 79602-7959

Date Collected: 1/22/99  
Date Received: 2/3/99  
Project #: Nations Bank  
Client ID #: Oil Pit Composite #1  
Laboratory ID #: 99278-01  
Matrix: Sludge  
Extraction Method: 1311  
Date of Analysis: 2/12/99

21

**TCLP BNA**

<b><u>Parameter</u></b>	<b><u>Detection Limit</u></b> <b><u>(mg/l)</u></b>	<b><u>Results</u></b> <b><u>(mg/l)</u></b>	<b><u>Regulatory</u></b> <b><u>Level (mg/l)</u></b>
Cresols	0.1	< 0.1	200
1,4-Dichlorobenzene	0.1	< 0.1	7.5
2,4-Dinitrotoluene	0.1	< 0.1	0.13
Hexachlorobenzene	0.1	< 0.1	0.13
Hexachloro-1,3-butadiene	0.1	< 0.1	0.5
Nitrobenzene	0.1	< 0.1	2
Pentachlorophenol	0.25	< 0.25	100
Pyridine	0.25	< 0.25	5
2,4,5-Trichlorophenol	0.25	< 0.25	400
2,4,6--Trichlorophenol	0.25	< 0.25	2
Hexachloroethane	0.1	< 0.1	3

Laboratory Manager: Bassam Youssef



February 17, 1999

4/4

Deltec Environmental Services  
1302 Petroleum Drive, Bldg. B  
Abilene, TX 79602-7959

Date Collected: 1/22/99  
Date Received: 2/3/99  
Project #: Nations Bank  
Client ID #: Oil Pit Composite #1  
Laboratory ID #: 99278-01  
Matrix: Sludge

<u>Parameter</u>	<u>Detection Limit</u>	<u>Results</u>	<u>Method</u>	<u>Date of Analysis</u>
pH	0.01 s.u.	4.79 s.u.	9040	2/11/99
Flash Point	---	> 140.0 F	1010	2/9/99
Reactive Cyanide	0.5 mg/kg	< 0.5 mg/kg	7.3.3.2	2/11/99
Reactive Sulfide	25.0 mg/kg	< 25.0 mg/kg	7.3.4.2	2/11/99
TPH-DRO	10.0 mg/kg	6,960.0 mg/kg	8015 M	2/6/99

Laboratory Manager: Bassam Youssef

TEL: 330/253-8211; FAX: 330/253-4489

AZLA CERTIFICATION #: 0724-01



DELTEC ENVIRONMENTAL

CLIENT NAME SERVICES

CONTACT PERSON: LAURENCE

-----  
FUNICE, NEW MEXICO  
-----  
PQ#

三三三

PHONE # 915-695-6400

SAMPLED BY

9278-01

SPECIAL INSTRUCTIONS. *David L. Andrews* 6-2-99

DATE \_\_\_\_\_

75-2-15

MA 561

MEMORANDUM OF MEETING OR CONVERSATION

<input checked="checked" type="checkbox"/> Telephone	<input type="checkbox"/> Personal	Time 10:20	Date 2-2-99
<u>Originating Party</u> David Laurence		<u>Other Parties</u> Martyre	
<u>Subject</u> Deck Pit Sample Analysis EPA 8015 B, TPH, 8021 BTEX			
<u>Discussion</u>			
<u>Conclusions or Agreements</u> No on Rest & Herbicides			
<u>Distribution</u>		<u>Signed</u> Martyre J. Kelly	

MEMORANDUM OF MEETING OR CONVERSATION

<input checked="checked" type="checkbox"/> Telephone	<input type="checkbox"/> Personal	Time 9:30 Am <del>10:00 Am</del>	Date 1-19-99
<u>Originating Party</u>		<u>Other Parties</u>	
David Lawrence		Martynne Kieling	
<u>Subject</u>			
Notification of Sampling For Haz Characteristics			
<u>Discussion</u>			
Friday January 22, 1999 Approx 11:30 Am.			
<u>Conclusions or Agreements</u>			
Further Conversations with Chris Williams; Donna Williams & Gary Wink Will witness Sampling on Friday			
<u>Distribution</u>		Signed Martynne J. Kieling	

## Summary

Inspection Date: November 4, 1998

EPA Inspectors: Mr. Esteban Herrera (6EN-HT) Initials: eh  
(214) 665-7348, fax (214) 665-7264

Other Inspectors: Mr. Wesley Ganter (Science Applications International Corporation)  
Mr. Robert Lee (U.S. Fish & Wildlife Service)  
Mr. Wayne Price (Oil Conservation Division)

Observers: Mr. Dan Girand (Mack Energy Corporation)  
Mrs. Lisa Norton (Yates Petroleum Corporation)

EPA & State I.D. Number: n/a, n/a

Facility Name: unknown

Physical Location: Lea County, NM

Coordinates: 32 28 27 N  
103 10 61 W  
T21S R37E Sec17

Facility Description: See attached narrative

Generator Status: Unknown

Inspection Type: EPA Lead

Reason for Evaluation: General

Summary of Inspection: See attached narrative

Checklists Completed: Problem Oil Pit Inspection Checklist

Sampling Data: none

Photographs: See attached photography log

## **Table of Contents**

- 1. Introduction**
- 2. Site description/Site tour**

### **Attachments**

- a. Photograph log
- b. Problem Oil Pit Inspection Checklist

1. Introduction.

On November 4, 1998, an inspection was conducted at Waypoint # 42 located in Lea County, NM. Waypoint # 42 was a site identified by the U.S. Fish & Wildlife Service as a potential problem oil pit (POP) during their September 28, 1998 aerial surveys. From the air, it appeared that the site had a pit with oil on the surface. The inspection team (team) arrived at the site at 1:30 p.m. The purpose of the inspection was to follow-up on the aerial survey.

2. Site description/Site tour

The site consisted of a pit and a pumping jack. The pit (300' X 50") was not lined, but had sufficient freeboard (> two feet). EPA representatives (EPA) observed accumulated oil existing on 100% of the pit's surface. The accumulated oil appeared to be very thick and deep. EPA observed a collapsed net that was partially submerged into the pit. The netting appeared to have covered the whole pit at one time or another. Mr. Price stated that the former owner of the pit had filed bankruptcy. At the time of the inspection, Mr Price believed that Nations Bank owned the site.

EPA observed an open dumping area located to the northeast of the pit. The dumping area was located approximately 35-feet away.

The site tour ended at 2:00 p.m.

Waypoint # 42  
Lea County, NM  
EPA ID No. n/a

**ATTACHMENT A:**

**Photograph Log**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Official Photograph Log



Photo Number: 1 Photographer: Wesley Ganter

Location: Waypoint #42

Subject: Oil pit with collapsed net

City/County: Lea County

State: NM

Date: 11/04/98 Time: 1:30

Weather: cloudy



Photo Number: 2 Photographer: Wesley Ganter

Location: Waypoint #42

Subject: Oil pit with collapsed net

City/County: Lea County

State: NM

Date: 11/04/98 Time: 1:34

Weather: cloudy

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Official Photograph Log

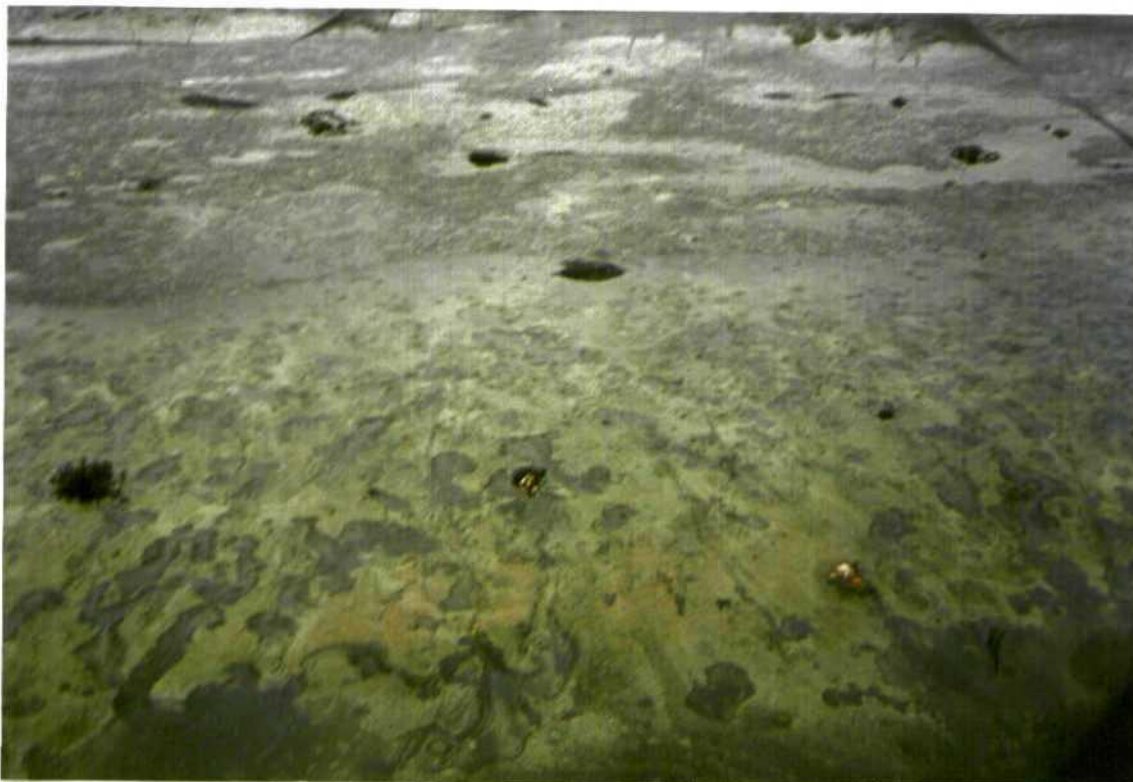


Photo Number: 3 Photographer: Wesley Ganter

Location: Waypoint #42

Subject: Oil on pit

City/County: Lea County

State: NM

Date: 11/04/98 Time: 1:37

Weather: cloudy



Photo Number: 4 Photographer: Wesley Ganter

Location: Waypoint #42

Subject: Oil pit (facing east)

City/County: Lea County

State: NM

Date: 11/04/98 Time: 1:42

Weather: cloudy

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Official Photograph Log



Photo Number: 5 Photographer: Wesley Ganter

Location: Waypoint #42

Subject: Feather found near the pit

City/County: Lea County

State: NM

Date: 11/04/98 Time: 1:50

Weather: cloudy



Photo Number: 6 Photographer: Wesley Ganter

Location: Waypoint #42

Subject: Oil pit (facing north)

City/County: Lea County

State: NM

Date: 11/04/98 Time: 1:54

Weather: cloudy

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Official Photograph Log



Photo Number: 7 Photographer: Wesley Ganter

Location: Waypoint #42

Subject: Open dump area located northeast of oil pit

City/County: Lea County

State: NM

Date: 11/04/98

Time: 2:00

Weather: cloudy

Waypoint # 42  
Lea County, NM  
EPA ID No. n/a

**ATTACHMENT B:**  
**Problem Oil Pit Inspection Checklist**

# PROBLEM OIL PIT INSPECTION CHECKLIST

Site Number (State-Year-Waypoint):

~~0~~ 4 12

Checklists Completed (circle those that apply):

A

B

C

Prepared by the US Environmental Protection Agency Region VIII and US Fish and Wildlife Service Region VI

revised 7/8/98

This is a pre-decisional document and is, or may be protected by the deliberative process exception and attorney client privilege. Conclusions or recommendations are intended solely as preliminary information for governmental personnel. This form may contain tentative conclusions and staff-level recommendations which are not binding on the Agency. This document does not create any rights, substantive or procedural, or defenses for any person.

# PROBLEM OIL PIT INSPECTION CHECKLIST

## SECTION ONE: Site Information

Site Name: NATIONS BANIC Waypoint: 42

Lease Name: \_\_\_\_\_ Lease Number: \_\_\_\_\_

Site Location:

Section 17 Township 21S Range 37E

GPS Coordinates: Lat 32 28 27 N Long 103 19 01 W

City/County/State/Reservation: Lea, NM

EPA Facility ID # or Other ID #'s: \_\_\_\_\_

Site Type (production, commercial disposal, other): Production

Corporate Owner/Operator Name and Mailing Address: \_\_\_\_\_

Contact Name/Affiliation/Phone: \_\_\_\_\_

List any known federal, state, or tribal regulatory permits applicable to this site. Include all permit number(s) and take photos of any signage which includes permit numbers: \_\_\_\_\_

## SECTION TWO: Inspection Information

Inspection date: 11/4/98 Start time: 1:30 Finish time: 2:00

Describe weather conditions (including estimated temperature): cloudy (windy, 42°)

Were any samples taken during the inspection? Yes \_\_\_\_\_ No ☒ . If yes, use a Continuation Sheet to thoroughly document the sampling activity. Include the following information: agency taking the sample(s), individual taking the sample(s), whether or not the samples were split (and with whom), sample type, sample purpose, sample location, and parameters to be analyzed for.

Inspection Team:

Inspector 1	<u>ESTEBAN HERRERA</u>	Agency: <u>EPA</u>	Phone: <u>(214) 665-7348</u>
Inspector 2	<u>Wes Garter</u>	Agency: <u>SAIC</u>	Phone: <u>(303) 382-6700</u>
Inspector 3	<u>Robert Lee</u>	Agency: <u>FWS</u>	Phone: <u>(806) 472-7273</u>
Inspector 4	<u>Wayne Price</u>	Agency: <u>MCD</u>	Phone: <u>(505) 393-6161</u>
Inspector 5	_____	Agency: _____	Phone: _____
Inspector 6	_____	Agency: _____	Phone: _____

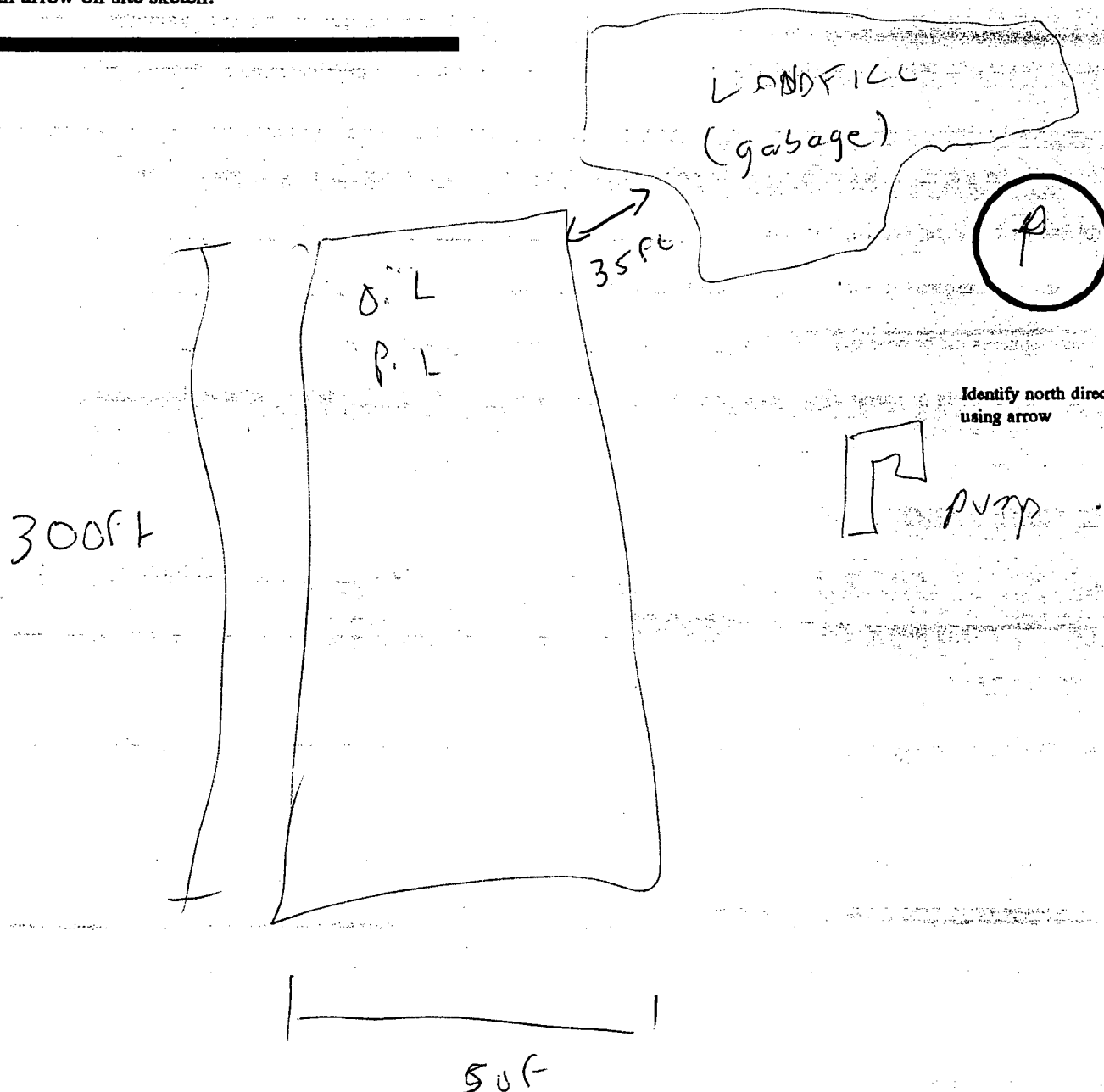
### SECTION THREE: Sketch of Site/Layout

Site Name : \_\_\_\_\_

Waypoint: \_\_\_\_\_

42

Include the estimated size (including depth, if possible) of any pits and describe site operations on site sketch. Include description of pertinent features such as waters of the US (location of, distance to, description of conduits to, etc.), for example. Include a north arrow on site sketch.



## SECTION FOUR: Ecological Setting

Use the Site Sketch in Section Three to identify significant ecological features (waterbodies, wetlands, vegetation, etc.)

### A. GENERAL SETTING

1. Land use surrounding site (e.g. urban, agricultural, rural, residential, industrial) \_\_\_\_\_
2. Describe sensitive environmental areas adjacent to or in proximity to the site (e.g. parks, monuments, wetlands, prairie potholes). prairie
3. Potential routes of off-site migration of contaminants observed at site (e.g. swales, depressions, drainage ditches, runoff, windblown particulates, vehicular traffic) none
4. Threatened and/or endangered species (plant or animal) known to inhabit area? none
5. Drinking water sources on or near the site? Yes \_\_\_\_\_ No ☒ If yes, explain: \_\_\_\_\_
6. Ground water supply wells or monitoring wells on or near the site? Yes \_\_\_\_\_ No ☒ If yes, what is the distance from the site? \_\_\_\_\_ Describe: \_\_\_\_\_

### B. TERRESTRIAL HABITAT

1. Percentage of the site is covered by: wooded areas \_\_\_\_\_%, shrub/scrub vegetation 30%, open fields 70%.
2. Presence and/or absence of insects, fish, birds, mammals, etc.? birds flying around

### C. AQUATIC HABITAT

1. Describe any flowing or non-flowing water systems at or near the site (e.g. river, creek, arroyo, ditch, natural pond or lake, artificial lagoon, reservoir, impoundment, etc.). Include type, size, distance from site, and name, if known. no
2. Is there any aquatic vegetation present? If yes, describe. no
3. What observations, if any, were made at the waterbody regarding the presence and/or absence of insects, fish, birds, mammals, etc.? no

### D. WETLAND HABITAT

1. Based on observations and/or available information, are designated or known wetlands definitely present at the site? no
2. Based on the location of the site (e.g. along a waterbody, in a floodplain) and site conditions (e.g. standing water, dark/ wet soils, mud cracks, debris line, water marks), are wetland habitats suspected? no
3. What observations, if any, were made at the wetland regarding the presence and/or absence of insects, fish, birds, mammals, etc.? none

## CHECKLIST "A" - PITS

1. If accumulated oil exists on the surface of any pits, ponds, sumps, or other open-topped storage devices, describe observed conditions including size of each pit, pond, sump, or device, percentage of area covered, and thickness of oil. Describe any other observations (visual, odor) of the material in each pit, pond, sump, or other device:

Whole pit has Accumulated oil. Oil is very thick,  
appears to be ~~10~~ deep. Pit is 50' x 300.

2. Describe any netting or other wildlife exclusionary or deterrent devices in use at the site. Include description of condition, coverage, netting mesh size, etc.:

Netting has fallen into the ground,  
pit, & is submerged into pit. Netting appears to at  
one time cover the whole pit

3. Describe any oiled or dead birds or other wildlife found at or near the site. Indicate the number of mortalities and the seizure tag numbers for any birds collected:

4. Describe the construction and operation of any pits or ponds located at the site. Include a description of the pond liner system, if possible. Estimate the freeboard observed at the time of the inspection:

Plenty of freeboard. The pit is not  
lined.

5. Indicate how long any pits or ponds at the site have been in operation:

7.5

6. If a pit, pond, sump, or other device is used as a loading/unloading area at a non-production site, describe any secondary containment used:

Appears not to have such  
area

## PHOTO LOG

Site Number: 42

Film Type/ASA/Size: 12exp/200 speed  
Photographer: 126

Photographer: WG

Photo Number	Subject	Direction Photo Taken
1	Pit, oil, collapsed net	SE
2	" " "	E
3	Oil on pit	E
4	Pit	S
5	Feather	NA
6	Pit	N
7	Open dump area to the NE	NE

PHOTO LOG (CONTINUED)

Photo Number	Subject	Direction Photo Taken
--------------	---------	-----------------------



NEW MEXICO ENERGY, MINERALS  
& NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION  
2040 South Pacheco Street  
Santa Fe, New Mexico 87505  
(505) 827-7131

November 2, 1998

**CERTIFIED MAIL**  
**RETURN RECEIPT NO. P-326-936-478**

Mr. David E. Laurence  
Deltec Environmental Services  
1302 Petroleum Drive, Bldg. B  
Abilene, TX 79602-7959

**RE: Unlined Surface Impoundment Closure**  
**Deck-General Petroleum, Inc.**  
**NW/4, NW/4, Section 21, Township 21 South, Range 37 East, NMPM**  
**Lea County, New Mexico**

Dear Mr. Laurence:

The New Mexico Oil Conservation Division (OCD) has reviewed the Miller Deck Trust's (Deck) October 16, 1998 "PROPOSAL FOR CLOSURE OF UNLINED SURFACE IMPOUNDMENT DECK-GENERAL PETROLEUM, INC." which was submitted on behalf of Miller Deck Trust by their consultant Deltec Environmental Services. This document contains Deltec's plan for closure of unlined oil and gas production pit pursuant to New Mexico Oil Conservation Commission (OCC) Order R-7940-C.

The above referenced pit closure plan is approved with the following conditions:

1. Inspections by the OCD on April 2, 1997 and September 23, 1997 revealed cans, containers, and barrels disposed of in the pit. This mixture causes the waste to be classified as **non-exempt**. Due to the non-exempt classification, Deltec is instructed by the OCD not to remove any waste from the unlined pit until it has been tested for RCRA Hazardous Characteristic according to 40 CFR 261. The Santa Fe office and OCD Hobbs District office will be notified of the sampling 48 hours in advance in order to witness the sampling. Prior to waste removal, a report including the test results from a composite waste sample and copies of all associated quality assurance/quality control data will be submitted **no later than January 2, 1999** to the OCD Santa Fe office and a copy to the Hobbs District office for review.
2. The following closure actions will be performed in accordance with OCD's February 1993 "SURFACE IMPOUNDMENT CLOSURE GUIDELINES":
  - a. Vertical and horizontal extent of contamination will be determined either prior to, during or upon completion of remedial actions.
  - b. Contaminated soils will be remediated to the OCD's recommended levels or a risk assessment will be provided which shows that an alternate cleanup level is protective of surface water, ground water, human health and the environment.
  - c. Final soil contaminate concentrations will be determined upon completion of remedial actions.
  - d. Soil samples for verification of completion of remedial activities including the vertical extent of contamination and completion of onsite soil remedial actions will be sampled and analyzed for chloride, benzene, toluene, ethylbenzene, xylene and total petroleum hydrocarbons.

Mr. David Laurence

November 2, 1998

Page 2

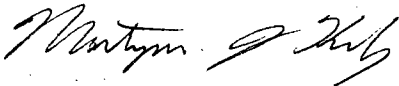
3. Deltec will notify the Environmental Bureau Chief of the OCD Santa Fe Office and the OCD Hobbs District office within 24 hours of the discovery of ground water contamination related to the pit closure activity.
4. Upon completion of all closure activities, Deltec will submit to the OCD for approval a completed OCD "Pit Remediation and Closure Report" form (attached) which will contain the final results of all pit closure and soil remediation activities including:
  - a. Laboratory or field analytical data sheets for all soil and water quality analyses and copies of all associated quality assurance/quality control data.
  - b. The final concentrations of any on site landfarmed soils.
  - c. The disposition of all wastes.
  - d. The concentrations and application rates of all materials or additives used to enhance bioremediation of contaminants.
5. All wastes removed from a specific site will be disposed of at an OCD approved facility.
6. All documents submitted for approval will be submitted to the OCD Santa Fe Office with copies provided to the OCD Hobbs Office.

To simplify the approval process for both Deltec and OCD, the OCD requests that Deltec submit final pit closure reports only upon completion of all closure activities including onsite landfarming or insitu bioremediation of contaminated soils.

Please be advised that OCD approval does not relieve Deltec of liability should closure activities determine that contamination exists which is beyond the scope of the work plan or if the closure activities fail to adequately investigate or remediate contamination related to Deltec activities. In addition, OCD approval does not relieve Deltec of responsibility for compliance with any other federal, state, or local laws and/or regulations.

If you have any questions, please call me at (505) 827-7153.

Sincerely,



Martyne J. Kielling  
Environmental Geologist  
Environmental Bureau

xc: Hobbs OCD Office  
Mr. Tim Wolter, Vice President Nations Bank of Texas, N.A., Midland, TX. 79702

MEMORANDUM OF MEETING OR CONVERSATION

<input checked="checked" type="checkbox"/> Telephone	<input type="checkbox"/> Personal	Time 3:45	Date 10-28-98
<u>Originating Party</u>		<u>Other Parties</u>	
Tim Walters Nations Bank		Martine Kichy	
915-685-2064			
<u>Subject</u> Deck Pit			
<u>Discussion</u> CC on Correspondence			
<u>Conclusions or Agreements</u>			
<u>Distribution</u>		Signed Martine Kichy	

**RECEIVED**

**OCT 16 1998**

Environmental Bureau  
Oil Conservation Division

**Deltec Environmental Services**

1302 Petroleum Drive, Bldg. B  
Abilene, Texas 79602-7959  
915.695.6400  
Fax: 915.692.1587

October 10, 1998

Ms. Martyne Kieling  
OCD Environmental Bureau  
204 South Pacheco  
Santa Fe, New Mexico 87505

**RE: Proposal For Closure of Unlined Surface Impoundment  
Problem Oil Pit  
Deck-General Petroleum, Inc.  
Eunice, New Mexico**

Ladies and Gentlemen:

Introduction

Herein contains a proposal for the closure of an unlined surface impoundment. It is submitted on behalf of NationsBank of Texas, N.A., Midland Trust Real Estate Department for the Miller Deck Trust. The surface impoundment is located on the property known as Miller Deck Trust on County Road 33 just west of Eunice, New Mexico (OCD POP file: Deck-General Petroleum, Inc.). It is estimated that the unlined surface impoundment has been in existence for approximately thirty years. The unlined surface impoundment was used over the years for the placement of exploration, production, and processing waste generated by the oil/gas operators leasing the property. Historical information suggests that General Petroleum, Inc. (now known as Lucky Oil Co. of Eunice, New Mexico) constructed and operated the impoundment. The intention of this proposal is to provide closure of the unlined surface impoundment in a manner that assures protection of fresh waters, public health, and the environment.

I. Site Assessment

Prior to final closure, an assessment will be performed to determine the extent to which soils and/or ground water may have been impacted by the operation of the impoundment. The assessment results will form the basis of any required remediation. The site will be assessed for the severity of contamination and potential environmental and public health threats using a risk based ranking system outlined in the New Mexico Oil Conservation Division (NMOCD) document, Unlined Surface Impoundment Closure Guidelines.

The following characteristics will be determined in order to evaluate the sites potential risks, the need for remedial action and, if necessary, the level of cleanup required at the site:

A. General Site Characteristics

1. Depth To Ground Water

The depth to ground water will be determined. This will be accomplished by using either local water well information, published regional ground water information, data on file with the New Mexico State Engineer Office, or the vertical distance from adjacent ground water or surface water.

2. Wellhead Protection Area

The horizontal distance from all water sources and private, domestic water sources will be determined. To accomplish this, all water sources and private, domestic water sources will be located using a topographic map and a physical investigation of the area. In addition, a water well survey of all water wells within a one mile radius of the area will be obtained. Once all water sources and private, domestic water sources have been identified, the location of each source identified will be placed on a topographic map. Then, the horizontal distance of each readily accessible source will be physically measured. For sources identified that are not readily accessible, the distance measure on the topographic map will be used.

3. Distance To Nearest Surface Water Body

The horizontal distance to all downgradient surface water bodies will be determined. To accomplish this, all downgradient surface water bodies will be located using a topographic map and a physical investigation of the area. Then, the horizontal distance of each readily accessible source will be physically measured. For sources identified that are not readily accessible, the distance measure on the topographic map will be used.

B. Soil/Waste Characteristics

Soils/wastes within and beneath the unlined surface impoundment will be evaluated to determine the type and extent of contamination at the site. To assess the level of contamination, observations will be made of the soils at the surface and a sample of the obviously impacted soils will be collected for laboratory analysis to aid in the development of site remediation. Using a backhoe, the varying degrees of contamination (i.e. saturated soil and unsaturated soils) within and beneath the impoundment will be determined using the methods described in Sections III.A. and III.B. of the NMOCD document, Unlined Surface Impoundment Closure Guidelines. An initial assessment of soil contaminant levels in the undisturbed native soils beneath the bottom of the impoundment will not be determined until

after the impacted soil has been removed for remediation. Soil samples used to assess the level of contamination will be collected using a backhoe. Prior to sample collection, the backhoe bucket will be decontaminated using a non-petroleum-based soap and water solution.

C. Ground Water Quality

If ground water is encountered during the soil/waste characterization of the impacted soils, a sample will be collected to assess potential impacts on ground water quality. If there is a reasonable probability of ground water contamination based upon the level of contaminants in the soil directly beneath the pit or the extent of soil contamination defined during remedial activities, monitor wells will be installed to assess potential impacts on ground water and the extent of ground water contamination. Ground water sampling will be conducted according to OCD-approved industry standards as outlined in Section III.C. of the NMOCD document, Unlined Surface Impoundment Closure Guidelines.

II. Soil and Water Remediation Levels

A. Soils

1. Highly Contaminated/Saturated Soils

Highly contaminated/saturated soils will be excavated and remediated to the maximum extent practicable using on-site land farming and bioremediation.

2. Unsaturated Contaminated Soils

The general site characteristics obtained during the site assessment will be used to determine the appropriate soil remediation levels using the risk based approach outlined in Section II.A.2.a. of the NMOCD document, Unlined Surface Impoundment Closure Guidelines. Petroleum-contaminated soils will be scored according to the listed ranking criteria to determine their threat to public health, fresh waters and the environment.

The total ranking score will determine the level of remediation required at the site. To determine the level of remediation required, the total ranking score will be compared to the Recommended Remediation Level table listed in Section II.A.2.b of the NMOCD document, Unlined Surface Impoundment Closure Guidelines.

B. Ground Water

Ground water contaminated in excess of the New Mexico Water Quality Control Commission (WQCC) ground water standards or natural background water quality will be remediated.

### III. Soil and Water Sampling Procedures

#### A. Highly Contaminated or Saturated Soils

A representative sample of the soil will be observed for free petroleum hydrocarbons or immiscible phases and gross staining. A soil exhibiting any of the characteristics described in Section III.A.1. of the NMOCD document, Unlined Surface Impoundment Closure Guidelines will be considered highly contaminated or saturated.

#### B. Unsaturated Contaminated Soils

The headspace analysis detailed in Section III.B.1. of the NMOCD document, Unlined Surface Impoundment Closure Guidelines will be used to determine the total volatile organic vapor concentrations in soils for concentrations of benzene, ethylbenzene, toluene, and xylenes (BTEX). For determination of total petroleum hydrocarbons (TPH) concentrations in collected samples, analysis will be conducted at and by a qualified laboratory. Soil sampling for laboratory analysis will be conducted according to the OCD-approved procedures detailed in Section III.B.2.a. of the NMOCD document, Unlined Surface Impoundment Closure Guidelines.

All laboratory-analyzed soil samples will be analyzed using the EPA methods listed in Section III.B.2.b. of the NMOCD document, Unlined Surface Impoundment Closure Guidelines. Analyses conducted in a laboratory will be conducted within the holding time specified by the used method.

#### C. Ground Water Sampling

If an investigation of ground water quality is deemed necessary, it will be accomplished according to OCD approved industry standards. To accomplish ground water sampling, one monitor well will be installed adjacent to and hydrologically down-gradient from the unlined surface impoundment to determine if protectable fresh water has been impacted by the disposal activities. If ground water near the impoundment is found to be contaminated, additional monitor wells will be installed up-gradient and down-gradient of the impoundment in an effort to fully delineate the extent of ground water contamination.

Monitor well construction material will be selected according to industry standards and will be chemically resistant to the monitored contaminants. The monitor well construction material will be connected using hand-tightened threaded joints without the use of glues or adhesives.

The monitor wells will be constructed according to OCD approved industry standards to prevent migration of contaminants along the well casing. A minimum of five feet of well screen will be installed above the water table to accommodate seasonal fluctuations in the static water table.

Prior to collection of samples from monitor wells, each well will be properly developed. This will be accomplished by purging fluids from the wells until the pH and specific conductivity have stabilized and turbidity has been reduced to the greatest extent possible.

Ground water will be sampled according to OCD-accepted standards. Samples will be collected in clean, laboratory-supplied containers specific for the chemical of concern. Samples will be collected according to the procedures detailed in Section III.C.4. of the NMOCD document, Unlined Surface Impoundment Closure Guidelines.

Samples will be analyzed for potential ground water contaminants contained in the waste stream, as defined by the New Mexico WQCC. All ground water samples will be analyzed using the EPA methods listed in Section III.C.5. of the NMOCD document, Unlined Surface Impoundment Closure Guidelines, and within the holding time specified by the method.

#### IV. Remediation

##### A. Soil Remediation

Highly contaminated/saturated soils and unsaturated contaminated soils exceeding the standards described in Section II.A.2.b. of the NMOCD document, Unlined Surface Impoundment Closure Guidelines, will be excavated from the ground until a representative sample from the walls and bottom of the excavation is below the contaminant-specific remediation levels listed in Section II.A.2.b of the NMOCD document, Unlined Surface Impoundment Closure Guidelines. To accomplish this, the earthen berm around the impoundment will be pushed over and worked into the highly contaminated/saturated surface soil. Then, if needed, the highly contaminated/saturated surface soil will be covered with an all natural oil absorbent bio-remediation agent. The 100% biodegradable all natural oil absorbent bio-remediation agent encapsulates and retains the free oil and contains indigenous microbes along with essential nutrients which enhance the bio-

remediation process. Once that has been completed, the highly contaminated/saturated soils and unsaturated contaminated soils will be excavated and spread out in approximately six-inch to twelve-inch lifts adjacent to the impoundment. The landfarmed soils will be bermed with surrounding earthen materials.

Upon landfarming of the soils, an oxidative alkali will be applied to the soil. The oxidative alkali is used for an oxygen source for bioremediation. The product used is environmentally safe and requires no special labeling or registration. It prevents bioremediation from ceasing due to lack of oxygen. It also acts as an extremely effective deodorizer. Once application has been conducted, the oxidative alkali will be tilled into the soil.

After the application of the oxidative alkali, a bioremediation blend for hydrocarbon and brine contamination will be applied to the soil and thoroughly tilled in three separate stages. There will be an initial bioremediation treatment proceeded by two subsequent treatments at five to seven day increments. Upon completion of each tilling, the soil will be covered with plastic sheeting to maintain proper soil moisture.

B. Ground Water Remediation

Should assessment activities reveal that ground water has been contaminated above WQCC ground water standards, an additional proposal for the remediation activities will be submitted to the OCD for approval prior to commencement of the remedial activities. The proposal would include the removal of free-phase floating product, if necessary, and/or the removal or treatment of dissolved-phase constituents in excess of WQCC ground water standards. The proposal would also address the disposal of treated waters.

V. Termination of Remedial Action

A. Soil

Contaminated soils requiring remediation will be remediated so that residual contaminant concentrations meet the recommended soil remediation level for the site as determined during the site assessment. Approximately fourteen days after the final treatment, samples from within the landfarmed soil will be collected and analyzed. Upon analysis indicating the soil to be below the recommended remediation levels determined during the site assessment, approval for termination of the remedial activities will be requested from the OCD.

B. Ground Water

Should ground water remediation activities be necessary, upon analysis indicating that all recoverable free-phase product has been removed, and the concentration of the remaining dissolved-phase contaminants in the ground water does not exceed New Mexico WQCC water quality standards or background levels, approval for termination of remedial action will be sought from the OCD. Should water quality standards not be practicably attained, an evaluation of risk will be performed and provided to OCD for approval showing that the remaining contaminants will not pose a threat to present or foreseeable beneficial use of fresh waters, human health and the environment.

#### VI. Final Closure

Upon termination of the required remedial actions, the unlined excavated surface impoundment will be closed by placing the treated excavated soil back into the surface impoundment. The surface of the backfilled impoundment will be contoured to provide drainage away from the site. Lastly, the site will be revegetated with vegetation analogous to the surrounding area.

#### VII. Closure Reports

Closure reports will be submitted at various stages during the closure activities. The following is a schedule for reporting the results of the closure activities:

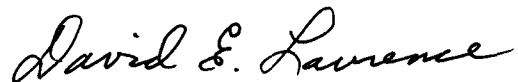
Report #1	Following completion of the site assessment
Report #2	Following initial remedial activities
Report #3	Following completion of remedial activities
Report #4	Following final closure activities

We believe that this Pit Closure Plan is sufficient to provide closure of the unlined surface impoundment in a manner that assures protection of fresh waters, public health, and the environment. Please do not hesitate to call me at (915) 695-6400 should you have any questions or if you need any further information. We appreciate your cooperation in this matter.

Pit Closure Plan  
Deck-General Petroleum, Inc.  
Page 8

Sincerely,

DELTEC ENVIRONMENTAL SERVICES

A handwritten signature in cursive script that reads "David E. Laurence".

David E. Laurence  
President/Hydrogeologist

Cc: Mr. Chris Williams, District Supervisor  
OCD Environmental Bureau District Office, Hobbs, N.M.

Cc: Mr. Tim Wolters, Vice President  
NationsBank of Texas, N.A., Midland, Tx. 79702

MEMORANDUM OF MEETING OR CONVERSATION

<input checked="" type="checkbox"/> Telephone	<input type="checkbox"/> Personal	Time ~ 3 PM	Date 9-22-98
<u>Originating Party</u>		<u>Other Parties</u>	
TIM WALTERS - NATIONS BANK			
<u>Subject</u> OLD PIT - DECK PROPERTY NW of FUNKIE NM			
<u>Discussion</u> DISCUSSED LEGAL LOCATION of PIT			
<u>Conclusions or Agreements</u>			
NATIONS BANK TO SUBMIT CLEANUP PROPOSAL PER FAX LETTER DATED 9/18/98 BY (DES) DAVID LAURENCE. NMCD WILL APPROVE WITH STANDARD CONDITIONS - SEND TO MARTYNE KIELING - NMCD SF			
<u>Distribution</u>		<u>Signed</u>	
CC: MARTYNE KIELING		[Signature]	

C O V E R

FAX

S H E E T

To: MR. ROGER ANDERSON

Fax #: 505-827-8177

Subject: POP DECK-GENERAL PETROLEUM, INC, EUNICE, N.M.

Date: 9-21-98

Pages: 3 , including this cover sheet.

COMMENTS:

Tim Walters - Nations Bank  
915-685-2064

From the desk of...

David E. Laurence  
President/Hydrogeologist  
Dettec Environmental Services  
1302 Petroleum Drive, Bldg. B  
Abilene, Texas 79602-7959

915-695-6400  
Fax: 915-692-1587

---

**Deltec Environmental Services**

1302 Petroleum Drive, Bldg. B

Abilene, TX 79602-7959

915-695-6400

Fax: 915-692-1587

September 18, 1998

Mr. Roger Anderson, Environmental Bureau Chief  
OCD Environmental Bureau  
204 South Pacheco  
Santa Fe, New Mexico 87505

RE: Problem Oil Pit  
Deck-General Petroleum, Inc.  
Eunice, New Mexico

Dear Mr. Anderson:

This letter is sent on behalf of NationsBank of Texas, N.A., Midland Trust Real Estate Department in reference to a problem oil pit (POP) located on the Miller Deck Trust property on County Road 33 just west of Eunice, New Mexico. Deltec Environmental Services of Abilene, Texas has been retained by Mr. Tim Wolters, Vice President, NationsBank of Texas, N.A., Midland Trust Real Estate Department to manage the cleanup of the POP. We have been informed that the POP is in violation of Rule 310 and that the U.S. Fish and Wildlife Service and the U.S. Environmental Protection Agency have requested that the POP be closed. This letter is to inform you that we have conducted a site visit of the POP and are currently in the process of preparing a cleanup proposal to be submitted to you for the closure of the pit. I visited with Mr. Wayne Price, District Environmental Engineer, OCD District Office, Hobbs, New Mexico this morning on the telephone and he indicated that Ms. Martyne Kieling of your office would be handling this case. He also indicated that she would not be back at work for approximately two more weeks. We will diligently be working toward completion of the cleanup proposal in the following two weeks in an effort to have it ready for her review upon her return.

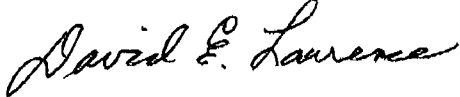
Thank you for your cooperation in this matter. Please do not hesitate to call me at (915) 695-6400 or Mr. Tim Wolters at (915) 685-2064 should you have any questions or need any further information.

---

Mr. Roger Anderson, Environmental Bureau Chief  
Page 2  
September 18, 1998

Sincerely,

DELTEC ENVIRONMENTAL SERVICES



David E. Laurence  
President/Hydrogeologist

Cc: Ms. Martyne Kieling  
OCD Environmental Bureau, Santa Fe, N.M.

Cc: Mr. Chris Williams  
OCD Environmental Bureau District Office, Hobbs, N.M.

DECK ESTATE--INTERFIRST BANK OF FT. WORTH  
OIL THEFT.



**InterFirst**

**InterFirst Bank Fort Worth, N.A.**  
Two Burnett Plaza  
801 Cherry Street  
Fort Worth, Texas 76102  
(817) 390-6980

**Bryan P. Dixon**  
Vice President  
and Trust Officer  
Petroleum Engineer

November 4, 1983

Jerry Sexton  
Oil Conservation Division  
PO Box 1980  
Hobbs, NM 88240

Re: Millard Deck Estate  
Account No. 4193

Dear Jerry:

Reference is made to the meeting held in your office on Thursday, November 3, 1983 concerning the Estate of Millard Deck and certain indicated oil field irregularities. We, on behalf of the Estate of Millard Deck, have sent authorization to Sgt. Larry Arthur to assist in this investigation and authorized him to act on our leases. It would be appreciated if you would periodically keep us apprised of activity concerning this investigation.

Sincerely,

Bryan P. Dixon  
Vice President and  
Trust Officer

BPD/djt

MARSHALL R. YOUNG OIL CO.

TELEPHONE  
(915) 683-5228

P. O. BOX 145  
MIDLAND, TEXAS 79702

OFFICE  
212 N. MAIN - SUITE 200

November 10, 1983

Lea County Sheriff's Department  
P. O. Box 1382  
Eunice, New Mexico

Attention: Mr. Larry Arthur

Dear Mr. Arthur:

In confirmation of the ideas discussed at our meeting yesterday with you, Mr. Jerry Sexton, and Mr. Walker Montgomery, this letter is your permission to gauge the oil production tanks on our leases in the Nelson Field, Andrews County, Texas, and to inject tracer materials into this crude oil if you feel that it is necessary.

Very truly yours,

MARSHALL R. YOUNG OIL CO.



A. H. Dinsmoor, Vice President  
Drilling and Production

AHD:mh

cc: ✓ Mr. Jerry T. Sexton  
Mr. Frank Young, Fort Worth Office

**C O V E R****FAX****S H E E T****To:** *MS. MARTYNE KIELING***Fax #:** *505-827-8177***Subject:** *POP DECK - GENERAL PETROLEUM, INC., EUNICE, N.M.***Date:** *9-21-98***Pages:** *3*, including this cover sheet.**COMMENTS:**

From the desk of...

**David E. Laurence**  
President/Hydrogeologist  
Dettec Environmental Services  
1302 Petroleum Drive, Bldg. B  
Abilene, Texas 79602-7959

915-695-6400  
Fax: 915-692-1587

---

**Deltec Environmental Services**

1302 Petroleum Drive, Bldg. B

Abilene, TX 79602-7959

915-695-6400

Fax: 915-692-1587

September 18, 1998

Mr. Roger Anderson, Environmental Bureau Chief  
OCD Environmental Bureau  
204 South Pacheco  
Santa Fe, New Mexico 87505

RE: Problem Oil Pit  
Deck-General Petroleum, Inc.  
Eunice, New Mexico

Dear Mr. Anderson:

This letter is sent on behalf of NationsBank of Texas, N.A., Midland Trust Real Estate Department in reference to a problem oil pit (POP) located on the Miller Deck Trust property on County Road 33 just west of Eunice, New Mexico. Deltec Environmental Services of Abilene, Texas has been retained by Mr. Tim Wolters, Vice President, NationsBank of Texas, N.A., Midland Trust Real Estate Department to manage the cleanup of the POP. We have been informed that the POP is in violation of Rule 310 and that the U.S. Fish and Wildlife Service and the U.S. Environmental Protection Agency have requested that the POP be closed. This letter is to inform you that we have conducted a site visit of the POP and are currently in the process of preparing a cleanup proposal to be submitted to you for the closure of the pit. I visited with Mr. Wayne Price, District Environmental Engineer, OCD District Office, Hobbs, New Mexico this morning on the telephone and he indicated that Ms. Martyne Kieling of your office would be handling this case. He also indicated that she would not be back at work for approximately two more weeks. We will diligently be working toward completion of the cleanup proposal in the following two weeks in an effort to have it ready for her review upon her return.

Thank you for your cooperation in this matter. Please do not hesitate to call me at (915) 695-6400 or Mr. Tim Wolters at (915) 685-2064 should you have any questions or need any further information.

---

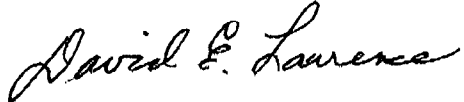
Mr. Roger Anderson, Environmental Bureau Chief

Page 2

September 18, 1998

Sincerely,

DELTEC ENVIRONMENTAL SERVICES

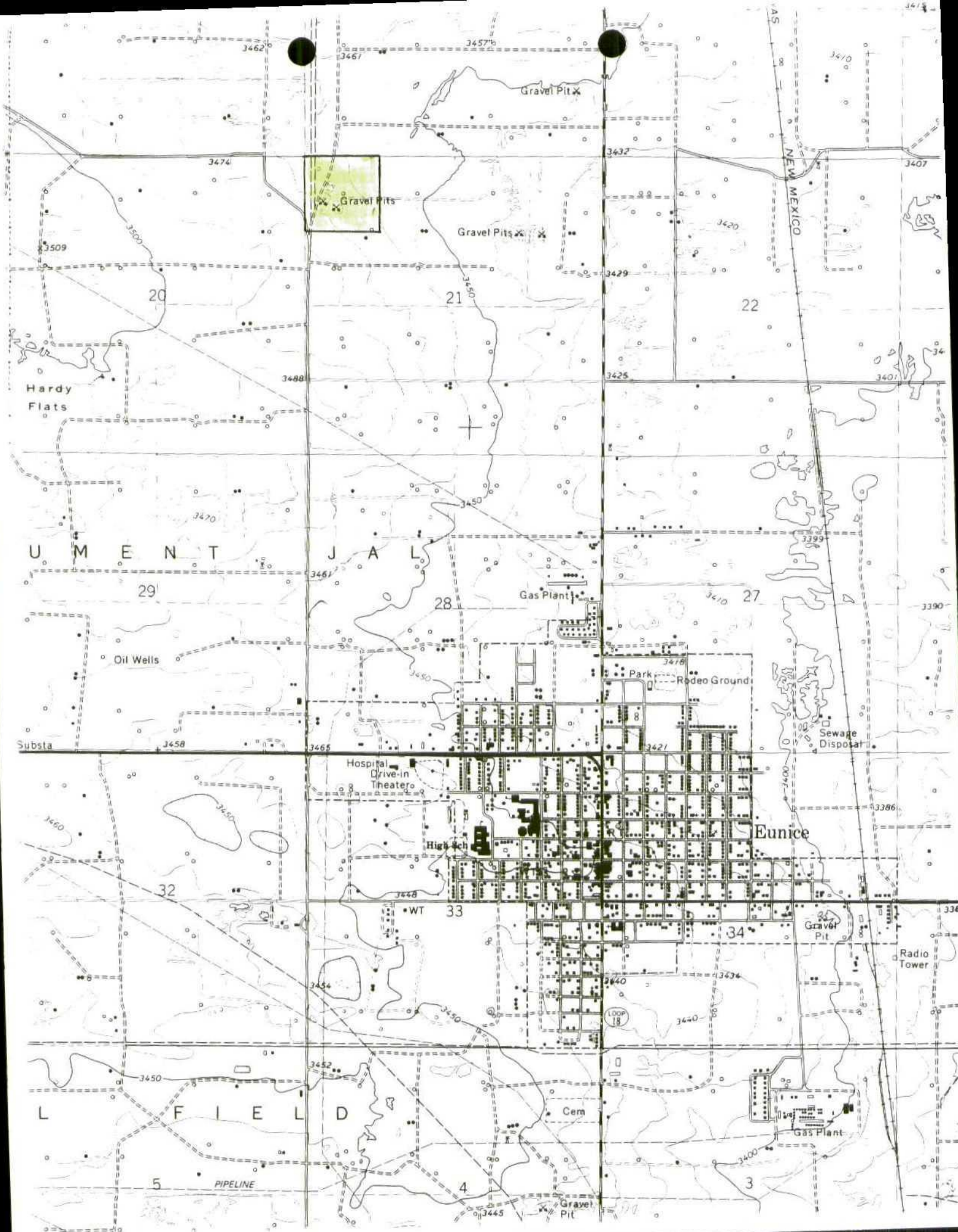


David E. Laurence  
President/Hydrogeologist

Cc: Ms. Martyne Kieling  
OCD Environmental Bureau, Santa Fe, N.M.

Cc: Mr. Chris Williams  
OCD Environmental Bureau District Office, Hobbs, N.M.





# PROBLEM OIL PIT INSPECTION CHECKLIST

Site Number (State-Year-Waypoint):

GARY DECK Abandoned Pit.

Checklists Completed (circle those that apply):

(A) B C

Prepared by the US Environmental Protection Agency Region VIII and US Fish and Wildlife Service Region VI

6/12/97 ---Reproduced by US EPA Region VI with permission 9/19/97

This is a pre-decisional document and is, or may be protected by the deliberative process exception and attorney client privilege. Conclusions or recommendations are intended solely as preliminary information for governmental personnel. This form contains tentative conclusions and staff-level recommendations and does not create any rights, substantive or procedural, or defenses, as they are not binding on the Agency.

# PROBLEM OIL PIT INSPECTION CHECKLIST

## SECTION ONE: Site Information

Site Name and Waypoint: Gark Deck Pit  
Lease # and Operator: Gark Deck owner  
Site Location Section/Township/Range: R37 E  
GPS Coordinates Obtained During Aerial Survey: \_\_\_\_\_  
GPS Coordinates Obtained During Site Inspection: \_\_\_\_\_  
Site Address: 1.5 mile North Hwy 8  
City/County/State/Zip: \_\_\_\_\_  
USFWS Case ID #: \_\_\_\_\_  
EPA Facility ID # and/or NMOCD ID #'s: \_\_\_\_\_  
Contact Name/Affiliation/Phone: \_\_\_\_\_  
Contact Address (if different from site address): \_\_\_\_\_  
Site Type (production, commercial disposal, other): \_\_\_\_\_

## SECTION TWO: Inspection Information

Inspection date and time: 9/23/97 2:00 P.M.  
Describe weather conditions (including estimated temperature): \_\_\_\_\_  
If known, list federal, state, or tribal programs that this site is subject to regulation under via a permit and list all permit number(s): \_\_\_\_\_

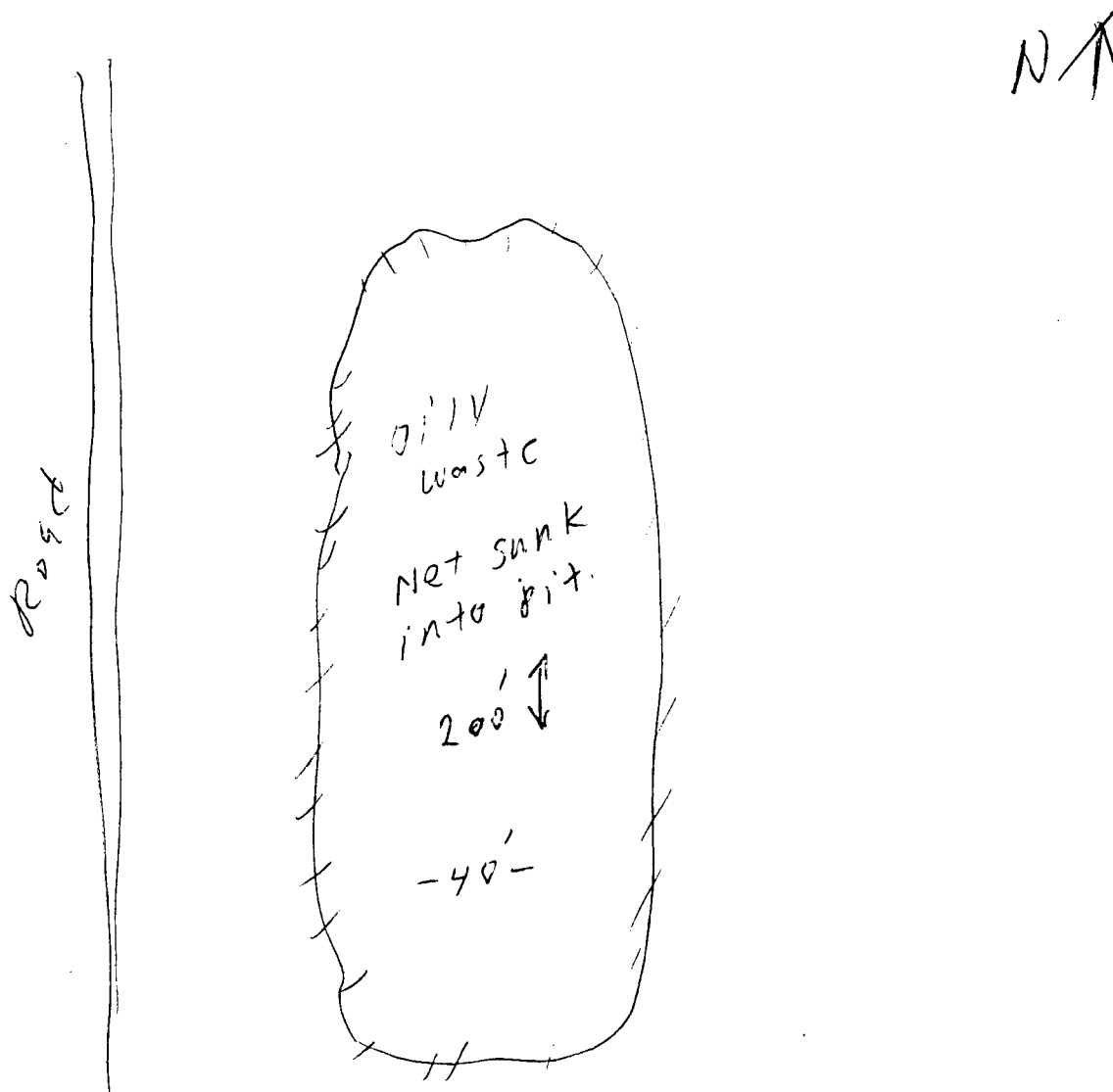
### Inspection Team:

Inspector 1	<u>G Pashia</u>	Agency/Program: <u>EPA</u>	Phone: _____
Inspector 2	<u>N. Chavez</u>	Agency/Program: <u>FWS</u>	Phone: _____
Inspector 3	<u>G. Price</u>	Agency/Program: <u>OCD</u>	Phone: _____
Inspector 4	_____	Agency/Program: _____	Phone: _____
Inspector 5	_____	Agency/Program: _____	Phone: _____
Inspector 6	_____	Agency/Program: _____	Phone: _____

### SECTION THREE: Sketch of Site/Layout

Site Number and Name : \_\_\_\_\_

Include the estimated size (including depth) of any pits and describe site operations on site sketch. Include description of pertinent features such as waters of the US (location of, distance to, description of conduits to, etc.) or electrical equipment areas, for example. Include a north arrow on site sketch.



## SECTION FOUR: General Observations

### A. PITS (complete checklist A if any of the following conditions exist)

1. Does accumulated oil exist on the surface of any pits, ponds, sumps, or other open-topped storage devices ?

Yes X No     

2. Are pits, ponds, tanks, sumps, or other devices which may accumulate oil covered with netting or are there any other wildlife exclusionary or deterrent devices in use (covers, flagging, etc.) ?

Yes X No     

3. Are there any dead or oiled birds or other wildlife on or near the site or any indication of oiled birds/wildlife previously at or near the site (oily tracks, etc.) ?

Yes      No X

### B. DISCHARGES (complete checklist B if any of the following conditions exist)

1. Is there a discharge (either ongoing or one-time) from a pit, pond, tank, or other device at the site ?

Yes      No X

2. Is there indication of any past or potential future discharge from a pit, pond, tank, or other device at the site (soil staining, fresh dirt or gravel used as cover, 2 ft or less freeboard maintained, eroded berms, etc.) ?

Yes      No X

### C. TANKS AND CONTAINERS (complete checklist C if any of the following conditions exist)

1. Are there any tanks or containers on site ?

Yes      No     

no tanks

But sunken in pit

## CHECKLIST "A" - PITS

1. If accumulated oil exists on the surface of any pits, ponds, sumps, or other open-topped storage devices, describe observed conditions including size of each pit, pond, sump, or device, percentage of area covered, and thickness of oil. Describe any other observations (visual, odor) of the material in each pit, pond, sump, or other device:

oil/waste with cans, barrels.  
20'-25' deep.

2. Describe any netting or other wildlife exclusionary or deterrent devices in use at the site. Include description of condition, coverage, netting mesh size, etc.:

netting over pit but sunken in pit.

3. Describe any oiled or dead birds or other wildlife found at or near the site. Indicate the number of mortalities and the seizure tag numbers for any birds collected:

No birds

4. Describe the construction and operation of any pits or ponds located at the site. Include a description of the pond liner system, if possible. Estimate the freeboard observed at the time of the inspection:

abandoned pit used to dispose of waste  
from trucks?

5. Indicate how long any pits or ponds at the site have been in operation:

10-15 years

6. If a pit, pond, sump, or other device is used as a loading/unloading area at a non-production site, describe any secondary containment used:

## **CHECKLIST "B" - DISCHARGES AND SPILLS**

1. Indicate whether or not the site has a NPDES permit and, if so, indicate the permit number and whether or not the number is posted on site:
2. Describe any **ongoing discharges or one-time spills** from pits, ponds, or other devices at the site. For each discharge, include a description of the source, duration, and rate (gal/min or cfs) of material discharged. For each spill, describe the amount and area of the spilled material. Also describe any observations (oil sheen, odor) regarding the type of material discharged or spilled:
3. Describe any indications (e.g. soil / vegetation staining on ground or in drainages) of **past discharges or spills** from pits, ponds, tanks, or other devices at the site. Include any indication of the type of material discharged or spilled (e.g. oil stain, salt brine, etc.) and when and for how long the discharge or spill occurred:
4. Identify and describe the **drainage pathway** (dry arroyo, ditch, stream, etc.) of any current or suspected past discharges or spills from the site. Trace the drainage pathway to a flowing waterway, if possible, and describe the extent of any oil staining. Include a description of whether the drainage is dry at the time of the inspection, contains standing water that doesn't appear to be flowing or, if flowing, the estimated flowrate (gal/min or cfs) of water and/or discharged material:
5. Identify and describe any pits, ponds, or other devices in which less than 2 ft of freeboard exists at the time of the inspection. Also describe any indications that less than 2 ft of freeboard has been maintained in the past, such as staining of pond banks or overtopping of berms, etc.:
6. If possible, estimate the receipt rate or production rate (gal/day) of oil and/or produced water at the site:
7. If possible, determine whether or not any discharges or spills from the site have been reported and, if so, describe how (letter, phone, etc.), when, and to whom (EPA, BLM, DEQ, OGCC, BIA, etc.) it was reported:
8. Describe the general housekeeping and maintenance of the facility and any conditions which could result in a discharge or spill (valves which could be opened, poorly supported pipelines, etc.):



## ***CHECKLIST "C" - TANKS AND CONTAINERS***

1. Identify whether or not the site has a Spill Prevention, Control, and Countermeasure (SPCC) Plan. If so, verify by personally viewing the plan, if possible. Has it been certified by a registered Professional Engineer?:
2. Describe the type, use, condition, maximum capacity (gal or bbl), contents, markings, and actual quantity at the time of the inspection for each tank and container on the site. Also describe any secondary containment for each tank and container, including its condition, estimated capacity, and method of precipitation removal:

Tank / Container Type and Use	Maximum Capacity	Actual Quantity	Secondary Containment	Markings	Comments (including condition)
----------------------------------	---------------------	-----------------	--------------------------	----------	-----------------------------------

---



***CONTINUATION SHEET*** (identify Section and/or Checklist continued)





# PHOTO LOG

Site Number: Gary Deck Abandoned Pit

Film Type/ASA/Size: Kodak/800 ASA/135

Photographer: Wallace O'Rear

Photo Number \_\_\_\_\_ Subject \_\_\_\_\_

R3E19

View of pit from the south portion of site



**GENERAL PETROLEUM PIT NORTH OF EUNICE (PHOTOS BY OCD)**



**PHOTO NO. 1**

**DATE: 04/2/97**



**PHOTO NO. 2**

**DATE: 04/2/97**

State of New Mexico

**ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT**

---

2040 South Pacheco

P.O. Box 6429

Santa Fe, New Mexico 87505-5472

General Petroleum

Pit

4-2-97

Deck Estate



General Petroleum Pit  
Dec K Estate  
NW of Eunice

4-2-97



General Petroleum Pit

Deck Estate

NW of EOWILE

4-2-97